



Ordinary Council

Business Paper

date of meeting: Wednesday 17 December 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 17 December 2014

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

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

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

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 19 November 2014 be confirmed.

PRESENT**Members:**

Councillor Peter Besseling (Mayor)
Councillor Justin Levido (Deputy Mayor)
Councillor Adam Roberts
Councillor Lisa Intemann
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)
Director of Development & Environment (Matt Rogers)
Director of Community & Organisational Development (Lesley Atkinson)
Acting Director of Commercial Services & Industry Engagement (Rebecca Olsen)
Group Manager Governance & Executive Services (Stewart Todd)
Communications Co-ordinator (Stuart Carless)
Governance Support Officer (Bronwyn Lyon)

The meeting opened at 5.30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Pastor Phil Brown from the Port City Church delivered the Local Government Prayer.

03 APOLOGIES

There were no apologies and the Mayor noted the approved leave of absence for Councillor Turner.

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Cusato

That the Minutes of the Ordinary Council Meeting held on 15 October 2014 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Cusato declared a Non-Pecuniary, Significant Interest in Item 11.05 - Port Macquarie Airport - Airport Advisory Group Charter, the reason being that Councillor Cusato owns a hangar at the airport.

Councillor Cusato declared a Non-Pecuniary, Less Than Significant Interest in Item 12.02 - DA 2014 - 0717 - Additions to Aircraft Hangar Including Clause 4.6 Variation To Clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 14 DP 813358, Abbott Close, Port Macquarie, the reason being that Councillor Cusato owns a hangar in the same street.

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 11.04 - 2014-2015 Community Grants Projects for Endorsement, the reason being that Councillor Intemann is a non-executive, ordinary member of Wauchope Community Arts Council, a recommended recipient of one of the community grants.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 2 October to 5 November 2014 inclusive be noted.

CARRIED: 8/0

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

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. Mr Grahame Young regarding a bridge on Waterhole Road, Bellangry.

RESOLVED: Sargeant/Hawkins

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

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

08.01 BRIDGE ON WATERHOLE ROAD, BELLANGRY

Mr Grahame Young addressed Council in regard to a bridge on Waterhole Road, Bellangry and answered questions from Councillors.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

- Item 12.01 - Mr Wayne Ellis in support of the recommendation.
- Item 12.01 - Mr David Pensini in support of the recommendation.
- Item 12.04 - Mr Mark O'Malley in support of the recommendation.
- Item 12.04 - Ms Paula Stone in support of the recommendation.
- Item 13.02 - Mrs Diane Gilbert in opposition of the recommendation.
- Item 13.06 - Ms Michelle Chapman in opposition of the recommendation.

RESOLVED: Sargeant/Hawkins

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

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Cusato/Griffiths

That Standing Orders be suspended to allow items 12.01, 12.04, 13.02 and 13.06 to be brought forward and considered next.

CARRIED: 8/0

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

AGAINST: Nil

**12.01 DA 2014 - 0410 SHOP TOP HOUSING INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT
MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOTS 2
AND 3 DP 18834, 17-19 CLARENCE STREET PORT MACQUARIE.**

Mr Wayne Ellis of Wayne Ellis Architect and representing the applicant, addressed Council in support of the recommendation.

Mr David Pensini, the applicant, addressed Council in support of the recommendation.

RESOLVED: Sargeant/Roberts

That DA 2014 - 410 for shop top housing including clause 4.6 objection to clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lots 2 and 3, DP18834, No. 17-19 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

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

AGAINST: Nil

**12.04 DA2014 - 0547 ADDITIONS TO A RECREATION FACILITY - INDOOR
POOL AT LAURIETON SWIMMING POOL COMPLEX - LOT 253 DP754405,
LAURIE STREET, LAURIETON**

Mr Mark O'Malley of Swimwell Pty Ltd did not present to address Council.

Ms Paula Stone of Wayne Ellis Architect and representing the applicant, addressed Council in support of the recommendation.

RESOLVED: Cusato/Intemann

That DA2014 - 547 for additions to a recreational facility (Laurieton Swimming Pool Complex) at Lot 253, DP754405, Laurie Street, Laurieton, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

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

AGAINST: Nil

13.02 WAUCHOPE PUBLIC SWIMMING POOL

Mrs Diane Gilbert, President of the Wauchope Heated Indoor Pool Association, addressed Council in opposition to the recommendation and answered questions from Councillors.

MOTION:

MOVED: Hawkins/Levido

That Council:

1. Note the information contained in this report.
2. Engage a Quantity Surveyor to review costings associated with works previously identified as Stage 1 Wauchope Pool Upgrade.
3. Adopt Option 1, upgrading of the 50 metre pool, filtration system and installation of heating system as the highest priority for delivery in upgrading of Wauchope Pool utilising monies currently held in trust from the sale of Timbertown.
4. Consider provision of additional funding for the upgrade of Wauchope Pool in development of 2015-2016 budgets.

FORESHADOWED MOTION:

MOVED: Roberts

That Council:

1. Undertake a community engagement process to provide feedback on the allocation of funds held in trust for the Wauchope Pool project.
2. Provide a report to a future Ordinary Council Meeting immediately following the community engagement process.

THE MOTION WAS PUT:

RESOLVED: Hawkins/Levido

That Council:

1. Note the information contained in this report.
 2. Engage a Quantity Surveyor to review costings associated with works previously identified as Stage 1 Wauchope Pool Upgrade.
 3. Adopt Option 1, upgrading of the 50 metre pool, filtration system and installation of heating system as the highest priority for delivery in upgrading of Wauchope Pool utilising monies currently held in trust from the sale of Timbertown.
 4. Consider provision of additional funding for the upgrade of Wauchope Pool in development of 2015-2016 budgets.
-

CARRIED: 6/2

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

AGAINST: Griffiths and Roberts

13.06 DEVELOPMENT CONTRIBUTIONS FOR STUDENT ACCOMMODATION

Ms Michelle Chapman, representing the proponent, Chase Property Investments, addressed Council in opposition to the recommendation and answered questions from Councillors.

RESOLVED: Levido/Sargeant

That Council:

1. Amend the Development Contributions Assessment Policy, on a 18 month trial basis, to provide for a new Category of Student Accommodation subject to the following provisions:
 - a) A contribution rate of 0.175 Equivalent Tenements per Bed/Bedroom for Water Supply, Sewerage Services and S94 Development Contributions.
 - b) The Development to be for a minimum of 20 beds.
 - c) Maximum floor area for each unit of 12m² excluding bathroom facilities.
 - d) Arrangements satisfactory to Council are in place to ensure that:
 - i) The development is occupied by persons attending or enrolled at a local educational establishment (It is acknowledged that student accommodation would be sometimes used in association with other campus activities such a summer schools, conferences and training).
 - ii) If the nature of the occupancy changes to another form of housing, the developer to pay the appropriate contribution rate at the time.
 - iii) Each room is to be single occupancy.
2. Request the General Manager present a report on the results of the trial to the June 2016 Council Meeting.
3. Request the General Manager present a report to the March 2015 Council Meeting on the implementation and general feedback on the Policy.

CARRIED: 8/0

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

Sargeant

AGAINST: Nil

09.01 STATUS OF OUTSTANDING REPORTS TO COUNCIL - NOVEMBER 2014

RESOLVED: Intemann/Levido

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

CARRIED: 8/0

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

AGAINST: Nil

09.02 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS POLICY

RESOLVED: Intemann/Hawkins

That Council:

1. Adopt the Payment of Expenses and Provision of Facilities to Councillors Policy, as attached.
2. Pursuant to section 253 of the Local Government Act 1993, forward to the Office of Local Government:
 - a) A copy of the adopted Payment of Expenses and Provision of Facilities to Councillors Policy.
 - b) A copy of this report.
 - c) A copy of the notice of public exhibition
 - d) Advice that no submissions were received.

CARRIED: 8/0

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

AGAINST: Nil

09.03 NATIONAL STRONGER REGIONS FUND - FUNDING APPLICATION - ENHANCEMENT OF HASTINGS RIVER DRIVE

RESOLVED: Griffiths/Cusato

That Council:

1. Endorse a funding submission to the Australian Government National Stronger Regions Fund for the enhancement of sections of Hastings River Drive from Gordon Street to Newport Island Road, Port Macquarie.
2. Endorse the modification of the One Year Operational Plan 2014 - 2015 action item 5.1.1.3 to include these works should the funding application be successful.

CARRIED: 8/0

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

AGAINST: Nil

09.04 QUESTION ON NOTICE - PECUNIARY INTERESTS

RESOLVED: Levido/Cusato

That Council note the response to the Question on Notice on Pecuniary Interests.

CARRIED: 8/0

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

AGAINST: Nil

09.05 REPORT ON ATTENDANCE AT THE 2014 SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL AUSTRALIA CONFERENCE

RESOLVED: Griffiths/Hawkins

That Council note the conference report provided by Councillors Griffiths and Sargeant on their attendance at the 2014 Sustainable Economic Growth for Regional Australia Conference.

CARRIED: 8/0

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

AGAINST: Nil

09.06 DISCLOSURE OF INTEREST RETURN

RESOLVED: Levido/Cusato

That the Disclosure of Interest returns for the following positions be noted:

1. Group Manager ICT.
2. Transport and Stormwater Network Technical Officer.
3. Transport and Stormwater Network Operations Manager.
4. Road Engineer.
5. Traffic and Transport Engineer.
6. Senior Arborist (2x).
7. Plumbing and Drainage Officer.
8. Development Assessment Planner - Contributions.

CARRIED: 8/0

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

AGAINST: Nil

09.07 NOTICE OF MOTION - POLICY MAKING

RESOLVED: Intemann/Levido

That:

1. A review of the Policy entitled 'Proposing New Policy, Amending Existing Policy and Rescinding Obsolete Policy' be conducted with particular emphasis on:
 - a) Establishing the need for any new Policy.
 - b) Councillor involvement in Policy making.
 - c) Regular Policy reviews.
2. The proposed new Policy be reported to the June 2015 Ordinary Meeting of Council, with a prior briefing to Councillors.

CARRIED: 8/0

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

AGAINST: Nil

09.08 2013-2014 ANNUAL REPORT

RESOLVED: Intemann/Hawkins

That Council:

1. Adopt the 2013-2014 Annual Report, comprising Parts A, B and C.
2. Submit the adopted 2013-2014 Annual Report to the Minister for Local Government by the 30 November 2014.
3. Publish the adopted 2013-2014 Annual Report on Council's website and make copies of the report available at all Council Offices and Libraries by 30 November 2014.
4. Note distribution proposal for Part A Community Report Card 2013-2014.
5. Prior to publication, page 21 of Part A be amended to include dollar values and percentages adjacent to the pie chart.

CARRIED: 8/0

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

AGAINST: Nil

09.09 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

RESOLVED: Hawkins/Griffiths

That Council adopts the Annual Financial Statements for the year ended 30 June 2014, as submitted, together with the Auditor's Report.

CARRIED: 8/0

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

AGAINST: Nil

09.10 MONTHLY FINANCIAL REVIEW FOR OCTOBER 2014

RESOLVED: Hawkins/Cusato

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

CARRIED: 8/0

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

AGAINST: Nil

09.11 INVESTMENTS - OCTOBER 2014

RESOLVED: Levido/Hawkins

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

CARRIED: 8/0

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

AGAINST: Nil

09.12 LOCAL GOVERNMENT GRANTS COMMISSION

RESOLVED: Hawkins/Roberts

That Council note the 2014-2015 Grant calculations provided by the Local Government Grants Commission for Port Macquarie-Hastings Council.

CARRIED: 8/0

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

AGAINST: Nil

**09.13 2014-2015 OPERATIONAL PLAN QUARTERLY PROGRESS REPORT AS
AT 30 SEPTEMBER 2014**

RESOLVED: Griffiths/Hawkins

That Council note:

1. The 2014-2015 Operational Plan quarterly progress report.
2. Adopt modifications to the 2014-2015 Operational Plan actions and performance measures as detailed in this report.

CARRIED: 8/0

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

AGAINST: Nil

10.01 DISABILITY STRATEGY 2015 - 2018

RESOLVED: Levido/Sargeant

That Council adopt the 7 Big Ideas Disability Strategy 2015-2018.

CARRIED: 8/0

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

AGAINST: Nil

11.01 FREE CAMPING PROGRESS REPORT

RESOLVED: Griffiths/Cusato

That Council:

1. Note the update on the free camping management trial and research project.
2. Note that vehicle based infringement systems are not permitted under the Local Government Act.

CARRIED: 7/1

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

11.02 RV FRIENDLY TOWNS

RESOLVED: Griffiths/Levido

That Council:

1. Note the engagement of the community stakeholders in investigating RV Friendly Town status for Kendall and Wauchope.
2. Not permit camping on reserves, roads and road-related areas in the Port Macquarie-Hastings Local Government Area except for as provided in designated recreational vehicle spaces (noting that this resolution replaces Part 3 of the May 2014 resolution that Council not permit camping on reserves, roads and road-related areas in the Port Macquarie-Hastings Local Government Area).
3. Fund \$4,185 and \$2,200 towards up-front costs in obtaining RV Friendly Town Status for Wauchope and Kendall respectively noting that all other up-front and ongoing costs are to be borne by the Show Societies.
4. Authorise Council staff to formally apply for RV Friendly Town status at Kendall and Wauchope.

CARRIED: 8/0

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

AGAINST Nil

11.03 INFRASTRUCTURE GAP ANALYSIS

RESOLVED: Sargeant/Roberts

That Council:

1. Note the Port Macquarie-Hastings Infrastructure Gap Analysis report.
2. Note the views of Council's Economic Development Steering Group with regard to the key priorities and future actions stemming from this analysis.

CARRIED: 8/0

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

AGAINST: Nil

11.04 2014-2015 COMMUNITY GRANTS PROJECTS FOR ENDORSEMENT

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

RESOLVED: Besseling/Cusato

That Council:

1. Pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2014-2015 Round 2 to:

Organisation Name	Project	Funding
General:		
Port Macquarie Volunteer Centre	Volunteer Expo	\$5,000
Hastings Child Protection Network	Teddy Bears Picnic	\$3,380
Port Macquarie Historical Society	New website	\$4,000
Rotary Club of Port Macq West	Interpretation Signs	\$3,234
Hastings Valley Miniature Railway	Electricity and Water	\$10,000
	Sub Total	\$25,614
Christmas and New Year's Eve Events:		
Long Flat Public School P&C	Community Celebration	\$462
Lake Cathie-Bonny Hills Lions Club	Xmas Carol Evening	\$2,400
Port Macquarie City Church	Xmas on Town Beach	\$4,900
	Sub Total	\$7,762
Place Making:		
Laurieton Men's Shed	Community Garden	\$10,000*
Wauchope Community Arts Council	Pergola at the Centre	\$10,000
\$10,000 allocated from Livewell Funding		
	Sub Total	\$10,000
Non Council Owned Halls:		
Comboyne War Memorial Hall	Kitchen Upgrade	\$9,096
	Sub Total	\$9,096
Environment:		
National Parks Association NSW	Weed Removal	\$2,000
	Sub Total	\$2,000
	Total Allocated	\$54,472

2. Agree to the recommendations of the Assessment Panel and distribute the unallocated funds through:
 - a) The Place Facilitator-Grants Officer further assisting the Wauchope Centenary of Rail Committee and Camden Haven Chamber of Commerce in the resubmission of their applications.

-
- b) The Place Making Team working with the outlying communities/ community halls in the LGA to submit applications for community activities over the Christmas and New Year season.

CARRIED: 8/0

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

AGAINST: Nil

11.05 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 7:36pm.

RESOLVED: Levido/Sargeant

That Council adopt the amended Airport Advisory Group Charter as detailed in this report.

CARRIED: 6/1

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

AGAINST: Roberts

Councillor Cusato returned to the meeting, the time being 7:45pm.

12.02 DA 2014 - 0717 - ADDITIONS TO AIRCRAFT HANGAR INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.4 (FLOOR SPACE RATIO) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 14 DP 813358, ABBOTT CLOSE, PORT MACQUARIE

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

RESOLVED: Sargeant/Griffiths

That DA2014 - 0717 for additions to aircraft hangar including Clause 4.6 variation to Clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 14, DP 813358, Abbott Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

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

AGAINST: Nil

**12.03 RECOMMENDED ITEM FROM HASTINGS LGA COAST AND ESTUARIES
SUB-COMMITTEE - LAKE CATHIE HAZARD STUDY REVIEW (2014)**

RESOLVED: Intemann/Griffiths

That Council note the Lake Cathie Hazard Study Review (2014).

CARRIED: 8/0

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

AGAINST: Nil

13.01 HOUSTON MITCHELL DRIVE/OCEAN DRIVE CONSTRUCTION UPDATE

RESOLVED: Levido/Hawkins

That Council:

1. Note and endorse the approach to the construction delivery for this project utilising the NSW Roads and Maritime Services crews.
2. Modify the 2014-2015 One Year Operational Plan to defer item 5.1.1.3(c) - Houston Mitchell Drive road upgrade between Pacific Highway and 900m east (budget \$1,910,000) until the 2015-2016 One Year Operational Plan.
3. Add a new 2014-2015 One Year Operational Plan action for the construction of the Houston Mitchell Drive/Ocean Drive Roundabout using the reallocation of the project budget as detailed in this report.
4. Delegate authority to the Mayor and General Manager to develop and enter into a memorandum of understanding between Council and NSW Roads and Maritime Services concerning the apportionment of project risk prior to project commencement.

CARRIED: 8/0

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

AGAINST: Nil

**13.03 LOCAL INFRASTRUCTURE RENEWAL SCHEME - FUNDING
AGREEMENT FOR UPGRADE OF HASTINGS RIVER DRIVE, GORDON
STREET TO ASTON STREET, PORT MACQUARIE**

RESOLVED: Griffiths/Cusato

That Council:

1. Accept the Local Infrastructure Renewal Scheme Funding Agreement for the Hastings River Drive Upgrade, Gordon Street to Aston Street, Port Macquarie.
2. Affix the Seal of Council to the necessary documents.

CARRIED: 8/0

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

AGAINST: Nil

13.04 ACQUISITION OF EASEMENT FOR SERVICES - BEECHWOOD ROAD, BEECHWOOD

RESOLVED: Griffiths/Intemann

That Council:

1. Pay compensation in the amount of \$4,500 (ex GST) to the owner of Lot 28 Deposited Plan 245751, Estate of Late K M Cooper and D A Cooper, for the acquisition of an easement for services 10 metres wide depicted as "A" in Plan of Acquisition Deposited Plan 1195880.
2. Delegate to the General Manager Authority to sign the;
 - a. Contract for Sale/Deed of Acquisition.
 - b. Land and Property Information Transfer Granting Easement Form.

CARRIED: 8/0

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

AGAINST: Nil

13.05 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Intemann/Levido

That Council note the Development Activity and Assessment System Performance Report for the first quarter of 2014-2015.

CARRIED: 8/0

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

AGAINST: Nil

13.07 LOCAL ORDERS POLICY: KEEPING OF DOGS IN THRUMSTER KOALA HABITAT

RESOLVED: Levido/Intemann

That Council:

1. Publicly exhibit the attached draft Local Orders Policy to Restrict Keeping of Dogs in Core Koala Habitat Areas at Thrumster.
2. Consider a further report following completion of the public exhibition period, including a review of submissions and any necessary amendments to the draft Local Orders Policy.

CARRIED: 7/1

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

AGAINST: Roberts

13.08 TOWN AND VILLAGE SIGNAGE

RESOLVED: Intemann/Cusato

That Council:

1. Note the process for engaging with our communities to develop town and village signage.
2. Give consideration to an allowance of \$78,000 for the implementation of community signage and town and village signage in the 2015-2016 operational budget.

CARRIED: 8/0

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

AGAINST: Nil

13.09 KENDALL TENNIS CLUB

RESOLVED: Levido/Griffiths

That Council:

1. Exhibit the draft Plan of Management for the Orara Street Kendall, Kendall Tennis Courts for a 28 day period commencing on 24 November 2014,
2. Allow for submissions regarding the draft plan to be made between 24 November 2014 and 18 January 2015, and
3. Receive a further report regarding this matter early in 2015.

CARRIED: 8/0

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

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

14.01 PLACE MAKING AT ROCKS FERRY RESERVE

Question from Councillor Griffiths:

Could the General Manager please advise what Council can do to enable volunteers to complete the following tasks?

- a) whipper snip the overgrown grass area and tidy up in general
- b) batter back the bank to create better access
- c) place river sand on the edge of the bank to create better access

Comments by Councillor (if provided):

Place Making is community involvement and empowerment. As part of the Place Making process in Wauchope, issues were raised regarding Rocks Ferry Reserve.

There is an opportunity to allow community participation to improve access and visual appeal. Funding has not allowed for the remaining works and volunteers have offered to complete work with the assistance of Council contractors and will carry a safe working guide to achieve the results above. Noted in Council correspondence sand may be removed by flooding and volunteers may wish to replace.

14.02 PONTOON WEST OF ROCKS FERRY RESERVE

Question from Councillor Griffiths:

Could a pontoon be included in a submission by Council for funding through the regional boating plan currently available through the NSW Government and Roads and Maritime Services for the Hastings River west of Rocks Ferry Reserve?

Comments by Councillor (if provided):

A request for a boating pontoon has been made for the Hastings River west of Rocks Ferry Reserve. Advice that a removable option may be available and an offer by community has been made to assist with management.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Roberts/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-14-21 Supply and Delivery of Electrical Goods

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

Item 15.02 Tender T-14-23 Tree Maintenance and Management Services

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

Item 15.03 Tender T-14-49 Destination Public Relations

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

Item 15.04 Annual Reporting of Contracts for Senior Staff

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

Item 15.05 Replacement of Membranes, Wauchope Water Treatment Plant

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

Item 15.06 Tender T-14-05 Port Macquarie Indoor Stadium Expansion

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

Item 15.07 Tender T-14-45 Supply of Pressure Sewer Systems and Associated Services

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

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

CARRIED: 8/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.16pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 8.32pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Intemann/Roberts

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

Item 15.01 Tender T-14-21 Supply and Delivery of Electrical Goods

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

RECOMMENDATION

That Council:

1. Accept the tender for the supply and delivery of electrical goods from Metal Manufactures Limited trading as TLE Electrical and Data Suppliers for a three (3) year period

- commencing 01 December 2014, with options to extend for up to a further three (3) x one (1) year periods;
2. Affix the seal of Council to the necessary documents;
 3. Maintain the confidentiality of the documents and considerations in respect of Tender T-14-21.

Item 15.02 Tender T-14-23 Tree Maintenance and Management Services

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

RECOMMENDATION

That Council:

1. Accept tenders from the following suppliers to be appointed to a panel for the provision of Tree Maintenance and Management services for a one (1) year period commencing 1 December 2014, with options to extend for up to a further two (2) x one (1) year periods:
 - a) Woodvale Tree Services Pty Ltd;
 - b) Port Tree Fella Pty Ltd;
 - c) Mid North Coast Tree Services Pty Ltd;
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-14-23.

Item 15.03 Tender T-14-49 Destination Public Relations

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

RECOMMENDATION

That Council:

1. Accept the tender for Destination Public Relations from Gabrielle Brewer Lifestyle & Tourism Public Relations Pty Ltd for \$189,072 (ex GST) for a three (3) year term commencing 01 December 2014 with an option to extend for a further two (2) twelve month periods 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-14-49.

Item 15.04 Annual Reporting of Contracts for Senior Staff

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

RECOMMENDATION

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

1. General Manager.
2. Director Infrastructure and Asset Management.
3. Director Community and Organisational Development.
4. Director Commercial Services and Industry Engagement.
5. Director Development and Environmental.

Item 15.05 Replacement of Membranes, Wauchope Water Treatment Plant

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

RECOMMENDATION

That Council:

1. Pursuant to Section 55 (3)(i) of the Local Government Act 1993, due to the unavailability of competitive or reliable tenderers as described in this report, resolves to not invite tenders for the supply of eight (8) racks of Memcor water treatment membranes (56 modules) for the Wauchope Water Treatment Plant.
2. Accept the quotation from Evoqua Pty Ltd for \$358,018.00 (ex GST) for the supply of eight (8) racks of Memcor water treatment membranes (56 modules) for the Wauchope Water Treatment Plant.

Item 15.06 Tender T-14-05 Port Macquarie Indoor Stadium Expansion

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

RECOMMENDATION

That Council pursuant to Clause 178(3)(a) of the Local Government (General) Regulation 2005 resolve to postpone the consideration of Tender T-14-05 for the Port Macquarie Indoor Stadium to the December 2014 Ordinary Meeting of Council.

Item 15.07 Tender T-14-45 Supply of Pressure Sewer Systems and Associated Services

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

RECOMMENDATION

That Council:

1. Accept the tender submission from Environment One Corporation for \$918,880.91 (ex GST) for the supply of pressure sewer systems and associated services for a period of five (5) years;
2. Affix the seal of Council to the necessary documents;
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-14-45.

CARRIED: 8/0

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

AGAINST: Nil

The meeting closed at 8.32pm.

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

Councillor's 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 6 November to 4 December 2014 inclusive be noted.

Discussion

Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 6 November to 4 December 2014 inclusive was \$260.00.

This included the following:

Remembrance Day Wreath	\$60.00
Donation to Sailability NSW - Port Macquarie Branch - Glasshouse Vouchers	\$200.00
	<hr/>
	\$260.00

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 ** and ** be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Nil.

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: 25TH ANNIVERSARY OF SISTER CITY RELATIONSHIP BETWEEN
PORT MACQUARIE-HASTINGS COUNCIL AND HANDA CITY - VISIT
TO JAPAN APRIL 2015**

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:

1. Grant approval for the Mayor, Peter Besseling to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.
2. Grant approval for Councillor Trevor Sargeant to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.
3. Grant approval for Mr Bruce Hardy to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip are to be covered by Mr Hardy.
4. Grant approval for Mrs Jenny Mead (staff) to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.
5. Note the cost of accommodation and meals of Council's delegates, whilst in Handa, will be at the expense of Handa City Council.

Executive Summary

The year 2015 will mark the 25th Anniversary of the Sister City relationship between Port Macquarie-Hastings Council and Handa City, Japan.

As part of the 25th Anniversary celebrations, the Mayor and Handa Sister City Sub-Committee delegates have been invited to visit Handa to attend several events to celebrate the Sister City relationship.

A reciprocate visit is planned by Handa City Council in August 2015 when the Mayor of Handa City and three delegates visit Port Macquarie-Hastings as part of further planned anniversary activities.

Ensuring Good Governance

It is estimated that the costs associated with sending the Council delegation to Handa will be \$3,298.35 (ex GST).

Discussion

The year 2015 will mark the 25th Anniversary of the Sister City relationship between Port Macquarie-Hastings Council and Handa City, Japan.

As part of the 25th Anniversary celebrations, the Mayor and Handa Sister City Sub-Committee delegates have been invited to visit Handa to attend several events to celebrate the Sister City relationship. The proposed itinerary includes a visit to City Hall, attendance at a music concert by the Handa City Junior Brass Band and some informal networking functions.

Over the past 25 years, cultural, civic and educational exchanges between Port Macquarie-Hastings and Handa have been highly successful and each one of these exchanges has resulted in the forging of great and lasting friendships. A special part of the Sister City relationship is the annual visit from teachers and students from Handa Higashi High School. Very special bonds between the young citizens from both countries have formed and have proven to be the basis of an enduring Sister City relationship.

At the Port Macquarie-Handa Sister City Sub-Committee meeting on 6 November 2014, the following recommendations were proposed for Council consideration:

1. *That the Mayor Clr Peter Besseling and Councillor Trevor Sargeant accept the invitation extended by the Mayor of Handa City Council to visit Handa, Japan from 9-13 April 2015 as part of the 25th Anniversary celebrations of the Port Macquarie-Hastings Council and Handa City Council Sister City Agreement with Council determining contribution to costs.*
2. *That two (2) members of the Handa Sister City Sub-Committee be offered the opportunity to accept the invitation extended by the Mayor of Handa City Council to travel to Handa, Japan from 9-13 April 2015 as part of the 25th Anniversary celebrations of the Port Macquarie-Hastings Council and Handa City Council Sister City Agreement with each respective member to attend at no cost to either the Handa Sister City Sub-Committee or to Council.*

In order to celebrate and honour this Sister City relationship, it is proposed that the Mayor, Peter Besseling, Councillor Trevor Sargeant and Sub-Committee members Mr Bruce Hardy and Mrs Jenny Mead (staff) travel to Handa as Council representatives to attend the events planned by Handa City.

Handa City Council will reciprocate this visit in August 2015 when the Mayor of Handa City and three delegates visit Port Macquarie-Hastings as part of planned anniversary activities.

In addition to the above-mentioned Sub-Committee recommendation, a delegation of local education providers, namely Charles Sturt University and the North Coast Institute of TAFE have agreed to travel to Handa with the above-mentioned party to explore what opportunities may exist for collaboration between local tertiary educational facilities in Handa and Port Macquarie. It should be noted that all costs associated with the attendance of Charles Sturt University and the North Coast Institute of TAFE to Handa will be at their own expense, not Council.

Ensuring Good Governance

Options

Council can determine not to send a delegation to Handa or limit the number of Council representatives.

Community Engagement & Internal Consultation

Community Engagement

- Port Macquarie-Handa Sister City Sub-Committee.

Internal Consultation

- General Manager.
- Director Community and Organisational Development.
- Group Manager Governance & Executive Services.

Planning & Policy Implications

Under Council's Policy "*Payment of Expenses and Provision of Facilities to Councillors*", the following clause applies in relation to overseas travel:

"2.9.3 Overseas Travel

Overseas travel for any purpose which is considered to be relevant to Council related business and/or of particular benefit to the local community must be approved in an open session of a Council Meeting.

Detailed proposals of overseas travel and the purpose for the travel will be approved on an individual Councillor basis. Such a proposal shall include the nomination of the Councillor undertaking the trip, the purpose of the trip and any expected benefits (including class of travel).

The duration, itinerary and approximate total cost of the trip must also be provided.

The use of a Mayoral Minute (which may not be included in the Council Agenda) to obtain Council approval for travel is not considered appropriate as it is not consistent with principles of openness and transparency.

After returning from overseas Councillors or an accompanying member of Council staff will provide a detailed written report to Council on the aspects of the trip relevant to Council related business and the local community.

Retrospective approval for overseas travel is not permitted."

This report satisfies the requirements of Council's Policy.

Ensuring Good Governance

Financial & Economic Implications

The 2014-2015 budget contains an allocation for expenses pertaining to conferences and out-of-pocket expenses for Councillors. The attendance by the identified Councillors can be funded from within the existing budget allocation.

The estimated costs to attend the 25th Sister City Anniversary events in Handa, Japan are as follows:

	Each (ex GST)	Number	Total
Port Macquarie to Sydney Return 8-14 April 2015	\$210.36	3	\$631.08
Sydney to Handa, Japan Return (Economy Class) 8-14 April 2015	\$889.09	3	\$2,667.27
Grand Total (ex GST)			\$3,298.35**

** Prices may vary depending on when bookings are made and available flight schedules to coincide with proposed itinerary.

In addition to the above, costs associated with any out of pocket expenses, as allowed for under Council's Policy, will be at the expense of Council, for example connecting train travel in Handa, taxis, etc.

It is not proposed that the costs related to Mr Hardy's attendance to the 25th Sister City anniversary events in Handa, Japan nor those of Charles Sturt University or the North Coast Institute of TAFE will be met by Council. It is proposed that Mr Hardy, Charles Sturt University and the North Coast Institute of TAFE will bear any costs associated with their attendance.

It should be noted that Handa City will cover the accommodation and meals of the delegates during their visit.

Attachments

- 1 [View](#). Extract from Minutes Port Macquarie-Handa Sister City Sub-Committee Meeting 6 November 2014 - Item 06

Ensuring Good Governance

Item: 09.02

Subject: STATUS OF OUTSTANDING REPORTS TO COUNCIL - DECEMBER 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 December 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
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
Wall Reserve Tree Management (Item 12.01 - OC 15/10/14)		DIAM		Dec 2014

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Town Green Protocol Policy Review - exhibition results (Item 11.01 - OC 15/10/14)		DIAM		Dec 2014
QON - Place Making - Rocks Ferry Reserve (Item 14.01 - OC 19/11/14)		DIAM		Dec 2014
QON - Pontoon West of Rocks Ferry Reserve		DIAM		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
Procurement Strategy - local businesses (Item 09.10 - OC 15/10/14)		DCSIE		Feb 2015
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	Feb 2015
Draft Recreation Plan - exhibition results (Item 13.01 - OC 15/10/14)		DIAM		Feb 2015
Liveable Neighbourhoods East Port - exhibition results (Item 13.09 - OC 15/10/14)		DDE		Feb 2015

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
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	Feb 2015
Kendall Tennis Club Plan of Management (Item 13.09 - OC 19/11/14)		DIAM		Feb 2015
Project Management (Item 09.06 - OC 17/09/14)		GM	Mar 2015	Mar 2015
Development Contributions for Student Accommodation - implementation and feedback on policy. (Item 13.06 - OC 19/11/14)		DDE		Mar 2015
Local Orders Policy: Keeping of Dogs in Thrumster Koala Habitat - Completion of Exhibition (Item 13.07 - OC 19/11/14)		DDE		Mar 2015
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
Policy Making - review (Item 09.07 - OC 19/11/14)		GM		Jun 2015
Waste Audit - Results (Item 12.06 - OC 16/07/14)		DDE	Oct 2015	Oct 2015

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Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Development Contributions for Student Accommodation - results of trial (Item 13.06 - OC 19/11/14)		DDE		Jun 2016

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)
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)

Ensuring Good Governance

Report	Reporting Officer	Reporting Cycle
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: 09.03

Subject: DESIGNATED PERSON

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 Sports and Recreation Officer position become a designated person pursuant to the provisions of section 441 of the Local Government Act 1993.

Executive Summary

As new positions are established or positions responsibilities change with Council's organisational structure it is necessary to review the list of Council positions which should become Designated Persons.

A position has been identified within Council's organisational structure that is recommended to be added to Council's list of Designated Persons, Council's Sports and Recreation Officer.

Discussion

Section 441 of the *Local Government Act 1993* states:

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

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

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

"Designated Persons" must:

- Prepare and submit written returns of interest in accordance with section 449 of the Act.*

Ensuring Good Governance

- *Disclose pecuniary interests in accordance with section 459 of the Act.*

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

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

- Sports and Recreation Officer

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

Options

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

Community Engagement & Internal Consultation

Internal Consultation

- General Manager.
- Director of Infrastructure and Asset Management.
- Group Manager Governance and Executive Services.

Planning & Policy Implications

Nil.

Financial & Economic Implications

Nil.

Attachments

Nil

Ensuring Good Governance

Item: 09.04

Subject: CODE OF CONDUCT COMPLAINT STATISTICS

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 Code of Conduct Complaint Statistics for the period 1 September 2013 to 31 August 2014.**
- 2. Forward the Code of Conduct Complaint Statistics to the Office of Local Government.**

Executive Summary

Council's Code of Conduct stipulates that Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council each year.

Council's Complaints Coordinator, Group Manager Governance and Executive Services, has prepared the required statistics for Council.

The statistics pertain to the period 1 September 2013 to 31 August 2014. There was one (1) complaint received for the period.

Discussion

Clause 12.1 of Council's Code of Conduct stipulates that Council's Complaints Coordinator is to report certain statistics pertaining to Code of Conduct complaints to Council within three (3) months of the end of September each year.

Following, clause 12.2 of Council's Code of Conduct stipulates that Council is to provide the Office of Local Government a report containing the statistics detailed in clause 12.1 within three (3) months of the end of September each year.

Council's Complaints Coordinator, Group Manager Governance and Executive Services, has prepared the required statistics for Council.

Code of Conduct Statistics

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1	a) The total number of complaints received in the period about Councillors and the General Manager under the Code of Conduct	1
	b) The total number of complaints finalised in the period about councillors and the general manager under the code of conduct	0
2	a) The number of Code of Conduct complaints finalised at the outset by alternative means by the General Manager or Mayor	1
	b) The number of code of conduct complaints referred to a conduct reviewer	0
	c) The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
	d) The number of finalised code of conduct complaints investigated by a conduct reviewer	0
	e) The number of finalised code of conduct complaints investigated by a conduct review committee	0
	f) Number of finalised complaints investigated where there was found to be no breach	0
	g) Number of finalised complaints investigated where there was found to be a breach	0
	h) Number of complaints being investigated that are not yet finalised	0
	i) The total cost of dealing with Code of Conduct complaints within the period made about Councillors and the General Manager including staff costs	\$2,354
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	0
	a) To take no action	0
	b) To resolve the complaint by alternative and appropriate strategies	0
	c) To refer the matter back to the General Manager or the Mayor, for resolution by alternative and appropriate strategies	0
	d) To refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Office or the Police	0
	e) To investigate the matter	0
	f) To recommend that the Complaints Coordinator convene a conduct review committee to investigate the matter	0
4	The number of investigated complaints resulting in a determination that there was no breach, in which the following recommendations were made:	0
	a) That the Council revise its Policies or procedures	0
	b) That a person or persons undertake training or other education	0

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5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
	a) That the Council revise any of its Policies or procedures	0
	b) That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	0
	c) That the subject person be counselled for their conduct	0
	d) That the subject person apologise to any person or organisation affected by the breach	0
	e) That findings of inappropriate conduct be made public	0
	f) In the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach	0
	g) In the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the Act	0
	h) In the case of a breach by a Councillor, that the matter be referred to the Office for further action	0
6	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	0
	a) General conduct (Part 3)	0
	b) Conflict of interest (Part 4)	0
	c) Personal benefit (Part 5)	0
	d) Relationship between council officials (Part 6)	0
	e) Access to information and resources (Part 7)	0
7	The number of investigated complaints resulting in a determination that there was a breach in which the Council failed to adopt the conduct reviewers recommendation	0
8	The number of investigated complaints resulting in a determination that there was a breach in which the Council's decision was overturned following a review by the Office of Local Government	0

The statistics pertain to the period 1 September 2013 to 31 August 2014.

Options

Nil. This report satisfies the statutory obligations of clauses 12.1 and 12.2 of Council's Code of Conduct.

Community Engagement & Internal Consultation

Community Engagement

Nil.

Ensuring Good Governance

Internal Consultation

- Mayor.
- Complaints Coordinator (Group Manager Governance and Executive Services).

Planning & Policy Implications

This report satisfies the statutory obligations of clauses 12.1 and 12.2 of Council's Code of Conduct.

Financial & Economic Implications

Nil.

Attachments

Nil

Ensuring Good Governance

Item: 09.05

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

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

- a) Matt Rogers (Director Development and Environment)
- b) Tim Atherton (Group Manager Regulatory Compliance)
- c) Andrew Rock (Compliance Building Surveyor)
- d) Kane Duke (Compliance Building Surveyor)
- e) David Fletcher (Coordinator Building Surveyors)
- f) Paul Biron (Senior Building Surveyor)
- g) Warren Wisemantel (Senior Building Surveyor)
- h) Bernie Cheetham (Building Surveyor)
- i) Tony Crane (Building Surveyor)
- j) Keith Smith (Building Surveyor)
- k) Stephen Ryan (Building Surveyor)
- l) Geoff Fairey (Compliance Officer - Swimming Pools)
- m) Craig Henderson (Co-ordinator Compliance)
- n) Peter Collins (Ranger)
- o) Keith Henderson (Ranger)
- p) Chris Townsend (Ranger)
- q) Kate Shelton (Ranger)
- r) Lauren Angel (Ranger)
- s) Mark Derwent (Environmental Health Officer (Food Safety))
- t) Michelle McLennan (Environmental Health Officer (Pollution))
- u) Johanna Fudge (Environmental Health Officer)
- v) Tait Farram (Environmental Health Officer (On Site Sewerage Manager))

Executive Summary

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

Council currently has twenty two (22) staff authorised as officers under the Swimming Pools Act, each of these officers require a certificate of identification to fulfil their designated duties.

Ensuring Good Governance

Discussion

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

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

Council has twenty two (22) staff authorised as officers under the *Swimming Pools Act*. To satisfy the requirements of a properly issued certificate of identification Council's Seal must be affixed.

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

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

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

Options

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

Community Engagement & Internal Consultation

Community Engagement

Nil.

Internal Consultation

- Director Development and Environment
- Group Manager Governance and Executive Services.
- Lindsay Taylor Lawyers.

Planning & Policy Implications

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

Ensuring Good Governance

Financial & Economic Implications

Nil.

Attachments

Nil

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Item: 09.06

Subject: MEMORANDUM OF UNDERSTANDING BETWEEN NSW PUBLIC WORKS AND PORT MACQUARIE-HASTINGS COUNCIL FOR PROJECT, PROCUREMENT AND CONSTRUCTION MANAGEMENT SERVICES

Presented by: Infrastructure & Asset Management, Jeffery Sharp

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:

1. **Endorse the Memorandum of Understanding between NSW Public Works and Port Macquarie-Hastings Council for Project, Procurement and Construction Management Services.**
2. **Delegate authority to the General Manager to sign and enter into the Memorandum of Understanding for Project, Procurement and Construction Management Services.**

Executive Summary

This report details the background to and rationale for Council to enter into a Memorandum of Understanding (MOU) with NSW Public Works (NSW PW) for project, procurement and construction management services.

NSW PW has supported Council over a long period in the delivery of capital works. The MOU will formalise and standardise the arrangements concerning Council engaging NSW PW for professional services. Efficiencies are realised by Council leveraging the expertise, experience and economies of scale offered by NSW PW for various project delivery services.

The MOU does not bind Council to use NSW PW for any or all projects, but is considered a good example of Local and State Government agencies working together to the benefit of the community. The outcomes resultant from this MOU are also directly aligned with the objectives of the NSW Governments "Fit for the Future" reforms.

Discussion

Council has had a long relationship with NSW Public Works (NSW PW). With a focus on major water and sewer infrastructure, NSW PW has been involved in the majority of Council's major capital works (from design to construction and commissioning) over the past decade. These projects include the Cowarra off-creek storage dam, the Port Macquarie Reclaimed Water Treatment Facility, the Camden Haven and Bonny

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Hills Sewer Treatment Plant upgrades and the three villages water treatment plants. NSW PW has brought several key initiatives to Council to improve project delivery most notably including the principle of “engaging with industry” through processes like the “early tender involvement” workshops.

As Council continues to adopt and deliver works programs of increasing scale, value and diversity, the need for flexible and effective options for project delivery is paramount.

NSW PW are currently assisting Council with the project planning, procurement, and construction management of several capital works projects within the One Year Operational Plan 2014-2015. These projects are:

- Construction and project management of the Sancroix 5ML Water Reservoir,
- Design management, procurement and delivery of the remaining 3 Small Village Sewerage Schemes, and
- Finalisation of tender documentation proceeding the delivery of the Stingray Creek Bridge Reconstruction Project.

NSW PW enjoy several economies of scale over Council in relation to various aspects of project management and delivery. Council currently engages NSW PW on a project by project basis with individual fee proposals and engagement arrangements agreed. This arrangement is considered presently effective, however with an increasing quantity and diversity of projects being delivered, an opportunity to standardise and formalise the professional relationship between Council and NSW PW is considered prudent at a higher level.

Council has the ability to directly engage other Government agencies to deliver services via the Local Government Act 1993 under section 55(3)(b) without the need to go to open tender. It is on this basis that NSW PW have been engaged by Council previously (and currently).

A Memorandum of Understanding (MOU) has been collaboratively developed between NSW PW and Council to formalise and make consistent the ongoing professional relationship. This MOU sets out the aims, objectives and principles for the relationship. The MOU is attached to this report.

The MOU does not bind Council to use NSW PW for all or any projects, but rather identifies NSW PW as a preferred supplier of Project, Procurement and Construction Management Services in a similar fashion to Council’s numerous other preferred supplier agreements.

The term of the MOU is five years from date of signature. Regular “health checks” for the agreement will be undertaken at least annually against the objectives and principles to ensure the MOU remains effective and relevant. These reviews will involve the relevant executives from NSW PW and Council.

NSW PW has similar MOU’s in place currently with various other Local Government and State Government organisations. Similar MOU’s exist between NSW PW and Tweed Shire Council, Ballina Shire Council, Clarence Valley Council, Shoalhaven City Council and the Eurobodalla Shire Council.

Council’s General Manager, Director of Infrastructure Services and Group Manager Infrastructure Delivery met with the NSW PW Regional Director to discuss the MOU

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on 4 December 2014. The MOU was signed by NSW PW at this meeting and subject to Council's endorsement following this report will be executed by Council's General Manager.

Options

Council have the option to endorse this MOU to formalise and standardise the existing relationship with NSW PW, or not. Noting that Council have previously resolved to utilise NSW PW for the aforementioned capital works projects currently underway.

Community Engagement & Internal Consultation

No formal community engagement has been undertaken or is considered relevant to this matter.

Internal consultation has taken place between the General Manager, Council's Executive and the Group Manager Infrastructure Delivery.

Planning & Policy Implications

The MOU formalises and standardises the long standing relationship between Council and NSW PW. There are no significant Planning or Policy Implications foreseen as a result of this report.

Financial & Economic Implications

This MOU requires that for each separate project that a Project Management Template (PMT) (attachment A to the MOU) be completed. This PMT identifies in detail the scope of works and importantly the commercial arrangements concerning the project including the fees. On a project by project basis the proposed fees from NSW PW will be clearly defined, able to be assessed against any other relevant estimate of costs or quotation, and subject to being determined to offer value for money, made formal with the execution of the PMT by Council and NSW PW. This arrangement is similar to a traditional project management tender process and the PMT template is based on the *Australian Standard - Project Management Standard Conditions (AS4915-2002) part A*.

Attachments

1 [View](#). MOU between NSW Public Works and Port Macquarie-Hastings

Ensuring Good Governance

Item: 09.07

Subject: INVESTMENTS - NOVEMBER 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 note the Investment Report for the month of November 2014.

Executive Summary

- Total restricted funds invested as at 30 November 2014 equals \$163,144,281
- Year-to-date investment income of \$2,824,746 is 63.93% of the total annual budget.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.
- It is noted that this month's above benchmark performance is the lowest this financial year (1.33%).
- Recent current investments are demonstrating declining interest rates on offer, including longer term holds.

Discussion

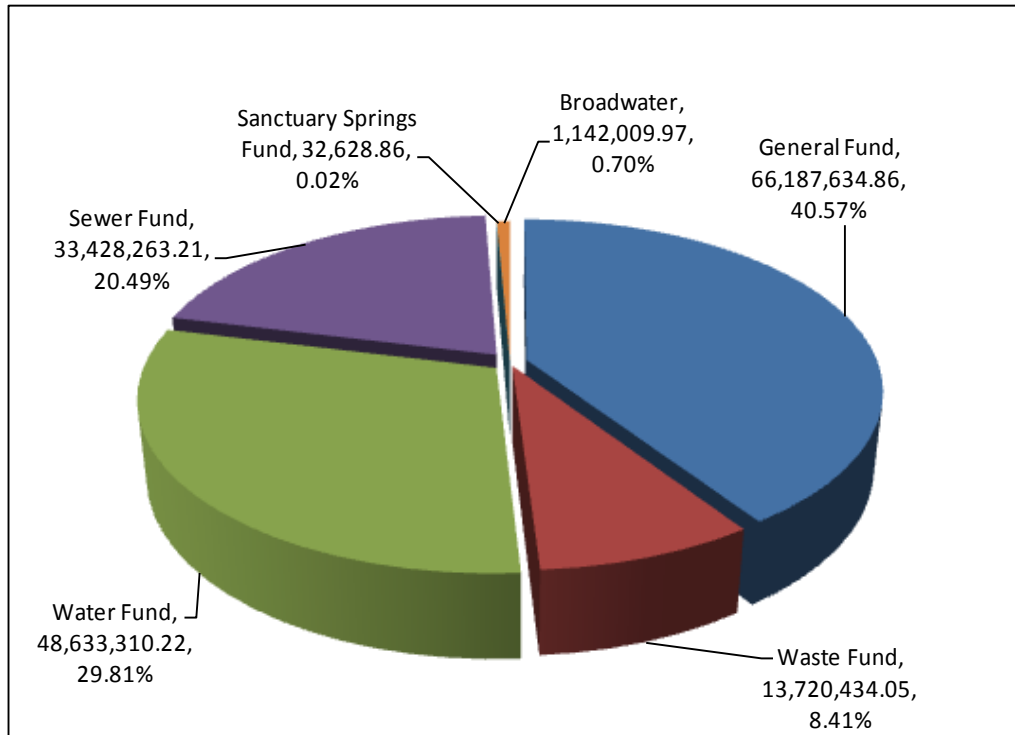
This report provides details of all funds that Council has invested under Section 625 of the Local Government Act, as at 30 November 2014. All investments were made in accordance with the Act, Regulations and Council's Investment Policy.

As at 30 November 2014, the investments held by Council totalled \$163,144,281 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	66,187,634.86
Waste Fund	13,720,434.05
Water Fund	48,633,310.22
Sewer Fund	33,428,263.21
Sanctuary Springs Fund	32,628.86
Broadwater	<u>1,142,009.97</u>
	<u>163,144,281.17</u>

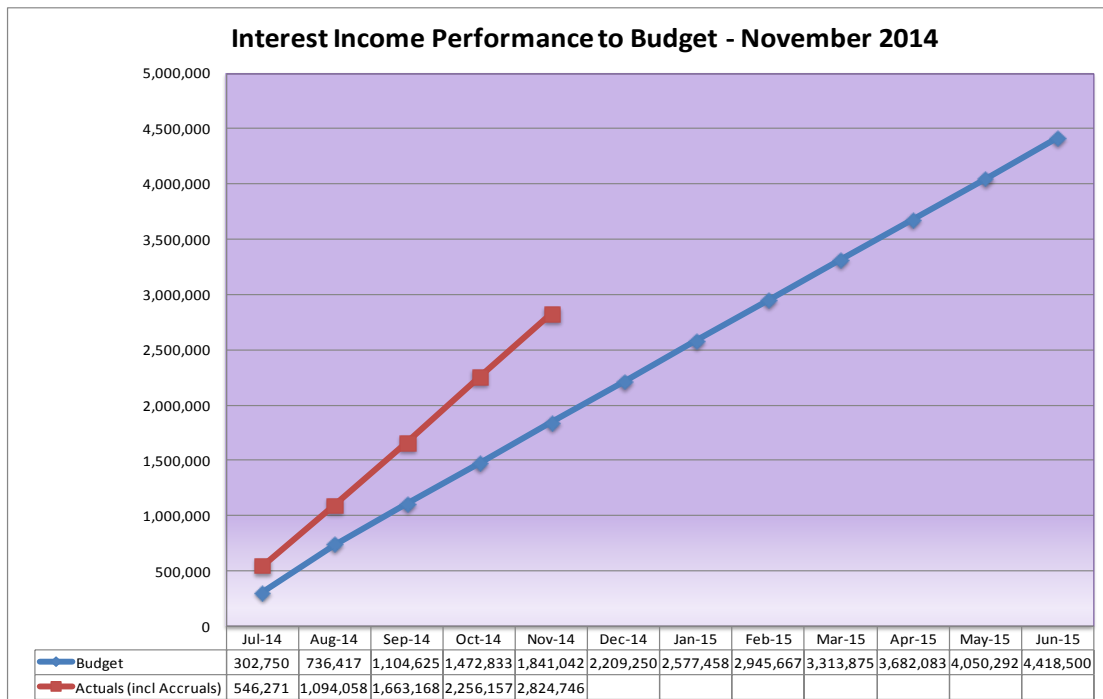
Ensuring Good Governance

Investments by Fund - as at 30 November 2014



Portfolio Performance

- Council's total investment portfolio performance for November 2014 was 1.33% above the benchmark (4.18% against 2.85%).
- The total year-to-date investment income of \$2,824,746 is 63.93% of the total annual budget of \$4,418,500.



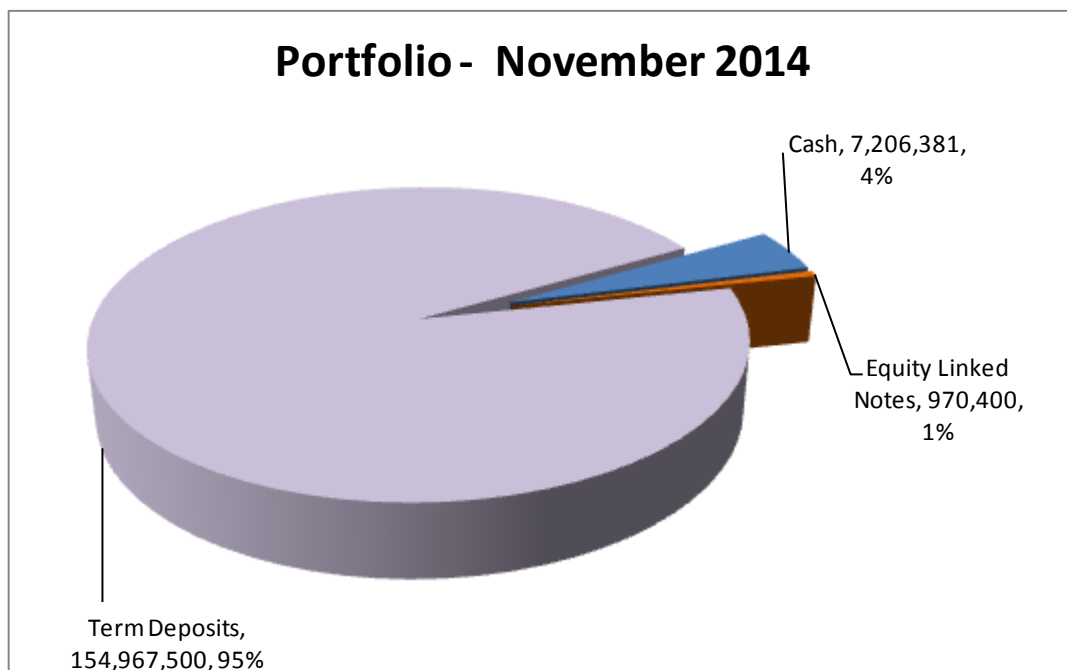
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These year-to-date and actuals are not a cash only position, but rather reflect cash and internal accruals at month end.

Investment Portfolio Mix

Council's current portfolio is represented by term deposits and a Capital Protected Equity Linked Note. The total term deposits represent 95% of the total investment portfolio.

As at 30 November 2014, the total investment portfolio was \$163,144,281 marginally down from \$163,813,431 as at the end of October 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:

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Term to Maturity	Balance \$	% Held	Policy Min	Policy Max
0 - 12 months	\$87,967,500	56.77%	40.00%	100.00%
1 - 3 years	\$59,000,000	38.07%	0.00%	60.00%
3 - 5 years	\$8,000,000	5.16%	0.00%	30.00%
5+ years		0.00%	0.00%	15.00%
Grand Total	\$154,967,500	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 and are shown in the table below:

Rating Framework	Total	% Held	Maximum % Policy	Variance
A	29,192,500	18.84%	60.00%	41.16%
AA	112,775,000	72.77%	100.00%	27.23%
BBB	11,000,000	7.10%	15.00%	7.90%
Below BBB		0.00%	0.00%	0.00%
Unrated/ADI	2,000,000	1.29%	10.00%	8.71%
Grand Total	154,967,500	100.00%		

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

Credit Unions are regarded as ADI's (Authorised Deposit Taking Institutions) and generally do not have ratings. Under the regulation of Australian Prudential Regulation Authority (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 1.29% of the total investment, being \$2 million.

Capital Protected Equity Linked Note - Emu

Council currently holds one capital protected product (CCPI) note, being Emu with a face value of \$1 million.

Whilst originally this product had the potential to be a risky investment, with the correction in the financial markets during the global financial crisis, this deal 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. This was the case with the

Ensuring Good Governance

Longreach note which matured in late November and returned the full \$3 million of the original investment.

Cash - Westpac Business Cash Reserve Account

This is not available unrestricted cash.

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

Investment Portfolio by Maturity Date

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

Ensuring Good Governance

Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value		
Bendigo Bank	TD	11-Dec-13	11-Dec-14	3.90%	\$3,000,000		
Commonwealth Bank	TD	20-Dec-11	18-Dec-14	5.76%	\$2,000,000		
National Australia Bank	TD	20-Dec-11	20-Dec-14	5.75%	\$5,000,000		
St George Bank	TD	3-Feb-14	31-Jan-15	3.82%	\$6,000,000		
National Australia Bank	TD	18-Feb-14	18-Feb-15	3.85%	\$4,000,000		
St George Bank	TD	26-Aug-14	26-Feb-15	3.68%	\$4,000,000		
Bendigo Bank	TD	6-Sep-13	6-Mar-15	4.05%	\$4,000,000		
National Australia Bank	TD	6-Sep-13	6-Mar-15	4.04%	\$4,000,000		
Holiday Coast Credit Union	TD	10-Oct-13	10-Apr-15	4.15%	\$2,000,000		
St George Bank	TD	10-Oct-13	14-Apr-15	3.92%	\$5,000,000		
National Australia Bank	TD	15-Aug-14	15-May-15	3.65%	\$5,000,000		
Westpac Bank	TD	20-Jun-13	22-Jun-15	4.30%	\$3,000,000		
Westpac Bank	TD	28-Mar-14	28-Jun-15	3.89%	\$2,000,000		
Westpac Bank	TD	22-Jul-14	22-Jul-15	3.73%	\$775,000		
St George Bank	TD	26-Aug-14	26-Jul-15	3.72%	\$5,000,000		
Westpac Bank	TD	26-Aug-14	26-Aug-15	3.78%	\$5,000,000		
Bank of Queensland	TD	6-Sep-13	6-Sep-15	4.20%	\$4,000,000		
Investec Bank (Australia) Ltd	TD	13-Sep-13	14-Sep-15	4.29%	\$4,000,000		
Bank of Queensland	TD	10-Oct-14	10-Oct-15	3.50%	\$5,192,500		
Westpac Bank	TD	23-Oct-14	23-Oct-15	3.94%	\$4,000,000		
Westpac Bank	TD	29-Aug-14	29-Oct-15	3.76%	\$4,000,000		
Credit Union Australia	TD	12-Nov-14	12-Nov-15	3.60%	\$2,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-15	4.70%	\$2,000,000		
National Australia Bank	TD	25-Nov-14	25-Nov-15	3.62%	\$2,000,000		
ANZ Bank	TD	26-Nov-14	26-Nov-15	3.63%	\$2,000,000		
ANZ Bank	TD	12-Sep-14	12-Dec-15	3.67%	\$3,000,000		
National Australia Bank	TD	16-Sep-14	19-Jan-16	3.68%	\$3,000,000		
Westpac Bank	TD	23-Oct-14	23-Feb-16	3.83%	\$3,000,000		
ANZ Bank	TD	26-Nov-14	28-Mar-16	3.63%	\$2,000,000		
National Australia Bank	TD	28-Mar-14	28-Mar-16	4.20%	\$2,000,000		
Westpac Bank	TD	20-Aug-14	11-Apr-16	3.74%	\$4,000,000		
Commonwealth Bank	TD	10-May-13	9-May-16	4.50%	\$1,000,000		
Commonwealth Bank	TD	13-May-13	13-May-16	4.50%	\$1,000,000		
Commonwealth Bank	TD	27-May-13	27-May-16	4.55%	\$1,000,000		
Bank of Queensland	TD	16-Sep-14	16-Jun-16	3.70%	\$3,000,000		
Westpac Bank	TD	20-Jun-13	20-Jun-16	4.51%	\$3,000,000		
Bank of Queensland	TD	13-Sep-13	13-Sep-16	4.55%	\$3,000,000		
Westpac Bank	TD	14-Sep-11	14-Sep-16	6.05%	\$7,000,000		
Newcastle Permanent	TD	23-Oct-14	24-Oct-16	3.75%	\$5,000,000		
Rabobank	TD	11-Nov-11	11-Nov-16	6.30%	\$2,000,000		
Westpac Bank	TD	11-Nov-11	11-Nov-16	6.22%	\$3,000,000		
National Australia Bank	TD	26-Nov-14	28-Nov-16	3.65%	\$2,000,000		
ING Bank (Australia) Ltd	TD	20-Dec-11	20-Dec-16	6.16%	\$3,000,000		
Westpac Bank	TD	12-Mar-14	12-Mar-17	4.38%	\$3,000,000		
Westpac Bank	TD	4-Sep-14	4-Sep-17	4.07%	\$2,000,000		
ANZ Bank	TD	13-Nov-12	13-Nov-17	4.87%	\$2,000,000		
Bank of Queensland	TD	20-Jun-13	20-Jun-18	5.00%	\$4,000,000		
Westpac Bank	TD	4-Sep-14	4-Sep-18	4.22%	\$4,000,000		
Total TD's					\$154,967,500		
Cash Fund							
Westpac Business Cash Reserve Account							
CASH				3.20%	\$7,206,381		
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	97.040	\$1,000,000	\$970,400	Commerzbank
Total Cap Protected Notes					\$1,000,000	\$970,400	
Total Portfolio					\$163,173,881	\$163,144,281	

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 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 \$7,206,381 is down marginally compared to last month of \$7,884,431 and the Capital Protected investment can be liquidated. The term deposit portfolio has a spread of maturities providing the portfolio additional liquidity if required.

Council has \$1 million invested in the Emu Capital Protected note. The Longreach note matured at the end of November 2014 and returned 100% of the original \$3 million invested.

The largest sector of the portfolio is the term deposit allocation of \$154,967,500 (last month \$151,967,500) or 95% of the total.

Market News

The Reserve Bank of Australia (RBA) once again kept interest rates on hold for another month. The RBA Governor, Glenn Stevens indicated recently that interest rates may need to stay low for years because of weakness in the economy but remained concerned about rising property prices. Should unemployment keep rising and inflation keep falling then rates will have to fall and there would leave little chance of a rate rise.

The RBA's message is that it expects the Australia Dollar to fall further and that the bank could lower rates further if necessary. The cash rate in 2015 may further be affected by the expected fall in commodity prices as seen recently.

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 positions from various institutions.

Planning & Policy Implications

Nil.

Financial & Economic Implications

Should benchmark levels not be reached, then this may result in budget cuts in other areas to fund the shortfall.

Ensuring Good Governance

Alternatively, an excess above budget benchmarks may be allocated to alternative 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 November 2014 was 1.33% above the benchmark (4.18% against 2.85%) and year-to-date income has reached 63.93% of the total annual budget.

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

The overall investment income will be adjusted at financial year end by the total interest refunded on repayment of bonds. As Council constantly receives and refunds bonds, it is difficult to accurately determine the quantum of these refunds. This financial year Council has refunded bonds with an associated interest component of \$2,681. This will be monitored and advised monthly.

Attachments

Nil

Ensuring Good Governance

Item: 09.08

Subject: MONTHLY FINANCIAL REVIEW FOR NOVEMBER 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 adopt the adjustments in the "Financial Implications" section of the report for November 2014.

Executive Summary

This report details the monthly budget adjustments as at 30 November 2014.

Last month the budget was in a surplus position of \$408,054. This month there have been a number of adjustments, however these have not impacted the overall budget position. The budget surplus position of \$408,054 has been maintained.

Discussion

Monthly Budget Adjustments as at 30 November 2014

Each month Council's budgets are reviewed by Group 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 2014-2015 budget along with proposed movement of funds to accommodate any changes.

Monthly Budget Review 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
October Review	Surplus	\$150,965
November Review	Balanced	\$0
Forecast budget position for 30 June 2015	Surplus	\$408,054

Ensuring Good Governance

November Adjustments

The November adjustments have had no impact on Council's forecasted surplus for the year and reflect only grant and contribution receipts, transfers between accounts and reserve movements (for example grant receipts have an associated expenditure budget).

Description	Notes	Funding Source	Amount
Grants received	1	Grants	\$44,752
Transfers between projects	2-4	Revenue/Reserves/s94/Loan	\$2,805,607
Reserve transfers	5	Reserves	\$86,200

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

1. The roads to recovery grants for the next four years have been announced and are slightly more than anticipated. The additional funds have been allocated to Beechwood Road - Bains Bridge to Rosewood Road.
2. The primary transfer this month is the transfer of funds between the Houston Mitchell Drive projects in line with the Council resolution for Item 13.01 at the 19 November 2014 Ordinary Meeting.
3. Four (4) salary and miscellaneous expense numbers have been consolidated in the Economic Development section budget.
4. Funding for one (1) staff position has been transferred from ICT to Customer Services.
5. A budget of \$40,000 has been allocated to Library Special Projects and \$46,200 has been allocated to Road Environmental works from funds held in reserves for these purposes.

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.
- Council's expected result for 2014-2015 has moved from an original balanced budget to a surplus of \$408,054.
- Any gains in interest income have not been taken into consideration into these calculations.

Options

Council may adopt the recommendation or amend as required.

Planning & Policy Implications

Nil.

Financial & Economic Implications

The Financial Implication for the net budget movements included in this report is that the current surplus position will be maintained. Attached to the report for information is each individual budget adjustment by Division and Section.

Ensuring Good Governance

Responsible Accounting Officer Statement

The approved budget position for the 2014-2015 financial year as at the end of November 2014 was a surplus of \$408,054. The adjustments included in this report will maintain this position which is considered a satisfactory result for the year.

Attachments

1 [View](#). 2014 - 2015 November Budget Review

Ensuring Good Governance

Item: 09.09

**Subject: RECOMMENDED ITEM FROM ECONOMIC DEVELOPMENT
STEERING GROUP - COMMITTEE VACANCY AND ECONOMIC
DEVELOPMENT STEERING GROUP CHARTER**

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the revised Economic Development Steering Group Charter.

Executive Summary

The Economic Development Steering Group met on 3 December 2014, reached consensus on Item 12 and now submits the above recommendation for Council consideration.

The adoption of the draft Charter for the Economic Development Steering Group will allow for continued oversight of the 2013-2016 Port Macquarie-Hastings Economic Development Strategy implementation as well as further collaboration on a range of other local economic development matters.

Discussion

During recent times Council has played a strategic leadership and engagement role in economic development for the Local Government Area. Council has achieved this by collaborating with local business and industry in an open, transparent and meaningful way.

A key forum for the collaboration with local business and industry has been via Council's Economic Development Steering Group. The Steering Group was formed by Council at its February 2013 Ordinary Meeting.

The adopted Terms of Reference for the Steering Group provided for an interactive group focused on (among other things) developing an economic development strategy for the Local Government Area. The Terms of Reference for the Group included a clause that would see the Group cease after a period of two years. This two year period will conclude in early April 2015.

Since the first meeting of the Steering Group in April 2013, the Group has been a very engaged, collaborative and supportive group with good representation from a

Ensuring Good Governance

broad range of industry sectors. It has successfully steered the development of the 2013-2016 Port Macquarie-Hastings Economic Development Strategy and engages and provides valuable input to Council on a range of other economic development matters relevant to the Local Government Area.

The Steering Group, at its meeting on 3 December 2014, reached consensus to support the continuation of the Steering Group under a Charter - replacing the current Terms of Reference, the draft Charter is provided as Attachment 1 to this report.

The draft Charter will allow for continued oversight of the Economic Development Strategy implementation as well as collaboration on a range of other local economic development matters. The draft Charter sets a two year term for membership, however allows existing members to re-apply for a position and for new members to nominate, when the current Steering Group term nears conclusion in early 2015.

Attachments

1 [View](#). Draft Economic Development Steering Group Charter

Ensuring Good Governance

Item: 09.10

Subject: WALL RESERVE NORTH HAVEN

Presented by: Community & Organisational Development, Lesley Atkinson

Alignment with Delivery Program

1.1.2 Support community involvement in decision making through education around Council matters and services.

RECOMMENDATION

That Council:

- 1. Endorse the current engagement approach.**
- 2. Endorse the proposal to establish native grass plantings around the regeneration areas and along grass walkway edges.**

Executive Summary

On 15 October 2014 Council resolved that the current management regime of leaving the regeneration area untouched be continued.

RESOLVED: Levido/Intemann

That Council:

- 1. Note the information included in the report.*
- 2. Request the General Manager to present a report to the December 2014 Council Meeting advising as to:*
 - (a) Practical maintenance regime options for Wall Reserve (excluding the revegetating area), including a consultation strategy involving community members/community volunteers.*
 - 1.*
 - (b) Options as to the embellishment of the boundaries of and walkways through the revegetating area.*
 - 2.*
 - (c) Costings relating to those options*
 - 3.*
- 3. In the meantime, ensures the attractiveness of the revegetating area is maintained by ensuring this area is not used as a dumping area for fallen down logs and other cleared vegetation.*

CARRIED: 9/0

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

AGAINST: Nil

Ensuring Good Governance

In line with this resolution Council staff have been engaging with the North Haven community in order to provide information transfer and suitable outcomes for all parties.

Discussion

For 12 months the Group Manager, Community Development and since 15 October 2014 the Place Making Team has engaged with the North Haven Residents Action Group (NHRAG) and other residents; the outcomes and future direction of this engagement process are as follows:

The Place Making Team will continue to engage with the NHRAG and the wider community to determine resolutions that satisfy all parties. These discussions will include members of Council's Recreation and Buildings Team and Environmental Services Team. A meeting on site with NHRAG, the wider community and the relevant Council staff is currently being arranged.

The Place Making Team has distributed a survey that highlights Wall Reserve and all the public spaces within North Haven and it has distributed this within the community. This survey aims to gather information about the community's connection to the public spaces in North Haven, how they are used and what actions they would like to see in terms of how they are maintained by Council. The survey also asks what personal actions the community would be willing to contribute to see these places improved. The final results of this survey will not be available until after the Summer event in late January 2015. A copy of the survey is attached.

Once the information from the survey has been collated those community members that would like to partake in actions to improve the public spaces within North Haven; including but not limited to Wall Reserve, will be contacted and engaged. Community working bees will be arranged including input and assistance from the Council's Recreation and Buildings Team and Environmental Services Team.

NHRAG has highlighted that they would like to see the playground facilities within Wall Reserve improved and would like to be involved in this process. The Place Making team will work with NHRAG initially to deliver some quick wins but will also look to longer term improvements. Any proposed works will be discussed with the Recreation and Buildings Team to ensure compliance with relevant Australian Standards.

As a part of the Place Making Team's Summer Program on 21 January 2015 a Summer Session Beach Festival will be held on North Haven (Grants) Beach. During this event the Place Making Team will engage with the local community, distribute the public space survey and work with the community to create resources to be used in the playground at Wall Reserve.

Beach to Beach Inc is currently concentrating their efforts in Dunbogan. The Place Making team are currently engaging with them with the aim of having their works program being more inclusive of the wider North Haven community.

NHRAG has requested that they be able to speak to the Mayor and General Manager on site to voice their concerns in relation to the regeneration area with them directly.

Ensuring Good Governance

Options for Boundaries and Walkways

In accordance with the council resolution staff have investigated options and associated costings as to the embellishment of the boundaries of and walkways through the revegetating area.

The most cost effective way of defining the boundary of the revegetation area and delineating the walkways is through the use of native grass species such as Lomandra. This planting will form a vegetative barrier and will provide a clear line of demarcation for staff or volunteers charged with undertaking mowing maintenance within the reserve. This option would cost approximately \$1,750 should volunteers be available to install and establish plantings.

Alternatively, the cost of implementing this option is estimated at \$3,300 using contractors to undertake planting of these grasses. Ongoing maintenance of these plantings would become part of the public bushland management program currently managed by councils bush regeneration team.

Another option for embellishment of the boundary is the use of timber bollards. The cost associated with installation of bollards to delineate the walkway is estimated at \$13,750.

As discussed in the report considered by Council on 15 October 2014, 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.

There is a range of matters of interest associated with the revegetating area within Wall Reserve that could be communicated to residents and visitors through interpretive signage installations. 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.

The most cost effective way of establishing the walkways is mown grass, as is presently the case on site. As this option is existing, there is no cost associated with grass walkways through the revegetating area.

Alternate walkway finishes include compacted gravel, gravel with bitumen seal and concrete. These options are estimated at \$6,500, \$8,250 and \$25,000 respectively.

Staff support the options of installing Lomandra to define the space and walkway edges, and the retention of the walkways as mown turf. The installation of interpretive signage is also supported and it is proposed that signage proofs should be developed in partnership with the community with sponsorship or grant funding being sought to allow for installation in the future.

Options

Council can adopt the proposed recommendations or Council can consider alternative options.

Ensuring Good Governance

Community Engagement & Internal Consultation

Council's Place Making Team has been in regular contact with NHRAG and other members of the North Haven community. Meetings have taken place on site and regular email contact has been maintained.

As outlined in the body of this report, additional community engagement is currently being undertaken through a community survey. Further engagement will also take place at the Summer Session Beach Festival.

Internal engagement has been undertaken with the Group Manager, Recreation and Buildings, Environmental Services staff and the General Manager.

Planning & Policy Implications

Proposed reserve and playground improvements discussed in this report will be considered exempt development or development permitted without consent in accordance with sections 65 & 66 of State Environmental Planning Policy (Infrastructure) 2007.

Financial & Economic Implications

There is no identified budget for embellishment of the boundaries and walkways of the regenerating area. Whilst costs have been identified in this report the likely costs of implementation will not be known until such time as capacity and scale of the community volunteer program has been ascertained.

Attachments

1 [View](#). North Haven Public Spaces Survey

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: RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - NOVEMBER 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 Miss Mollie Mullen in the amount of \$750.00 to assist with expenses she would have incurred travelling to, and competing as part of the NSW Cricket Academy XI Team at the National Cricket Championships to be held at Blacktown Institute of Sports from 25 November - 2 December 2014 inclusive.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 20 November 2014, reached consensus on Item 7 (attached) and now submits the above recommendation for Council consideration.

Attachments

1 [View](#). Extract from Item 07 MSF Sub-Committee Minutes 20141120

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: **ECONOMIC DEVELOPMENT STRATEGY - SIX MONTHLY REPORT ON PROGRESS**

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

Alignment with Delivery Program

3.2.1 Identify, support and advocate for effective programs that assist the growth of appropriate business and industry.

RECOMMENDATION

That Council note the six monthly progress report on the 2013-2016 Port Macquarie-Hastings Economic Development Strategy.

Executive Summary

Council adopted the 2013-2016 Port Macquarie-Hastings Economic Development Strategy in November 2013. As part of the Strategy adoption Council resolved to monitor the Strategy implementation by way of a six monthly report on progress against actions.

Snapshot of Strategy Progress

Creating Vibrant and Desirable Places

- Develop and implement an Events Strategy to maximise return to our community.
 - Progress:
 - Major Events Strategic Action Plan and Event Development Sponsorship Program Finalised November 2014.

Partnering for Success

- Utilising key economic driver information and relevant data, develop and implement industry action plans
 - Construction Industry Action Plan endorsed by Economic Development Steering Group December 2014. Manufacturing Industry Action Plan engagement underway and with drafting established.

Providing the Foundations

- Ensure appropriately zoned land to encourage business investment and the development of new industries in accordance with the industry action plans.
 - Progress:
 - Urban Growth Management Strategy review underway.
 - Sancrox and Fernbank Creek amendments to LEP and associated infrastructure agreements to facilitate the development of approx 90 hectares of new Industrial Precincts.

Helping Our Community Prosper

- Eco-Tourism facilities amendment to LEP completed 23 May 2014.

The full Strategy implementation update is provided as Attachment 1 to this report.

Discussion

The 2013-2016 Port Macquarie-Hastings Economic Development Strategy outlines five key outcomes requiring Council to support, facilitate, advocate or undertake a number of actions in order to achieve these outcomes.

The Strategy was developed by Council's Economic Development Steering Group with positive engagement from local business and industry and was subsequently adopted by Council in November 2013.

The focus of the Steering Group in 2014 has turned to oversight of the implementation of the Strategy actions. At the monthly Steering Group meetings, progress is reported and discussed. The Strategy implementation update is provided as Attachment 1 to this report.

Highlights of Strategy Progress

Embracing Business and a Stronger Economy

- Economic development considerations are central to the activities of Council.
 - Progress:
 - Ongoing review of Council policies, procedures, development assessment and reporting templates to prompt consideration of economic development implications.

Providing the Foundations

- Ensure appropriately zoned land to encourage business investment and the development of new industries in accordance with the industry action plans.
 - Progress:
 - Urban Growth Management Strategy review underway.
 - Sancrox and Fernbank Creek amendments to LEP and associated infrastructure agreements to facilitate the development of approx 90 hectares of new Industrial Precincts.
 - Eco-Tourism facilities amendment to LEP completed 23 May 2014.

Creating Vibrant and Desirable Places

- Develop and implement an Events Strategy to maximise return to our community.
 - Progress:
 - Major Events Strategic Action Plan and Event Development Sponsorship Program Finalised November 2014.

Embracing Opportunity

- Develop and implement a whole-of-place marketing collateral to promote the Port Macquarie Hastings as a place to live, learn, work, play and invest.
 - Progress:
 - Interim approach focusing on web-based investment prospectus which is in draft and due for completion in Dec 2014.

Helping Our Community Prosper

Partnering for Success

- Utilising key economic driver information and relevant data, develop and implement industry action plans for the following Actionable Industries (shown in alphabetical order):
 - Construction.
 - Health, Disability and Aged Care Services.
 - Manufacturing.
 - Transport and Warehousing.
 - Construction Industry Action Plan endorsed by Economic Development Steering Group December 2014. Manufacturing Industry Action Plan engagement underway and with drafting established (Supported across the region by Regional councils, NSW Business Chamber, Industry Mid North Coast and Regional Development Australia Mid North Coast).

At the Steering Group meeting held 3 December 2014, the Group reflected positively on the implementation of the Strategy and noted specifically:

- There has been good progress in undertaking the Strategy actions.
- Information relating to actions brought to the Steering Group is robust, giving the Group confidence that recommendations are supported by the best possible information.
- There has been positive Council leadership in delivering the actions and starting a cultural shift which focuses on greater collaboration with and understanding of business and industry. Council needs to ensure the business community remain engaged in and work with Council to deliver better outcomes.
- The timeframes identified for some action items was very ambitious.
- With implementation having gathered significant momentum in recent months, we need to focus on key actions (such as the Digital Strategy) which are behind schedule.

It was further noted that the Economic Development Steering Group is a very effective Group and has great strategic value. In particular, the Group's work has helped elevate economic development priorities and considerations across a range of Council responsibilities.

Options

This is an information report.

Community Engagement & Internal Consultation

Community Engagement

- Economic Development Steering Group.

Internal Consultation

- Director Commercial Services and Industry Engagement.
- Group Manager Economic Development.

Helping Our Community Prosper

Planning & Policy Implications

Council at its November 2013 Ordinary Meeting resolved to receive a six monthly progress report on the actions within the Strategy.

Financial & Economic Implications

It should be recognised that there are significant economic benefits to the Local Government Area if the outcomes identified in the adopted Strategy are achieved.

Attachments

- 1 [View](#). Port Macquarie-Hastings Economic Development Strategy - Implementation Update December 2014

Helping Our Community Prosper

Item: 11.02

**Subject: 18 JOHN OXLEY DRIVE, PORT MACQUARIE - BUSINESS REZONING
- LETTER FROM MINISTER FOR PLANNING (PP2011-7.2; PIN 48392)**

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

3.2.3 Facilitate growth in retail and commercial business through the provision of appropriately zoned land that meets the needs of sustainable business.

RECOMMENDATION

That Council reconsider its decision to defer finalisation of Local Environmental Plan 2011 (Amendment No 20), Development Control Plan 2013 (Amendment No. 2) and the Planning Agreement for 18 John Oxley Drive until the completion of the LGA wide traffic management study and the review of the Urban Growth Management Strategy.

Executive Summary

The purpose of this report is to consider a request from the NSW Minister for Planning in relation to the proposed rezoning of No. 18 John Oxley Drive, Port Macquarie to B5 Business Development.

The proposed amendment to the B5 zone was reported to Council at its meeting on 20 August 2014, as shown in Attachment 2. The report followed public exhibition of a draft planning proposal and consultation with NSW Roads and Maritime Services regarding upgrade of the adjoining Oxley Highway intersection.

The key issues addressed in the report were:

1. Traffic impacts,
2. Impacts on Sienna Grange Residents, and
3. Economic impacts.

Based on investigations and consultations, including a commitment from the State Government to upgrade the adjoining Oxley Highway intersection, the report recommendations included:

- (a) finalising the Planning Proposal (ie the rezoning) under delegation granted to Council,
- (b) adopting associated amendments to Council's Development Control Plan 2013 (DCP), and
- (c) executing an associated Planning Agreement.

Council resolved to "defer the matter until the completion of the LGA wide traffic management study and the review of the Urban Growth Management Strategy."

Helping Our Community Prosper

The proponent has requested that the Minister for Planning appoint the Secretary of the Department of Planning and Environment as the relevant planning authority to finalise the draft Local Environmental Plan to rezone 18 John Oxley Drive.

The Minister for Planning has written to Council, stating in part (refer Attachment 1):

While this request may have merit, I request that Council advises whether it will reconsider its decision to defer finalisation of the local environmental plan amendment pending completion of a local government area wide traffic management study and a review of the Urban Growth Management Strategy.

I look forward to Council's advice in this matter. Please provide a response within 28 days of the date of this letter.

The 28 days expires on 2 January 2015.

Discussion

The decision of Council at the meeting on 20 August 2014 was:

RESOLVED: Sargeant/Turner

That Council defer the matter until the completion of the LGA wide traffic management study and the review of the Urban Growth Management Strategy.

CARRIED: 5/2

FOR: Cusato, Hawkins, Intemann, Sargeant and Turner

AGAINST: Besseling and Levido

This matter is reported to Council as a result of a request of the Minister for Planning (refer to Attachment 1).

The evaluation of the proposed rezoning is contained in the report to the August meeting (refer Attachment 2), with supporting information in the attachments to that report (refer Attachment 3). Only summary points are repeated in this report.

Appointment of a Relevant Planning Authority

The preparation and processing of a proposed Local Environmental Plan (LEP) or amending LEP is ordinarily carried out by the local Council as the **relevant planning authority**. However, Section 54 (2) of the Environmental Planning and Assessment Act 1979 provides that the Minister may direct the Secretary of the Department or other person or body to be the relevant planning authority in certain cases, including where:

- (a) *the proposed instrument relates to a matter that, in the opinion of the Minister, is of State or regional environmental planning significance, ...*
- (d) *the council for the local government area concerned has, in the opinion of the Minister, failed to comply with its obligations with respect to the making of the proposed instrument or has not carried out those obligations in a satisfactory manner,*

In this case, the Minister has been asked to appoint the Secretary of the Department of Planning & Environment as the **relevant planning authority**.

Helping Our Community Prosper

If the Minister appoints the Secretary as the relevant planning authority, Section 54 (4) of the Act states:

The Minister may, in a direction under this section, require a council to provide studies or other information in its possession relating to the proposed instrument to be provided to the person or body specified in the direction as the relevant planning authority for the proposed instrument.

In addition Section 56 (5) of the Act states:

The Minister may arrange for the review of a planning proposal (or part of a planning proposal) under this section to be conducted by, or with the assistance of, the Planning Assessment Commission or a joint regional planning panel:

- (a) if there has been any delay in the matter being finalised, or*
- (b) if for any other reason the Minister considers it appropriate to do so.*

At the end of the process, the LEP may be made by the Minister or by a delegate.

The Minister has requested that Council advise whether it will reconsider its decision to defer finalisation of the local environmental plan amendment.

Review of Council's Decision

The recommendation to Council at the meeting on 20 August 2014 was that Council:

1. As result of the consideration of submissions, modify the proposed height limit in the LEP amendment to 8.5 metres within 20 metres of the boundary with No 28 John Oxley Drive.
2. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 20) as described in the attached exhibited Planning Proposal, and incorporating the modification referred to above.
3. Adopt Development Control Plan 2013 (Amendment No 2), incorporating the changes referred to in the report, to commence upon the latter of the date that public notice of its approval is given in a local newspaper or the date of commencement of LEP 2011 (Amendment No 20).
4. Execute the 18 John Oxley Drive Planning Agreement as attached.
5. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

At this time, whilst preparation of the LGA wide traffic management study and review of the Urban Growth Management Strategy are underway, there has been no significant change to the circumstances that existed when this recommendation was made in August 2014.

Options

Council can decide to change its decision of 20 August 2014 or not to change its decision.

Helping Our Community Prosper

If the decision is not changed, and the rezoning is finalised by the Minister (or delegate), then:

1. There is a risk that the supporting Planning Agreement (refer Attachment 3) will not proceed. Council could ask that the Minister (or delegate) make finalisation of the LEP contingent upon a Planning Agreement being entered into, but there is a risk that this request would not be acceded to. The proposed Planning Agreement for No. 18 John Oxley Drive contains provisions relating to:
 - contributions for Oxley Highway intersection upgrade,
 - completion of John Oxley Drive intersection work before the occupation of the Development, and
 - protection of the amenity of the adjoining Sienna Grange development.

Should the decision be left to the Minister (or delegate) and a Planning Agreement not proceed, then the issues the Planning Agreement seeks to deal with would be left to the development assessment process and there would be no guarantee of funding contributions for the Oxley Highway intersection.

2. Following commencement of the LEP amendment, a development application could be lodged prior to commencement of any necessary DCP amendments (refer Attachment 3), and Council's ability to manage impacts from the development on adjoining landowners would be compromised.

Community Engagement & Internal Consultation

Refer to the previous report (Attachment 2).

Planning & Policy Implications

Refer to the previous report (Attachment 2).

Financial & Economic Implications

Refer to the previous report (Attachment 2).

Attachments

- 1 [View](#). Letter from Minister for Planning
- 2 [View](#). Report and Minutes for August meeting
- 3 [View](#). Attachments for August meeting

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: QUESTION ON NOTICE - PLACE MAKING - ROCKS FERRY RESERVE

Presented by: Infrastructure & Asset Management, Jeffery Sharp

RECOMMENDATION

That Council note the information included within this report.

Question from Councillor Griffiths

Could the General Manager please advise what Council can do to enable volunteers to complete the following tasks?

- a) whipper snip the overgrown grass area and tidy up in general
- b) batter back the bank to create better access
- c) place river sand on the edge of the bank to create better access

Comments by Councillor (if provided)

Place Making is community involvement and empowerment. As part of the Place Making process in Wauchope, issues were raised regarding Rocks Ferry Reserve.

There is an opportunity to allow community participation to improve access and visual appeal. Funding has not allowed for the remaining works and volunteers have offered to complete work with the assistance of Council contractors and will carry a safe working guide to achieve the results above. Noted in Council correspondence sand may be removed by flooding and volunteers may wish to replace.

Response

Council is currently working with a number of community groups who lead or assist in maintaining and improving council managed parks and reserves. Examples of such groups include:

- The Rotary Club of Sunrise Rotary in upgrading of the Tacking Point Lighthouse precinct,
- Bonny Hills Progress Association who are working with council to upgrade Rainbow Beach and Community Hall reserves, and
- The Northside Parks Maintenance Program in mowing reserves on the North Shore.

There is an opportunity to develop similar arrangements to allow for the Wauchope community to maintain and enhance elements of Rocks Ferry Reserve.

Looking After Our Environment

Whipper snip overgrown grass and tidy up in general

Council has an adopted policy and procedure which allows for volunteers to undertake projects of this nature. Staff would be happy to work with the community in regard to this opportunity.

Interested persons should contact council to discuss with staff the process required for formal establishment of a Parks Maintenance Volunteer team for Rocks Ferry Reserve.

Batter back the bank to create better access

This action will require further consideration by staff. A majority of the river frontage of Rocks Ferry Reserve is protected by a rock revetment wall and clarity regarding what is being proposed is required before staff can provide a definitive response about what may be achieved by volunteers.

As a minimum staff assume that a Fisheries Permit for Dredging/Reclamation works would be required to allow for works to be undertaken. This would require lodgement of a formal application with clear project scope to be lodged with Department of Primary Industries - Fishing & Aquaculture (DPI) for consideration.

There may also be accelerated erosion risk to consider should this proposal require removal of existing vegetation along the bank.

Placement of river sand on the edge of the bank to create better access

This action will require consent from DPI as the proposed works are considered to be reclamation. As such, a formal application for a Fisheries Permit for Dredging/Reclamation works will need to be lodged and approved before this could be undertaken.

Attachments

Nil

Looking After Our Environment

Item: 12.02

**Subject: PURCHASE OF LOT 39 DP 219719 QUEENS GRANT ESTATE
PLOMER ROAD, NORTH SHORE, PORT MACQUARIE**

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

Alignment with Delivery Program

4.5.1 Provide and promote new and upgraded paths, facilities and access to parks and bushland/natural resources.

RECOMMENDATION

That Council:

1. **Accept the offer by Mr and Mrs Adams to sell Lot 39 DP 219719 in the Queens Grant Estate to Council at a purchase price of \$20,000.**
2. **Pay reasonable legal fees incurred by Mr and Mrs Adams with the sale of their land to Council.**
3. **Upon the settlement of this sale commence the procedure to classify this land "Operational".**
4. **Affix the seal of Council to the necessary legal transfer documents associated with the purchase of Lot 39 DP 219719.**
5. **Delegate authority to the General Manager to sign and execute a Contract of Sale for the purchase of Lot 39 DP 219719.**

Executive Summary

To consider an offer by the owners of Lot 39 DP 219719 Queens Grant Estate, Plomer Road, North Shore, Port Macquarie to purchase their vacant land site for a price of \$20,000 plus reasonable associated legal fees.

Discussion

In December 1993 Council considered a report to embark upon a programme of purchasing 32 vacant lots in the Queens Grant Estate in Plomer Road, North Shore. This acquisition programme was a result of a Council decision to restrict development of these lots due to many factors including environmental issues. The area is zoned E2 Environmental Conservation.

The acquisition of these lots was on a voluntary basis with funding provided by Council in conjunction with the then Public Works Department. Based on valuation advice the purchase price offered was either \$19,000 or \$20,000 depending on the size of the lot.

A total of 20 lots were purchased over the ensuing six years at the offered price along with payment of the vendor's legal fees.

Looking After Our Environment

Council has now received advice from the owners of Lot 39, a Mr and Mrs Adams of Kellyville offering to sell their land to Council for \$60,000. Mr and Mrs Adams were unwilling to sell to Council when originally approached in 1993.

To determine whether this offer was fair and reasonable Council's valuer was requested to provide advice as to the value of the land. His report indicated that the current market value was considered to be within the range of \$15,000 to \$20,000. A copy of this report was then forwarded to Mr and Mrs Adams for consideration.

A revised offer to sell to Council for \$20,000 plus payment of their legal fees has now been received (see attached).

An aerial view of the location of the Queens Grant Estate on the North Shore is shown below.



Looking After Our Environment

This report seeks Council approval to proceed with the voluntary acquisition of Lot 39 DP 219719 on the revised terms as offered by Mr and Mrs Adams.

Options

Council has the option of:

1. Attempting to negotiate a purchase figure for a lower amount.
2. Decline the offer of purchase.

Community Engagement & Internal Consultation

Nil.

Planning & Policy Implications

Nil.

Financial & Economic Implications

Council presently holds sufficient funds in reserve being the balance of unexpended funds from the 1993 voluntary acquisition programme to meet the purchase price as requested along with reasonable legal fees incurred by the vendor.

Attachments

- 1 [View](#). Letter of offer dated 16 November 2014 from Mr and Mrs Adams to sell Lot 39 Queens Grant Estate to Council
- 2 [View](#). Valuation report dated 9 October 2014 by First State Property Valuers of Lot 39 Queens Grant Estate

Looking After Our Environment

Item: 12.03

Subject: VEGETATION AND KOALA HABITAT MAPPING

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. **Note the Vegetation Mapping and Koala Habitat and Population Assessment Reports for the Port Macquarie-Hastings local government area.**
2. **Note that updating of the mapping datasets will be an ongoing process that allows the refinement of the mapping overtime and recognises the dynamic nature of ecological systems.**
3. **Note that a range of methodologies can be used for acquiring data to refine/update the koala habitat mapping overtime.**

Executive Summary

The need for an holistic and evidence based approach to strategic landuse and infrastructure planning in the Port Macquarie-Hastings has been recognised for some time. In response to this, Council completed and publicly exhibited Vegetation Mapping and Koala Habitat and Population Assessment Reports for the Port Macquarie-Hastings Local Government Area in 2013. As a result of the exhibition and further review, the mapping was updated and reported to Council.

Council requested further information about access to the mapping information and methodologies available for ongoing updating of the mapping data. Further engagement was carried out with key stakeholders to inform Council about issues associated with the data and methodologies for ongoing review. The outcome of the engagement was general consensus that the methodologies used for the mapping are "fit-for-purpose", that processes can be put in place for ongoing updating of the data as property scale information becomes available, and that various methodologies can be used for koala habitat mapping updates at the property scale to ensure the dynamic nature of koala ecology can be properly recognised.

Looking After Our Environment

Discussion

In 2013, Council completed the Vegetation Mapping and Koala Habitat and Population Assessment Reports for the Port Macquarie-Hastings local government area. This work was undertaken in recognition of the need for an holistic and evidence based approach to strategic landuse and infrastructure planning in the Port Macquarie-Hastings.

Council reports in August 2013, November 2013 and March 2014 (attached), provide the background to the mapping and the outcomes sought as a result. The previous reports also outline the community engagement process undertaken as part of the project.

At the March 2014 Ordinary Council Meeting, Council considered the review of vegetation and koala habitat mapping resulting from a process of community engagement. Upon consideration of the report, Council resolved:

That this report be deferred to enable the General Manager to provide a further report to Council:

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.*

CARRIED: 9/0

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

AGAINST: Nil

This report addresses the resolutions of Council.

Production of Vegetation and Koala Habitat Maps

Staff have produced sets of A3 hardcopy maps of both the vegetation and koala habitat mapping. Mapping sets have been made available at each of Council's offices and libraries. This information is available to any interested stakeholder for viewing as are the reports that accompany the mapping.

In addition to the above, Council staff are able to provide the mapping data electronically as pdf files, GIS files or AutoCad files for use by stakeholders including the development industry. It is envisaged that that the data will also be made available to the general public in the future through web based mapping as part of future online services. In the interim, staff will also produce maps to any member of the public on request. Production of specific mapping on request enables Council to tailor mapping to the interested person's specific needs.

Looking After Our Environment

Vegetation and Habitat Mapping Methodologies

In order to address the second part of Council's resolution, a meeting was held with various stakeholders with an interest in the vegetation and koala habitat mapping project. The purpose of the meeting was to facilitate an open discussion about the methodologies for vegetation and koala habitat mapping and to capture the feedback so as to inform this report to Council.

To stimulate discussion at the meeting, staff produced a Discussion Paper which provided background on; the vegetation and koala habitat mapping work carried out to date, legislative context, a general discussion on methodologies and a list of methodologies with their relative advantages and disadvantages. The Discussion Paper was distributed to the stakeholder group (and Councillors) prior to the meeting date. A copy of the Discussion Paper is attached to this report.

The stakeholders invited to the meeting included representatives of community groups, conservation groups, the development industry and government agencies (OEH, NPWS, NSW Forest Corp). The issues raised during the meeting were documented and are attached to this report. An email was also received from NSW Forestry Corporation following the meeting (attached).

The following is a summary of the key issues raised as a result of the stakeholder meeting:

Issue	Comment
EEC mapping accuracy, interpretation and managing boundary issues	While the vegetation mapping is considered to be highly accurate at the landscape scale, it is recognised that at a finer scale (say at the property scale) there may be a need to refine the mapping (floristics or extent) so that the resultant data is fit for purpose. When dealing with EECs, particularly floodplain EECs that are defined both using floristics and soil types, it is recognised that property scale refinement may need to be carried out if the mapping data is to be used to support development assessment or rezoning work.
Council's ability to resource/support the refinement of mapping as required	It is important that any refinement to mapping be able to be accommodated in a timely fashion and not rely on periodic review of the entire vegetation or koala habitat datasets. It is considered that this will be achievable within existing resources. It is not intended that Council will assume the responsibility for carrying additional studies and field work associated with development proposals. However, staff will be in a position to facilitate refinement of the mapping when coordinating future planning processes

Looking After Our Environment

	(e.g. DAs, rezonings).
SAT methodology and koala habitat mapping accuracy and interpretation	It is recognised that the use of the SAT methodology is the preferred and appropriate approach to landscape scale mapping as has been the case for the PMH Koala Habitat Mapping. It is also recognised that mapping scale is a critical factor associated with the intended use of the data. For example, mapping for the eastern part of the LGA is at a scale that would allow for broad policy development that addresses koala conservation and development. However, mapping for the western parts of the LGA is much coarser, given the large areas that were covered and the intended purpose of the mapping which was to provide high level information on the extent and potential population of koalas in rural areas, and not for policy development.
Concern with the exclusive use of the SAT methodology to supplement and/or refine Council's koala habitat mapping data	There was good discussion and a recognition at the stakeholder meeting that the use of a range of koala habitat mapping methodologies is appropriate for refining the koala habitat mapping at the property scale. A proper understanding of koala ecology may need the consideration of a range of factors and this should not be limited by the application of an exclusive habitat mapping method.
The use of the vegetation and koala habitat mapping data.	There were differing points of view about how the mapping data would be used. Some stakeholders advocated the use of the information for landuse and conservation planning purposes, while some were concerned that data would be used to apply additional controls over development. While it is intended that the data would be used to support Council's conservation and landuse planning work, it is premature to outline how this might unfold until the policy development work commences. However, it can be confirmed that the data is a valuable resource to the Council and the community that will enhance evidence based planning and facilitate policy development and good decision making. It is not intended to create additional layers of control over development,

Looking After Our Environment

	rather to improve current processes (e.g. the preparation of ad hoc Koala Plans of Management).
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There was general consensus that the methodologies used for the vegetation mapping and koala habitat and population assessment are “fit-for-purpose” (i.e. landscape scale assessments), that processes can be put in place for ongoing updating of the data as property scale information becomes available, and that various methodologies can be used for koala habitat mapping updates at the property scale to ensure the dynamic nature of koala ecology can be properly recognised.

Options

Council could choose to do any of the following:

1. Note the mapping and reports, that mapping will undergo ongoing review/updating and that various methods can be used for koala habitat assessments.
2. Not accept the vegetation mapping engagement and review outcomes.
3. Request further unidentified review and/or update to be carried out.

Given the feedback from the engagement process and the general agreement from stakeholders about the ongoing review and updating processes for the mapping, it is considered that Council can have a high level of confidence in the mapping data and its ongoing management to the extent that the information can be used for landuse and infrastructure planning purposes.

Community Engagement & Internal Consultation

Community engagement was carried out as part of the initial development of the vegetation mapping and koala habitat and population assessment as outlined in the report to Council's Ordinary Meeting held in November 2013.

This report details a supplementary stakeholder engagement process to address concerns of Council in relation to mapping methodologies and updating processes.

Planning & Policy Implications

It is intended that the data would be used to provide evidence based landuse and infrastructure planning for Council. Biodiversity and koala conservation policy development work is yet to commence.

Financial & Economic Implications

The vegetation and koala habitat mapping and review was undertaken using staff resources and funds allocated in the 2013-2014 budget. Ongoing review and updating of the mapping would be carried out on an as needs basis and would be funded through existing operational budgets (mainly staff time).

The mapping itself is unlikely to have any significant economic implications. Policy development that draws upon the mapping will need to consider the principles of

Looking After Our Environment

ecologically sustainable development, which are founded in delivering balanced outcomes across the triple bottom line (environmental, economic and social considerations).

Attachments

- 1[View](#). Item 11.01 - 21 August 2013 Ordinary Council Meeting
- 2[View](#). Item 11.05 - 20 November 2013 Ordinary Council Meeting
- 3[View](#). Item 12.03 - 19 March 2014 Ordinary Council Meeting
- 4[View](#). Discussion Paper
- 5[View](#). Stakeholder Meeting Notes
- 6[View](#). NSW Forestry Corporation email

Looking After Our Environment

Item: 12.04

Subject: DA2014 - 0576 WASTE TRANSFER STATION AT LOT 14 DP 1103758
HERONS CREEK ROAD, KEW

Report Author: Chris Gardiner

Property:	Lot 14 DP 1103758 Herons Creek Road, Kew
Applicant:	Port Macquarie-Hastings Council
Owner:	Port Macquarie-Hastings Council and Roads and Maritime Services
Application Date:	14 August 2014
Estimated Cost:	\$2 000 000
Location:	Kew
File no:	DA2014 - 0576
Parcel no:	50972

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014 - 0576 for a waste transfer station at Lot 14, DP 1103758, Herons Creek Road, Kew, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a waste transfer station at the subject site.

The proposed development is on land owned and managed by Council and Council is also the Applicant. Accordingly, Love Project Management has been engaged to carry out an independent assessment of the Development Application.

The Love Project Management report in the attachments provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, three submissions have been received.

The application was reported to the Development Assessment Panel on 26 November 2014 at which the following was resolved:

Looking After Our Environment

"That it be recommended to Council that DA 2014 - 0576 for a waste transfer station at Lot 14, DP 1103758, Herons Creek Road, Kew, be determined by granting consent subject to the recommended conditions as amended, provided that land owner's consent from the RMS is received prior to determination."

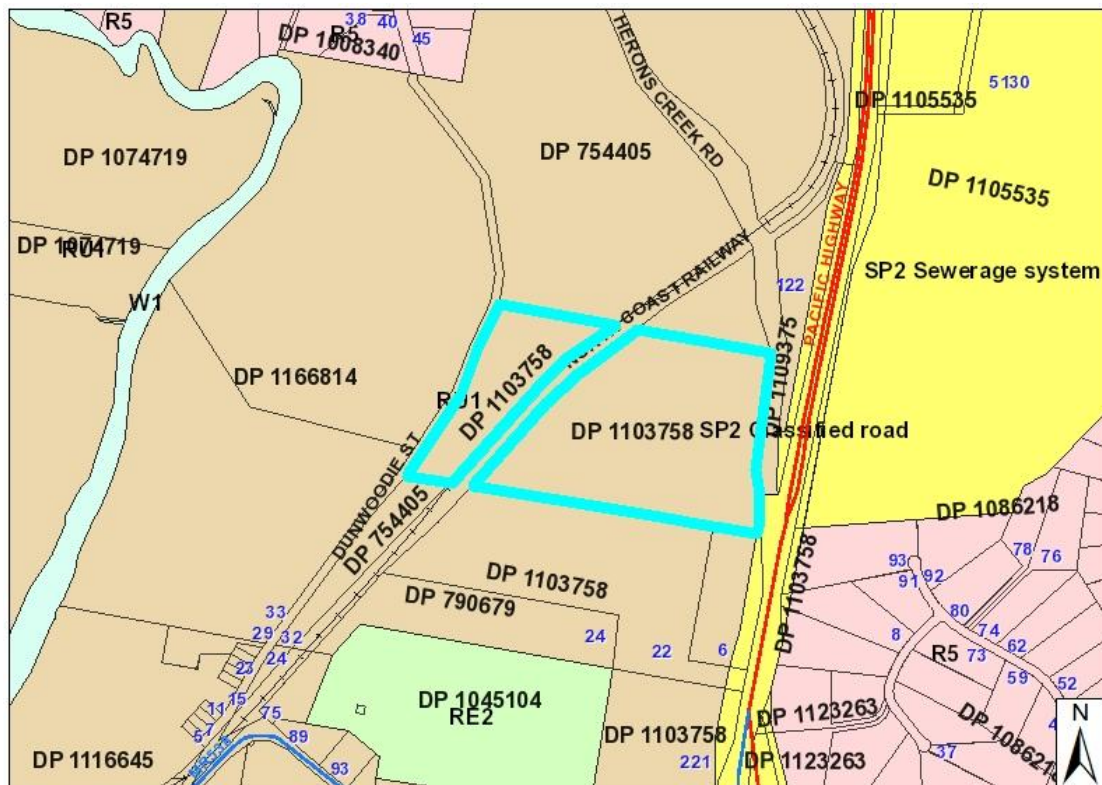
Owner's consent from the RMS has subsequently been received on 8 December 2014.

1. BACKGROUND

Existing sites features and Surrounding development

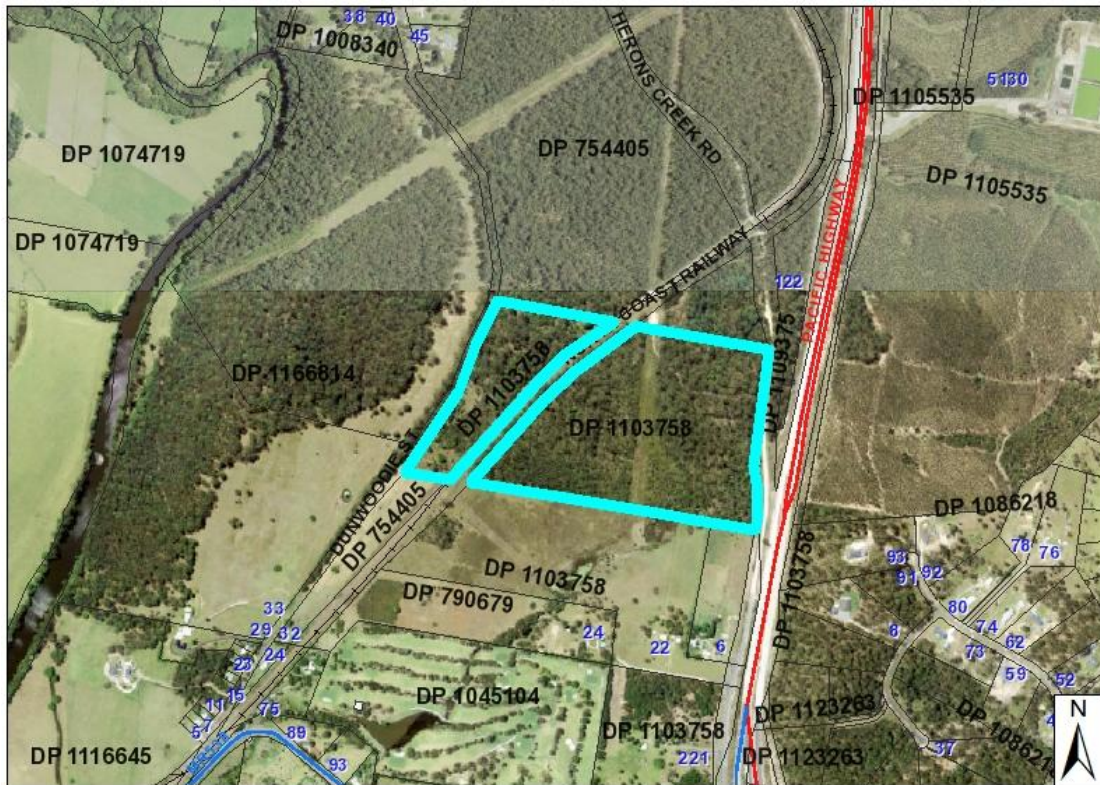
The site has an area of 26.21 hectares.

The site is zoned RU1 Primary Production 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:

- A new waste transfer station and associated infrastructure including:
 - A shallow push pit with a compactor and bin change over system;
 - Covered bays for placement of paper, glass and aluminium cans;
 - A secure storage locker for temporary storage of poisons and chemicals;
 - A small office containing worker amenities;
 - Open stockpiles for storage of green waste, metal and C&D waste;
 - A sediment dam to manage site stormwater runoff prior to discharge to the natural drainage system;
 - An oil station to store oil waste at the WTS site;
 - Fencing of the facility to prevent unauthorised entry;
 - A tip shop for buy back opportunities.
- Widening and sealing approximately 450m of Herons Creek Road to the south of the development site.
- Removal of 1.4 hectares of vegetation.

Refer to attachments at the end of this report.

Application Chronology

- 14 August 2014 - Application lodged.
- 26 August 2014 to 24 September 2014 - Application publicly notified and advertised in local newspapers (3 written submissions received).
- 7 September 2014 - Site inspected by Love Project Management.

Looking After Our Environment

- 26 November 2014 - Assessment report considered at Development Assessment Panel Meeting.
- 8 December 2014 - Property owner's consent received from Roads and Maritime Services (RMS).

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

Relevant matters have been addressed in the Assessment Report prepared by Love Project Management.

Refer to attachments at the end of this report.

Attachments

- 1 [View](#). DA2014 - 0576 Assessment Report - Love Project Management
- 2 [View](#). DA2014 - 0576 Proposed conditions of consent - DAP amended version
- 3 [View](#). DA2014 - 0576 Plans
- 4 [View](#). DA2014 - 0576 Development Contributions Calculation Sheet
- 5 [View](#). DA2014 - 0576 Submission - Davis
- 6 [View](#). DA2014 - 0576 Submission - Page
- 7 [View](#). DA2014 - 0576 Submission - Branston

Looking After Our Environment

Item: 12.05

Subject: DA2014 - 0716 BOUNDARY ADJUSTMENT INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 (MINIMUM SUBDIVISION LOT SIZE) OF PORT MACQUARIE - HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 4 DP 811248 AND LOT 5 DP 811248, NO. 100 AND 106 WEISMANTLE STREET, WAUCHOPE

Report Author: Chris Gardiner

Property: Lots 4 & 5 DP 811248, No. 100 and 106 Weismantle Street, Wauchope
Applicant: G R Butler & M G Butler
Owner: G R Butler & M G Butler
Application Date: 11 September 2014
Estimated Cost: Nil
Location: Wauchope
File no: DA2014 - 716.1
Parcel no: 17737and 26912

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 - 0716 for a Boundary Adjustment including Clause 4.6 Objection to Clause 4.1 (Minimum Subdivision Lot Size) of Port Macquarie - Hastings Local Environmental Plan 2011 at Lots 4 & 5, DP 811248, No. 100 and 106 Weismantle Street, Wauchope, 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 4.1 (Minimum Subdivision Lot Size) by not more than 10%.

The proposed development resulted in a boundary adjustment between two existing allotments to create lots having an area of 36 hectares for Lot 1 and 49.48 hectares for Lot 2. The area of Lot 1 constituted a variation of 10% from the development

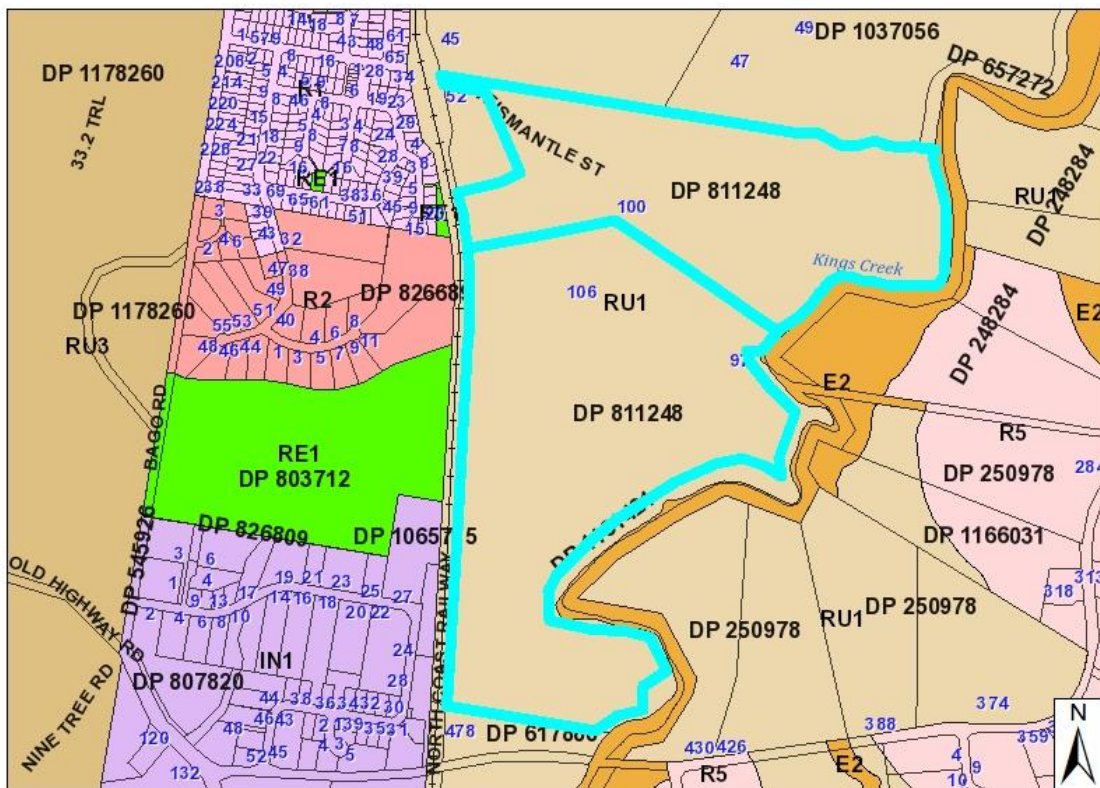
standard. Lot 4 DP 811248 has an area of 33.64 hectares, which is already below the minimum 40 hectare lot size.

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.

Existing sites features and Surrounding development

- Lot 4 DP 811248 - 33.64 hectares;
- Lot 5 DP 811248 - 51.84 hectares.

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

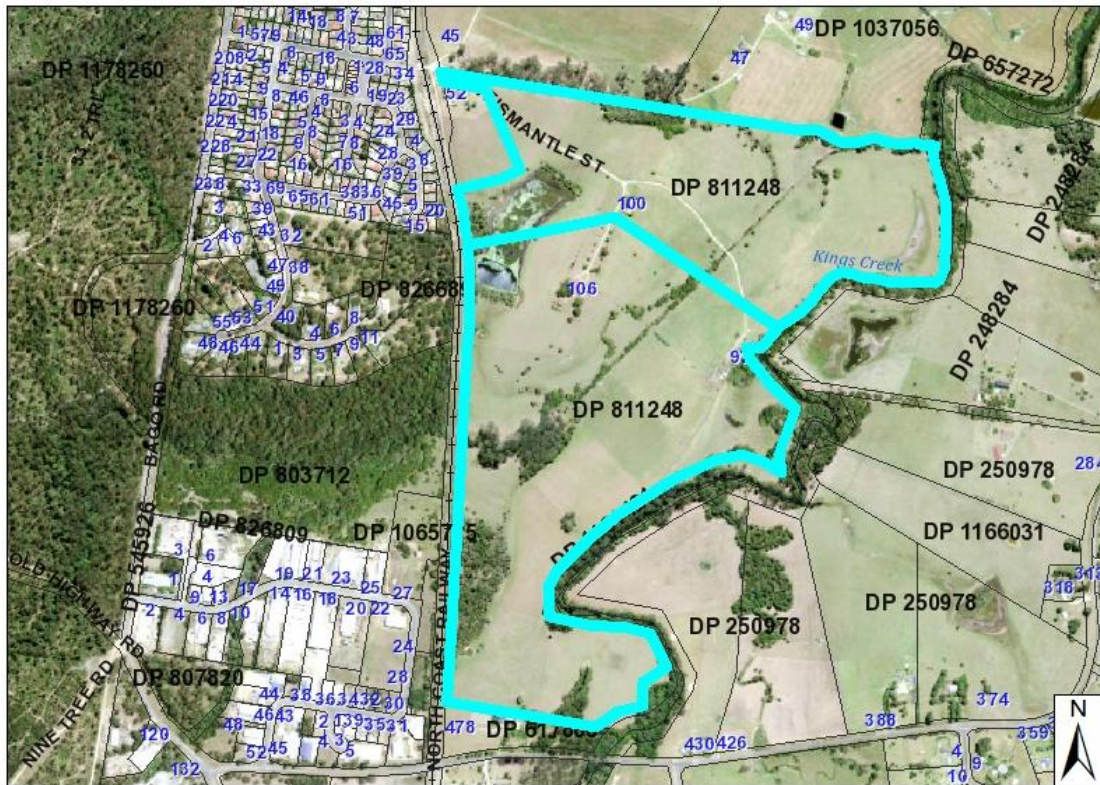


The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:

AGENDA

ORDINARY COUNCIL
17/12/2014

Looking After Our Environment



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Boundary adjustment between Lots 4 and 5 DP 811248 to create lots having areas of 36 hectares and 49.48 hectares.
- Transfer of a rural worker's dwelling (via the boundary adjustment) to proposed Lot 2.

Refer to attachments at the end of this report.

Attachments

- 1 [View](#). DA2014 - 0716 DA Consent
2 [View](#). DA2014 - 0716 Approved Plan

Looking After Our Environment

Item: 12.06

Subject: DA 2014 - 0794 DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 130 DP 246284, 52 HIBBARD DRIVE, PORT MACQUARIE

Report Author: Fiona Tierney

Property: Lot 130 DP 246284, 52 Hibbard Drive, Port Macquarie
Applicant: D M Kors & J M Malineack
Owner: D M Kors & J M Malineack
Application Date: 14 October 2014
Estimated Cost: \$488,000
Location: Port Macquarie
File no: DA 2014 - 0794
Parcel no: 8779

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014 - 794 for a demolition of existing dwelling and construction of new dwelling including clause 4.6 variation to clause 4.3 (Height of Buildings) of Port Macquarie Hastings Local Environmental Plan 2011, Lot 130 DP 246284, 52 Hibbard Drive, Port Macquarie at Lot 130, DP 246282, No. 52 Hibbard Drive, 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 the roof height exceeding the maximum 8.5m height by 0.12m (a variation of 1.4%). 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

Looking After Our Environment

provides for the Director General's assumed concurrence where such a variation is not more than 10% of the standard.

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.

Following exhibition of the application, no submissions were received.

This report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

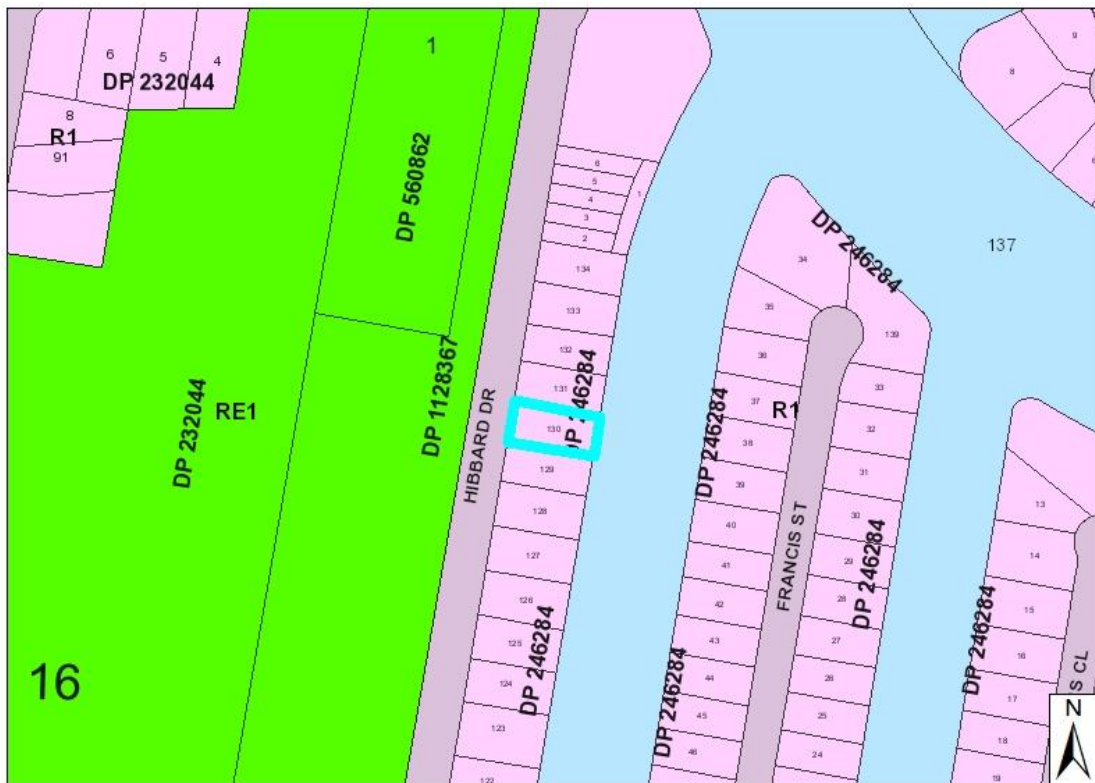
Following exhibition of the application, no submissions have been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 779m².

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:

Looking After Our Environment



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of the existing dwelling
- Construction of a new dwelling
- Clause 4.6 variation to Clause 4.3 (height of buildings) Port Macquarie Hastings Local Environmental Plan

Refer to attachments at the end of this report.

Attachments

- 1 [View](#). DA2014 - 0794 Consent Approval
- 2 [View](#). DA2014 - 0794 Approved DA Plans

Looking After Our Environment

Item: 12.07

Subject: DA 2014 - 0393 ADDITIONS TO DWELLING AND CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 9 DP 257282, 15 UNIQUE CLOSE, DUNBOGAN

Report Author: Clint Tink

Property: Lot 9 DP 257282, 15 Unique Close, Dunbogan
Applicant: W J Howard & M H Howard c/- Robert Smallwood Building Plans
Owner: W J Howard & M H Howard
Application Date: 1 September 2014
Estimated Cost: \$63,500
Location: Dunbogan
File no: DA 2014 - 0393
Parcel no: 24289

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 - 0393 for additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 9, DP 257282, 15 Unique Close, Dunbogan, 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 an addition to an existing dwelling having a roof height exceeding the maximum 8.5m height by 0.34m (a variation of 4% 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.

Looking After Our Environment

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.

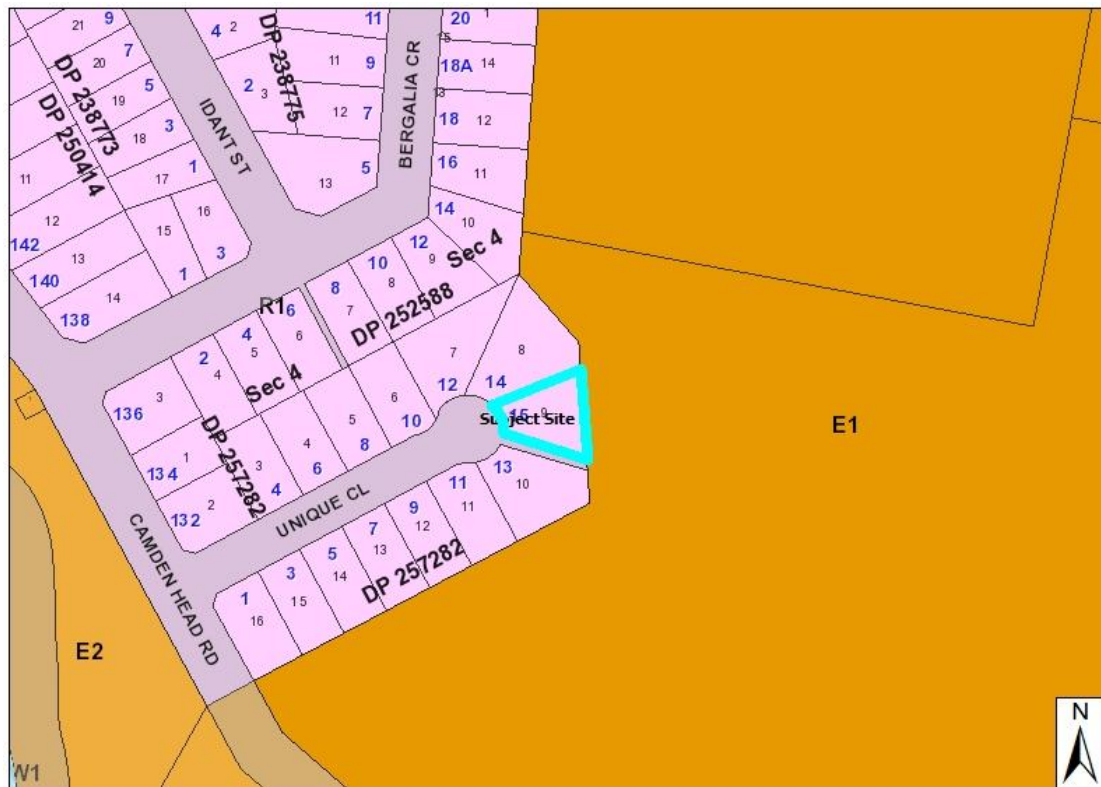
Following exhibition of the application, no submissions were received.

1. BACKGROUND

Existing sites features and surrounding development

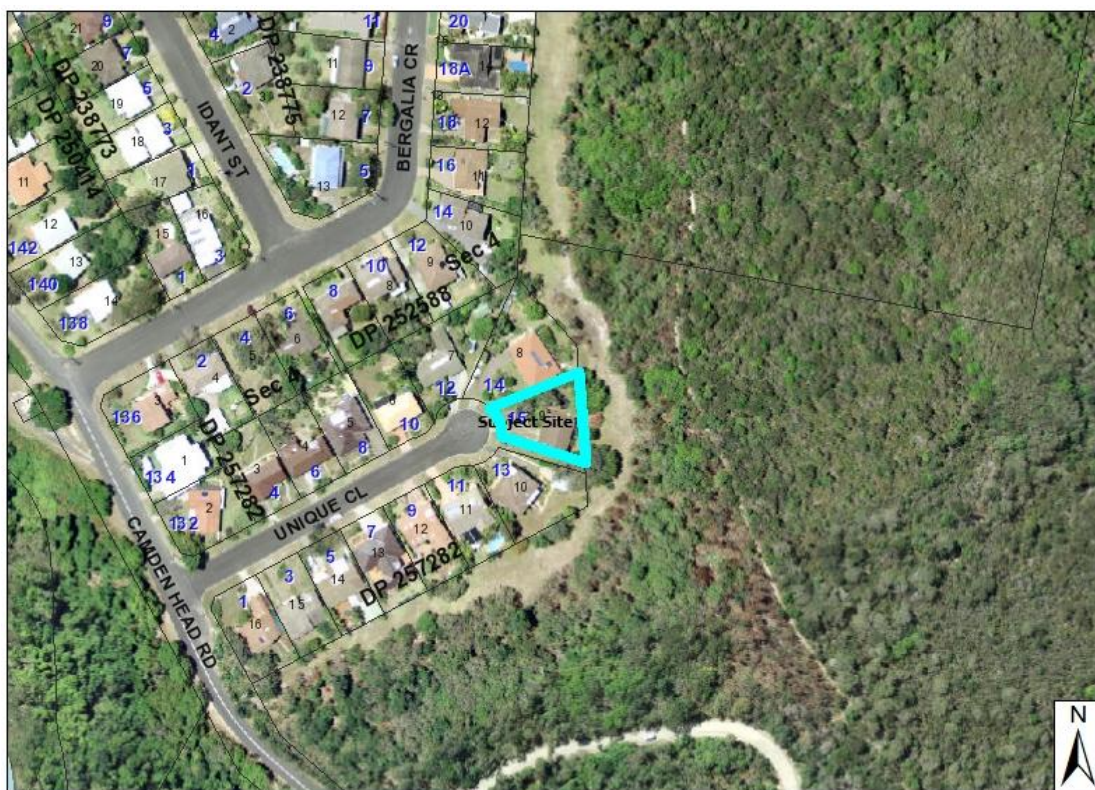
The site has an area of 717m².

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:

Looking After Our Environment



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of an addition to an existing dwelling.
- Clause 4.6 variation to Clause 4.3 (height of building) Port Macquarie Hastings Local Environmental Plan 2011.

Refer to attachments at the end of this report.

Attachments

1 [View](#). DA2014 - 0393 Consent

2 [View](#). DA2014 - 0393 Plans

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: NOTICE OF MOTION - DEVELOPMENT CONTRIBUTIONS -
COMMERCIAL PREMISES

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

RECOMMENDATION

That the General Manager bring a report back to the February 2015 meeting of Council that provides options whereby development contributions for commercial premises can be amortised or deferred without the need for a bank guarantee.

Comments by Councillor (if provided)

Nil.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.02

Subject: QUESTION ON NOTICE - PONTOON WEST OF ROCKS FERRY RESERVE

Presented by: Infrastructure & Asset Management, Jeffery Sharp

RECOMMENDATION

That Council note the information contained in this report.

Question from Councillor Griffiths

Could a pontoon be included in a submission by Council for funding through the regional boating plan currently available through the NSW Government and Roads and Maritime Services for the Hastings River west of Rocks Ferry Reserve?

Comments by Councillor (if provided)

A request for a boating pontoon has been made for the Hastings River west of Rocks Ferry Reserve. Advice that a removable option may be available and an offer by community has been made to assist with management.

Response

The NSW Government is seeking to improve the experience of recreational boating across the State through the development of Regional Boating Plans. These plans will identify the priority projects and actions over the coming years in order to keep our waterways safe, improve accessibility and enhance the overall boating experience.

The Regional Boating Plans are being developed by the Maritime Management Centre (MMC) in Transport for NSW (TfNSW), working closely with Roads and Maritime services (Roads and Maritime) and consultants with expertise in coastal infrastructure. The plans will be used to inform projects to be funded out of a new boating infrastructure partnership program. The new program will replace the successful Better Boating Program and will see more funding available for boating facilities across NSW with a stronger focus on delivering projects that will provide the greatest strategic benefit to each region.

The draft plan was exhibited in July 2014 with submissions regarding its inclusions required by 5 August 2014. Further to this, council was requested to identify potential priority projects for consideration by the RMS for funding. This additional information was provided by the deadline of 22 August 2014.

The draft plan has identified the following issue for the Wauchope section of the Hastings River:

Planning and Providing Our Infrastructure

'Insufficient infrastructure (jetties/pontoons) for temporary land access, safe waterway access or emergency response'.

In response to this issue the plan identifies the following

'Review options to provide pontoon at Wauchope boat ramp (Rocks Ferry Road) Capacity temporary land access, safe waterway access or emergency response'.

RMS staff involved in the development of the plan have advised that it is due for release in December 2014.

Despite the plan not yet being finalised, the Minister for Roads & Freight, Mr Duncan Gay has announced \$440,000 in funding for two priority projects for the Hastings River. These projects are the delivery of the Stage 2 upgrade of Westport Park boat ramp and the site selection process associated with development of a new boat launching facility in the future.

Funding for other projects within the local government area as identified within the draft plan may be forthcoming upon formal adoption of the plan.

Flooding impacts on recreational boating infrastructure is a concern for staff and potential for community assistance in removing any such pontoon installation in the Wauchope area is welcomed.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.03

Subject: DRAFT FINAL PORT MACQUARIE-HASTINGS BIKE PLAN

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information contained in the report relating to preparation of the Draft Final Port Macquarie-Hastings Bike Plan.**
- 2. Exhibit the Draft Final Port Macquarie-Hastings Bike Plan for the period 19 January to 20 February 2015.**

Executive Summary

Council is currently developing a new Bike Plan, to update the previous plan prepared in the late 1990s, and as part of the development of an overarching Transport Strategy. The purpose of this report is to advise Council of current progress, and to seek approval for final public exhibition.

A Draft Bike Plan, consisting of a summary report and bicycle network maps, was publicly exhibited in April/May 2014. Following the receipt and review of submissions, a Draft Final Bike Plan has been developed and is proposed to be placed on public exhibition before a Final Bike Plan is presented to Council for adoption.

The double exhibition of the Bike Plan was included in the engagement plan to ensure maximum opportunity for the community to have influence on its preparation. Accordingly, adoption of this recommendation will complete the second period of exhibition prior to completion of a final Bike Plan.

Discussion

A bike plan is a strategic document to assist in the coordinated approach to delivering cycling infrastructure. It establishes cycling objectives for a region and identifies the actions needed to achieve these objectives.

The Draft Port Macquarie-Hastings Bike Plan was publicly exhibited between 17 April and 19 May 2014. The bike plan is a strategic document that will provide guidance for the ongoing development of the bicycle network both within and linking the main urban areas of the region. The overarching aim is to increase safe cycling levels in our community, for both transport and recreation.

Planning and Providing Our Infrastructure

It is expected a Final Bike Plan will be adopted by Council in early 2015. Proposed works will then be considered for more detailed investigations and inclusion in future Delivery Programs and Operational Plans.

The outcomes of the community engagement, as further detailed in the following section, has been used by Council staff to develop the Draft Final Port Macquarie-Hastings Bike Plan (attached) and includes:

Draft Final Report

Map 1: Draft Final Port Macquarie Bicycle Network

Map 2: Draft Final Wauchope Bicycle Network

Map 3: Draft Final Lake Cathie - Bonny Hills Bicycle Network

Map 4: Draft Final Camden Haven Bicycle Network

Map 5: Draft Final Kendall - Lakewood Bicycle Network

Map 6: Draft Final Inter-Town Bicycle Network - North

Map 7: Draft Final Inter-Town Bicycle Network - South

Options

Council has previously committed to the preparation of a new bike plan and the proposed second round of community engagement is required before the plan can be finalised.

Community Engagement & Internal Consultation

The Draft Port Macquarie-Hastings Bike Plan was publicly exhibited between 17 April and 19 May 2014. Submissions were received from six stakeholder groups and 24 individuals. A copy of all submissions is included as an attachment.

The attached report, *Working Paper - Community Engagement*, is a summary of submissions received during the exhibition period. It provides commentary on a number of issues including Council's response to requests for changes to the draft maps.

Planning & Policy Implications

There are no planning or policy implications as a result of this report. However, it is anticipated that future planning of infrastructure projects, such as road reconstruction works, will need to consider any future adopted plan.

Financial & Economic Implications

There are no financial and economic implications at this stage. However, it is anticipated that once the Final Bike Plan has been adopted, works will be considered for more detailed investigations and inclusion in future Delivery Programs and Operational Plans.

Attachments

1 [View](#). Draft Final Port Macquarie-Hastings Bike Plan

2 [View](#). Working Paper - Community Engagement

3 [View](#). Copy of Draft Bike Plan Submissions

Planning and Providing Our Infrastructure

Item: 13.04

**Subject: DRAFT FINAL PORT MACQUARIE-HASTINGS PEDESTRIAN
ACCESS AND MOBILITY PLAN**

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information contained in the report relating to preparation of the Draft Final Port Macquarie-Hastings Pedestrian Access and Mobility Plan.**
- 2. Approve the Draft Final Port Macquarie-Hastings Pedestrian Access and Mobility Plan to be placed on public exhibition for the period 19 January to 20 February 2015.**

Executive Summary

Council is currently developing a new Pedestrian Access and Mobility Plan (PAMP), to update the previous plan prepared in 2001 and as part of the development of an overarching Transport Strategy. The purpose of this report is to advise Council of current progress, and to seek approval for final public exhibition.

A Draft PAMP, consisting of a summary report and pedestrian infrastructure maps, was publicly exhibited in July/August 2014. Following the receipt and review of submissions, a Draft Final PAMP has been developed and is proposed to be placed on public exhibition before a Final PAMP is presented to Council for adoption.

The double exhibition of the Pedestrian Access and Mobility Plan was included in the engagement plan to ensure maximum opportunity for the community to have influence on its preparation. Accordingly, adoption of this recommendation will complete the second period of exhibition prior to completion of a final Plan.

Discussion

A PAMP is a strategic action plan to assist in the coordinated approach to delivering key pedestrian infrastructure. A PAMP was prepared in 2001 for the main urban centres of Port Macquarie-Hastings and many of the recommended works were implemented successfully.

The Draft Pedestrian Access and Mobility Plan was publicly exhibited between 21 July and 18 August 2014. The PAMP is a strategic document that will provide guidance for the ongoing development of the pedestrian network in the main town

Planning and Providing Our Infrastructure

and village centres, with a focus on the two most critical types of pedestrian infrastructure - footpaths and road crossings.

It is expected a Final PAMP will be adopted by Council in early 2015. Proposed works will then be considered for more detailed investigations or incorporation into other projects, leading to inclusion in future Delivery Programs and Operational Plans.

The outcomes of the community engagement, as further detailed in the following section, has been used by Council staff to develop the Draft Final PAMP (attached) and includes:

1. Draft final report
2. Draft final pedestrian infrastructure maps for:
 - Port Macquarie town centre
 - Port Macquarie East
 - Settlement City precinct
 - Wauchope town centre
 - Lake Cathie village centre
 - Bonny Hills village centre
 - North Haven village centre
 - Laurieton town centre
 - Kew village centre
 - Kendall village centre

Options

Council has previously committed to the preparation of a new PAMP and the proposed second round of community engagement is required before the PAMP can be finalised.

Community Engagement & Internal Consultation

The Draft Port Macquarie-Hastings Pedestrian Access and Mobility Plan was publicly exhibited between 21 July and 18 August 2014. Submissions were received from six stakeholder groups and 23 individuals. A copy of all submissions is included as an attachment.

The attached report, *Working Paper - Community Engagement*, is a summary of submissions received during the exhibition period. It provides commentary on a number of issues including Council's response to requests for changes to the draft maps.

Planning & Policy Implications

There are no planning or policy implications as a result of this report. However, it is anticipated that future planning of infrastructure projects, such as road reconstruction works or upgrades, will need to consider any future adopted plan.

Planning and Providing Our Infrastructure

Financial & Economic Implications

There are no financial and economic implications at this stage. However, it is anticipated that once the Final PAMP has been adopted, works will be considered for more detailed investigations and inclusion in future Delivery Programs and Operational Plans.

Attachments

- 1[View](#). Draft Final Pedestrian Access and Mobility Plan
- 2[View](#). Working Paper - Community Engagement
- 3[View](#). Copy of Draft PAMP Submissions

Planning and Providing Our Infrastructure

Item: 13.05

Subject: CHANGES TO OCEAN DRIVE SPEED LIMIT BETWEEN LAKE CATHIE AND BONNY HILLS

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 receive and note the report regarding advice from Roads and Maritime Service advising of the reduction in speed limit on Ocean Drive between Lake Cathie and Bonny Hills from 90km/h to 70km/h.

Executive Summary

The purpose of this report is to provide Council with information regarding proposed changes to the speed limit on Ocean Drive between Lake Cathie and Bonny Hills. Roads and Maritime Services (RMS) have authorised a reduction in the 90km/h speed limit to 70km/h due to the construction of a roundabout at the Houston Mitchell Drive intersection, and school development. It is expected the speed zone change will be implemented in 2015 before construction of the roundabout commences.

Discussion

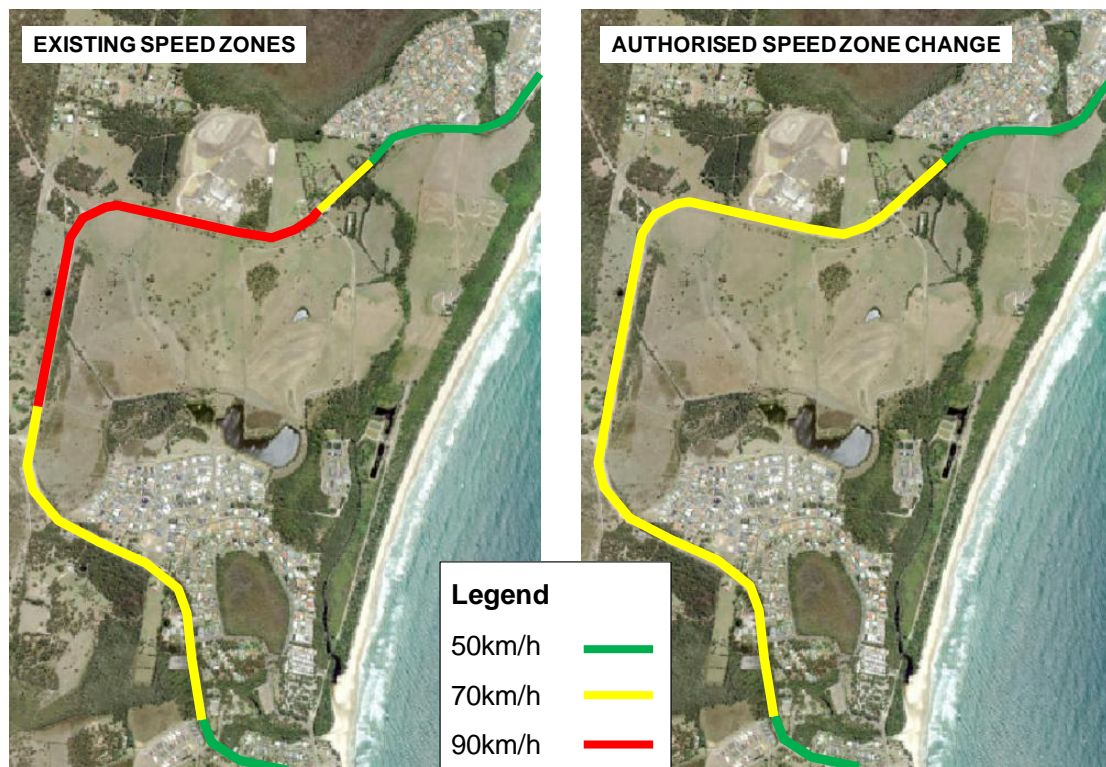
A roundabout will be constructed at the intersection of Ocean Drive and Houston Mitchell Drive as part of the master plan for the area and in particular to service the new Lake Cathie Public School. The master plan also forecast that at some point in the future the Ocean Drive speed limit will need to be reduced as adjacent development occurs and new intersections are constructed.

The roundabout has been designed in the context of the future urban form of the land release area. It has been designed on the basis of a 70km/h design speed and the current 90km/h limit is therefore inappropriate.

To avoid an isolated speed zone at the roundabout, resulting in multiple speed zone changes, RMS authorised a 70km/h limit be extended over this section of Ocean Drive to connect with existing 70km/h sections to the north and south.

Planning and Providing Our Infrastructure

The existing and proposed speed zones are illustrated on the diagram below.



Options

It is considered there are no options with respect to this report because the RMS is the authority responsible for changes to speed zones.

Community Engagement & Internal Consultation

RMS has engaged with Council on this issue but is not required to engage with the community. RMS and Council will advise the community and stakeholders when the speed limit change occurs.

Planning & Policy Implications

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

Financial & Economic Implications

There are no financial and economic implications. RMS will fund new speed zone signs and pavement markings.

Attachments

- 1 [View](#). Completion of Speed Zone Review Ocean Drive between Bonny Hills and Lake Cathie - RMS

Planning and Providing Our Infrastructure

Item: 13.06

Subject: RAINBOW BEACH RESERVE PLAYGROUND RENEWAL

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 the exhibition for the Rainbow Beach Reserve Playground Landscape Concept Plan.**
2. **Adopt the Rainbow Beach Reserve Playground Landscape Concept Plan.**
3. **Proceed to detailed design phase for Stage 1 of the project and review components that may impact on Beach Street residents e.g. musical play elements to ensure that their sounds won't create additional disturbance.**
4. **Continue to work with the Bonny Hills Progress Association on the identification of community in-kind contributions and grants.**

Executive Summary

The Bonny Hills community have requested an upgrade of the playground in the Rainbow Beach Reserve. A Landscape Concept Plan has been prepared and exhibited for 4 weeks from the 31 October to 28 November 2014. Community engagement has revealed that there is overwhelming support for the proposal. Three households that live opposite the park on Beach Street do not support the upgrade.

The core components of the plan are funded through the 14/15 operational budget however the full extent of the proposal will require community input. The Bonny Hills Progress Association are compiling a list of local tradesmen and other community members who are willing to contribute to the development of the playground upgrade. The final built outcome will be a place making partnership between council and the Bonny Hills community. This will contribute to council's place making approach by creating a place where people can celebrate the area's unique identity, feel connected to the space and each other, promote happiness and well being, and encourage full usage.

Discussion

A small planning group led by local mother Tami Hickey, with support from Bonny Hills Progress Association (BHPA) initiated discussions with the Council about the possibility of upgrading the existing playground at Rainbow Beach Reserve in late 2013. They believed that the existing playground required expansion, modernisation and upgrading to meet the needs of children of all ages and their carers.

Planning and Providing Our Infrastructure

Further to this staff had recognised that significant components of the playground namely the swings and climbing net were at the end of their useful life and required replacement. On this basis, an amount of \$60,000 was included in the draft 2014/15 Operational Plan which was subsequently adopted by council.

Council's landscape architect developed a draft plan in late 2013 that was used to engage community members in a discussion about the look and feel of a rejuvenated facility.

A survey was also conducted to seek the views of users regarding the adequacy of the current playground, and the things they would like to see incorporated in an upgraded facility. Sixty-nine (69) surveys were returned from a variety of sources including North Haven primary school, local day care, pre-school, mothers group and nippers. About one half of the respondents (48%) rated the playground as 'fair', with a third (34%) rating the facility as 'poor to very poor' compared to 19% rating it as 'good to excellent'. More varied equipment and shade were the main suggestions for improvement. Other suggestions included fencing, a bike path, less vegetation that blocks views of children playing, and inclusion of climbing frames and slides.

The landscape plan was subsequently adjusted and potential staged project delivery identified. The plan was then exhibited for a four week period from the 31 October to 28 November.

BHPA have submitted several grant applications and will continue to do so until the project is complete. They have been garnering support from local tradesmen and community members to assist in the construction of the project. The current budget will allow for the core components of the plan to be constructed. Nominal staging has been shown on the plan however it is likely that much more of the project can be built with the in-kind input from community members. This will be determined as the project unfolds.

The partnership between the Council, the BHPA and other community members for the design and construction of the Rainbow Beach Reserve Playground has the potential to be a very powerful place making project for the community of Bonny Hills.

Support for the Landscape Concept Plan has been overwhelmingly positive with 24 individual submissions in favour of the project. The BHPA, with membership numbers of 63 households, have lodged a formal submission outlining their full support of the proposed plan.

The main concerns associated with the plans have come from 3 households living opposite the park on Beach Street. Their concerns revolve around noise impacts from children playing in the space, the potential for increase in youth using the area after dark with resultant antisocial behaviour, and the playground expansion impacting on other uses of the reserve. One submission expresses concern that the location of the bike path has the potential to cause accidents.

Planning and Providing Our Infrastructure

Options

Council has options in respect to this report. Council can:

1. Note the submissions received during the exhibition for the Rainbow Beach Reserve Playground Landscape Concept Plan; adopt the Rainbow Beach Reserve Playground Landscape Concept Plan; proceed to detailed design phase for stage 1 of the project and review components that may impact on Beach Street residents e.g. musical play elements to ensure that their sounds won't create additional disturbance; and continue to work with the BHPA on the identification of community in-kind contributions, or
2. Not adopt this plan and recommence the planning process.

Community Engagement & Internal Consultation

Several engagement techniques were used to gauge community support for the plan:

1. The display of the plan in the park on A1 boards in two locations
2. An in-park session hosted by staff on 11 November 2014 from 2 - 4pm
3. A letterbox drop to around 200 Bonny Hills residents (delivery by BHPA)
4. The placement of flyers and A3 posters in local shops (coordinated by BHPA)
 - a. Bonny Hills Post Office/Ocean Drive Realty
 - b. Friendly Grocer Supermarket
 - c. Bonny View Takeaway and General Store
 - d. W-BHSLSC [poster only, plus an email]
 - e. The Fat Fish Restaurant
 - f. Bonny Hills Tavern [poster only]
 - g. Bonny Hills Garden Centre and Café
 - h. Bonny Hills Community Hall
5. Inclusion of council Landscape Architects contact details on all correspondence
6. PMHC Listening page for the project
7. An article in the Camden Haven Courier
8. BHPA web site with link to PMHC Listening

Approximately ten people attend the in-park engagement session. These included:

- 3 people from the Bonny Hills Progress Association who assisted in discussions
- 3 people who live on Beach Street
- 2 people who live less than one block from the beach
- 2 people who live in the Bonny Hills area

Specific comments from Jennifer Daniels and the couple who live opposite are included in the table below. Other attendees were very positive about the plan. There were conflicting views on the need to fence the playground. One person asked why it was stage 2 (and proposed that it should be stage 1) and another said it was an unnecessary expense when the funds could be spent on play elements. Two people volunteered to assist with the construction working bees.

The following formal submissions were received:

No.	Submitters Name	Submitter's Issue	Council's Response
1	Diane Parker	Very impressed. Grandchildren will use.	Noted

Planning and Providing Our Infrastructure

		Daughter particularly likes the musical play.	
2	Odette Counsell	Fully support the proposals. Visitors and children at carnivals will really appreciate	Noted
3	Rene Patat Scribbly Gums Holdings Pty Ltd	As developer of White Sands Estate conveys full support. Will add to amenity and support future growth	Noted
4	Trudy and Ray Hardy	Full support. Much needed and will provide safe and fun venue for locals and visiting children	Noted
5	Robyn Kilgour	Fully support upgrade. The park is one of the reasons they moved to Bonny Hills. Many young families will benefit	Noted
6	Ingram Family	Fully support the upgrade as they attend the park daily. Will bring families together promoting friendly and connected community.	Noted
7	Free Bennett	Fully support the upgrade proposal. This is the heart of the community where family and friends meet. Children will use this park for years to come.	Noted
8	Pam Barlow	Fully support the upgrade. Fencing, shade and more interesting play spaces will modernise and provide safe and caring environment. Very popular spot with holiday visitors.	Noted
9	Shirley and Ross Bennett	With 7 children and 11 grandchildren living in the area, have spent most days at the park. Confident an upgrade would be appreciated by many young adventurous children.	Noted
10	Anne Huleatt	Supports the upgrade. Widely used by the locals and visitors. It is a necessary to maintain and update to keep up with growing demand.	Noted
11	Lane Crews, Nana Klump and all my family	Big expanding family fully support the upgrade to the existing playground	Noted
12	Esther Lurie	Regular visitor with daughter. New plans look absolutely fantastic. Offers support and look forward to the new developments	Noted
13	Joyce Wulff	The improvements planned will provide much joyful pleasure to our young people. I praise those who devise the means to encourage outdoor play and exercise. I live nearby and enjoy seeing and hearing their delight.	Noted
14	Jennifer Daniel	Park should be for passive recreation. Should be relocated near the skate park to cover a wide age range so children can move onto the skate park as they get older. Residents who are affected have not been	Proposal to relocate the playground not supported due to broad community

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		consulted. There is a noise factor with screaming especially from the trampolines and it devalues properties. Leave RBR for serious beach-going, swimming, surfing people. Potential for after hours inappropriate behaviour. Should be natural muted tones and "kindy kinder" style of playground and exercise equipment.	support for upgrade of playground at existing site. Consideration will be given to request for muted colour tones. Nature play is included in the current design. We are unable to reduce noise from children but can reconsider the types of musical play to minimise disturbance. Playground upgrade is unlikely to increase antisocial behaviour that reportedly already occurs at this site. Consultation has been extensive as noted in the body of this report.
15	Bonnie Yonon	Lived in BH whole lives and now have 4 children with many friends with young children. It is a meeting ground for all. Completely supportive of the proposed upgrade and look forward to its construction. Kids are very excited and will use for many more years. It is very hot in summer and shade would be desirable.	Noted
16	Wendy Newby	Thanks for your hard work in developing the plans. Gratified to see the existing amenities stay close to the playground. Grandchildren enjoy the existing park and will be thrilled when improvements are made. Please convey my support	Noted
17	Lindsay Newby	I am impressed with the plans. They will be a great improvement to the existing playground It will enhance local tourist appreciation for the village. Good work. I hope Council proceeds with the plans	Noted
18	George and Joy Bevan	Very much in favour of the upgrade proceeding. It will be a great asset for all children including our grandchildren. Look forward to Council approving stage 1 with future stages to follow at a later date.	Noted
19	Brett Wheeldon	It would be most beneficial to the Bonny Hills residents and tourists. Nieces and friends children often visit and would love to see the	Noted

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		playground upgraded. It would be a most welcome benefit to the community.	
20	Amee Cooper	Support the proposed upgrade. Mother of 3 children under 4 years of age find parks essential to raising healthy, happy families in the area. Safe and interesting equipment encourages exercise and social interaction. It doesn't cost anything therefore is open to all and stimulates children's development and response to their environment. Ability to meet in the park helps bind strong social networks and a sense of community. Live in Port Macquarie and are excited about the upgrade to Westport Park which we visit several times a week. Frequently travel to nearby areas for days out and will be excited to visit Rainbow Beach Playground. The upgrade has my full support and will be seen as a wonderful investment in the next generation of our community.	Noted
21	Bill Howell	I would like express my support and compliment Council on the community consultation for this proposal.	Noted
22	Jan Mascord	Lodges objection. Playground should not be expanded to take more picnic space. Playground would be better near skate park. Water views will be impeded by shade sails, equipment, poles etc. Playground is visited at night by older, drinking adolescents. It will cause extra noise, traffic, parking and general congestion.	Stage 1 of the playground only increases the footprint for the double slide and does not impact on existing picnic facilities. As shown on the Typical Section, the existing trees will be larger than any new playground equipment or shade sails. Playground upgrade is unlikely to increase antisocial behaviour that reportedly occurs. We are unable to reduce noise from children but can reconsider the types of musical play to minimise disturbance.
23	Michael Toohey	We fully endorse the Rainbow Beach Playground Plan.	Noted

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		<p>Our family has enjoyed the park and existing playground for over 35 years. It's a fantastic place to enjoy family time together. The plans are very exciting and you have our full support to make them a reality.</p> <p>If we can offer any further support in any way to this fine venture, please do not hesitate to contact me at any time.</p>	
24	Susan Hutchinson	I would like express my support for the "Draft Rainbow Beach Playground Plan". Also I would like to compliment Council on the community consultation for this proposal.	Noted
25	Amanda Butler	I am writing to give my full support for the proposed play park. This park is big need of a revamp. It is lacking shade along with age appropriate equipment. I have seen the proposed plans and we are excited for the change. Council and the Bonny Hills progress association have done a wonderful job in putting this proposal together.	Noted
26	Lesa Prowse	Concern with the scooter path being inside the playground with a high chance of kids getting hurt by being run into. It is trying to fit too many elements into the play area.	Noted. Scooter path will likely be stage 2. We will reconsider route during detailed design of this stage.
27	Kylie Moss	I fully support the proposals put forward by Council to upgrade the children's playground at Rainbow Beach Reserve.	Noted
28	Carmel Power	<p>I appreciate the difficulties raised by owners in regards to their privacy and concerns about noise levels. Understand points of all parties.</p> <p>When the restriction signs were placed in the Reserve concerning "walking our dogs", I as a responsible dog-owner was shocked because as a resident of Bonny Hills, I was never given the opportunity for an opinion. I would like to feel that our Rainbow Beach Reserve is for the use of all. Overall I support the upgrade.</p>	Noted
29	Couple living opposite the park (un-named)	Unhappy with the fence, concerned that it would be ugly and an unnecessary expense. Do not like the noise of children playing. Concerned about the safety of children who regularly climb the power box. It should be	Fence has much support from parents using the space. More varied

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		fenced. Say they hadn't been consulted about the plan earlier and did not receive a flyer.	equipment including climbing elements in the playground should reduce climbing of other park elements. Consultation has been as broad as possible. We are unable to reduce noise from children but can reconsider the types of musical play to minimise disturbance. It has been confirmed that the flyer was put in their letter box by the BHPA.
30	Ian and Meg Carlon	Need fencing with a pool type gate to prevent children running onto the road. Has Council given any planning for future parking? This will become a problem in the future.	Fencing with gates will be a part of stage 2 (potentially stage 1 if funding allows). Future parking has been considered as a part of the adopted Bonny Hills Reserves Master Plan.

Planning & Policy Implications

Works proposed within the draft Landscape Concept Plan are considered to be 'exempt' development under State Environmental Planning Policy (infrastructure) 2007, section 66(1a)(iv).

Rainbow Beach Reserve is a Crown reserve for which Council is appointed as trust manager. The proposed works are in accordance with the gazetted use of the park for public recreation.

The Bonny Hills Reserves Master Plan, as adopted in 2012, included Rainbow Beach Reserve. The master plan shows the existing playground. It discusses residential growth in the area and the need to provide greater and more diverse facilities to meet future growth. The proposed upgraded playground is consistent with the Master Plan recommendations.

Financial & Economic Implications

\$60,000 has been allowed for in the 14/15 operational budget for an upgrade to the playground. The stages of the plan indicates a scope works estimated to cost

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\$120,000. It is proposed that the core of the plan is built with current funding including the demolition of the existing elements such as spring bouncers and swings. This first stage will include a double slide, nature play, swings, obstacle trail, patterned pathway, upgraded climbing net and sandpit area.

The balance of works will be built using in-kind assistance of the Bonny Hills community and with grant monies. These elements include an expansion of the footprint north to include trampolines, water play, fencing, shade and a bike path. The plan has been designed to be easily built in multiple small stages as assistance and/or funding becomes available.

Attachments

- 1[View](#). Bonny Hills Progress Association Letter of Support
- 2[View](#). Rainbow Beach Playground Landscape Concept Plan

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Item: 13.07

Subject: VILLAGE SEWERAGE SCHEMES PROGRESS REPORT

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.5.3 Plan, investigate, design and construct sewerage assets.

RECOMMENDATION

That the report be noted.

Executive Summary

Council has determined that the village sewerage schemes of Comboyne, Long Flat, North Shore and Telegraph Point will be operational during the current term of office. The projects are being directed through the Village Sewerage Schemes Steering Group, with the Mayor as Chairman and Cr Levido as the additional Council representative. The purpose of this report is to outline progress to date.

This also follows from the Beechwood sewerage scheme being completed and commissioned earlier this year.

Discussion

In brief, the current status of each scheme to date is as follows:

North Shore:

An early tender involvement meeting was held in November 2014 to discuss the North Shore design and construct tender. This follows from all preliminary design works completed to date, with the intention to then proceed to tender. The design and construct tender was delayed due to the potential for Council to receive confirmation of Stage 2 approval for funding subsidy from NSW Ministry for Natural Resources, Land and Water. Proceeding to tender prior to approval would jeopardise a potential offer for a funding subsidy.

The Minister formally announced that funds have been allocated in the NSW Country Towns Water Supply and Sewerage Program on 5 December 2014, allowing Council to proceed to call tenders. Following completion of the tender period, Council can then proceed to Stage 3 funding approval. Based on the current construction estimate of \$6,130,972, Council will be provided with financial assistance at the rate of 17.4% for the eligible components of the works.

A number of rating anomalies have been raised through the design process, as well as road encroachment issues, and various land matters requiring attention. There are no village zones on the North Shore, therefore defining the area to be serviced

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has been more complicated than the village areas. The geotechnical investigation and the resistivity survey (for Hastings River under-bore) undertaken have not identified any major concerns. Heritage issues at this stage are mostly confined to the pioneer (European) cemetery site in Hibbard Reserve. The actual grave locations are unknown, however the gravestones indicate there may be remains in the vicinity.

Preliminary discussions have been held with North Shore landowners for utilisation as an under-bore work site. The river under-bore pipeline is currently proposed to be aligned alongside the Hibbard Ferry. As the North Shore scheme pumps into the Port Macquarie system, there is no requirement to negotiate a licence with the EPA for effluent discharge.

Following a lengthy selection process, the tender for supply of pressure sewer systems and associated services was tabled at the November 2014 Council Meeting. Under the current program it is proposed to table the North Shore design and construct contract report to the March 2015 Council Meeting.

As noted above, a number of land matters remain unresolved. A section of the Riverside Drive road alignment does not lie within a road reserve and is located on private property. Negotiations are under way with the owner to voluntarily acquire that section of land impacted by the encroachment. The owners of the land have indicated a number of concerns, including another parcel acquired from them by Council many years ago that appears to be surplus to Council requirements. During negotiations the land owners have requested the original parcel be returned to them in the process of Council acquiring the land for road reserve. Land areas for the two parcels are in the order of 630sq metres (original land acquired by Council) and 271 sq metres (road reserve encroachment), however the areas will be confirmed at completion of all survey undertakings.

These two particular matters will be dealt with separately and will be tabled in due course through Council reports.

Comboyne:

The Comboyne scheme will be a conventional gravity system with one major pump station located within land currently owned by the Comboyne Ex Servicemen's and Citizens Club. The sewerage treatment plant will be located on a site to the east of Comboyne, with this land already owned by the sewer fund.

The initial Comboyne concept design has now been received. REF preparation is underway and expressions of interest for design and construct have now been received. A number of land matters are being reviewed, including location of a gravity main within two large Lots not proposed to be connected and the site for the sewerage pump station.

Under the current program, it is proposed to table the three villages construction tender report at the June 2015 Council Meeting.

Long Flat:

The initial proposed STP location near the Oxley Highway was found to be unsuitable due to flooding risk. Another site location has been identified in the options

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assessment report, and discussions continue with the owner and adjoining landholders regarding Council access to the STP site.

Design investigations for the scheme have included a conventional gravity, pressure system or hybrid scheme, however following review of the options assessment report, it appears that the traditional gravity scheme will be adopted.

As is the case with Comboyne, the Long Flat REF preparation is under way and expressions of interest for design and construct have now been received. Land matters to be resolved will become clearer following final design completion, including final location of road crossings, pump station/s locations and STP site.

Under the current program, it is proposed to table the three villages construction tender report at the June 2015 Council Meeting.

Telegraph Point:

Following on from investigations into a preferred site, the Telegraph Point STP will now be located within the Cairncross waste management facility. Works will therefore require alignment with the Cairncross industrial subdivision program.

The scheme has been identified as a full pressure sewer system, similar to the North Shore. The Telegraph Point concept design is not yet complete, therefore there will be land matters to resolve, however as per Comboyne and Long Flat, the three villages construction tender report is to be tabled at the June 2015 Council Meeting.

Design contract works to date:

North Shore Review of Environmental Factors (REF): Contractor - GHD. Letter of award issued 6/2/2014, final approved contract amount \$29,205 (inc GST). Includes additional heritage impacts Hibbard Reserve. Final report December 2014.

North Shore sewerage scheme concept design: Contractor - Pressure Systems Solutions. Letter of award issued 17/3/2014, final approved contract amount \$47,916 (inc GST). Includes overall concept design, pump station concept design, technical review of pressure units and additional ecology assessment. Contract finalised.

North Shore geotechnical and resistivity investigation: Contractor - Golder Associates. Letter of award issued 24/6/2014, final approved contract amount \$192,290. Includes geotech investigations and resistivity testing within the Hastings River bed to determine river bed strata to enable design of underbore. Contract finalised.

Three villages (Comboyne, Long Flat, Telegraph Point) design, survey, geotech and cost estimation: Contractor - SMEC. Letter of award issued 24/6/2014, approved contract amount \$650,495. Approved variations to original scope include flood studies, Long Flat pressure options assessment and modification to STP at Telegraph Point.

Summary of Council reports October 2013 to present relating to the village sewerage schemes (excluding Beechwood):

October 2013 - Project management - NSW Public Works

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December 2013 - Formation of the Village Sewerage Scheme Steering Group

April 2014 - User agreement - supply, installation and maintenance of pressure sewerage pumping units and associated equipment for the Beechwood sewerage scheme (basis for North Shore user agreement)

June 2014 - North Shore sewerage scheme geotechnical and resistivity investigation

June 2014 - Comboyne, Long Flat, Telegraph Point sewerage schemes - detailed design

November 2014 - Supply of pressure sewer systems and associated services

Future council reports:

March 2015 - North Shore design and construct tender

June 2015 - Three villages construction tender

Options

N/A

Community Engagement & Internal Consultation

A number of community meetings have already been held (North Shore). It is proposed to arrange a letter drop to the community to provide advice as follows:

North Shore - the current status of the program and future activities to be undertaken,

Comboyne, Long Flat and Telegraph Point - project status showing preliminary reticulation layout including collection systems, rising mains, sewerage treatment plant, and description of proposed program of works.

Planning & Policy Implications

There are no planning or policy implications associated with this update report.

Financial & Economic Implications

There are no financial or economic implications generated from this update report.

Attachments

Nil

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Item: 13.08

Subject: RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE WORKING PARTY UPDATES

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.5.6 Plan, investigate, design and construct stormwater assets.

RECOMMENDATION

That Council modify the 2014-2015 Operation Plan by deleting Item 5.1.1.1 (q) - Buller Street and Hollingworth Street project and allocating the project budget to Item 5.5.6.1 (b) - Short Street Drainage project.

Executive Summary

The Town Centre Master Plan Sub-Committee met on 26 November 2014, reached consensus and now submits the above recommendation for Council consideration.

Background

The Buller St and Hollingworth St intersection project had been previously identified as a high priority by the TCMP Sub Committee. Following the concurrence of RMS on the concept design an allocation of \$50,000 was included in the current operational plan in line item 5.1.1.1 (q). In accordance with this item quotes were sought and received from design firms for this work, however were well in excess of the budgeted allocation.

At the most recent TCMP Sub Committee meeting following some discussion, the Committee resolved that the design works not be completed and more over that the existing allocation be redirected to an outstanding item being the relining works in the stormwater drain off Short Street which had been previously supported during the last financial year as adopted by Council (Item 12.05 OC 18 September 2013)

The Short Street Drainage project has been protracted and was the subject of an approved Carry Over into this operational plan, however the TCMP contribution was not carried with the general fund allocation. Works are now able to be completed and this transfer of funding will allow the engagement of relining firms in accordance with the original scope of works.

Attachments

Nil

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Item: 13.09

**Subject: PORT MACQUARIE ENTERTAINMENT PRECINCT EVENT USE
POLICY**

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:

- 1. Rescind the Town Green Protocol policy.**
- 2. Adopt and implement the Port Macquarie Entertainment Precinct Event Use Policy.**

Executive Summary

This matter was last considered at the 15 October 2014 Ordinary Council Meeting where it was:

11.01 TOWN GREEN PROTOCOL POLICY REVIEW

RESOLVED: Cusato/Griffiths

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

CARRIED: 9/0

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

AGAINST: Nil

The purpose of this report is to outline the feedback received during the public exhibition period for the Port Macquarie Entertainment Precinct Event Use policy.

Only two submissions were received during the public exhibition period - both of which raise specific operational matters which need to be addressed separate to this specific policy. As a result, staff do not propose to make any changes to the draft document as a result of the feedback and it is recommended that council adopt and implement the policy as presented.

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Discussion

Background

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 and the policy supports a wide range of activation on the Town Green and surrounding entertainment precinct area. This report also reported that the working group 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:

"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 policy, or Council can retain the existing policy position.

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Community Engagement & Internal Consultation

There has been significant engagement with internal and external stakeholders in developing the draft policy. As discussed in the report considered at the 15 October 2014 Ordinary Council Meeting this included a key users/stakeholder meeting prior to the policy exhibition which allowed valuable feedback to be received during the drafting process. At the 15 October Ordinary Council meeting it was:

11.01 TOWN GREEN PROTOCOL POLICY REVIEW

RESOLVED: Cusato/Griffiths

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

CARRIED: 9/0

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

AGAINST: Nil

In accordance with this resolution, the draft policy was exhibited between 17 October and 14 November 2014. During this period 1456 people visited the PMHC Listening website to have a look at the draft policy, with 38 persons taking steps to gain more information. Of these 38 persons thirteen then downloaded the draft policy and four downloaded the report considered at the 15 October 2014 Ordinary Council Meeting.

There were no online submissions received during the public exhibition period.

Two submissions were received during this period, as outlined below:

Submission Port Macquarie Entertainment Precinct Event Use Policy		Issue
1.	Necia Waghorn	RSL Memorial - I do have a point that I think needs to be raised and that is in regards to the RSL memorial. After Tastings on Hastings and the huge numbers of people attending I noticed that some people were using that as a seating area. I believe that we need to put some sort of chain barrier around the immediate area to discourage people from using it inappropriately. As an organiser it is hard to police with so many patrons on site so this simple measure may deter the public without causing any issues.
	Response/Comment:	The use of the cenotaph as a seat by the community during events is a concern for staff and the RSL Sub-branch. Event approvals associated with use of the Town Green do clearly outline the

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		exclusion zone around the cenotaph. However, it is acknowledged that such a zone is difficult for event organisers to enforce and further consideration needs to be given to this matter. Staff would prefer to investigate alternate ways of managing this issue over installation of chain barrier.
2.	Jean & Donald Beck	We would love to have more shaded table and chair settings placed along the edge of the river. There is never enough when we wish to take visitors or just go and have fish and chips some evenings.
	Response/ Comment:	This comment is more relevant to the improvements proposed for Town Green than this draft policy document. However, it is noted that the adopted concept plan for the Town Green does propose the installation of more seating opportunities within the reserve.

Planning & Policy Implications

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

This policy will supercede the Town Green Protocol policy which will need to be formally rescinded by council.

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

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Item: 13.10

Subject: DEDICATION OF LAND AS PUBLIC ROAD AT THE INTERSECTION OF OCEAN DRIVE AND JONAS ABSALOM DRIVE, PORT MACQUARIE

Presented by: Commercial Services & Industry Engagement, Rebecca Olsen

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 affix the Common seal of Council to the linen plan of road opening over Lot 205 DP1007772.

Executive Summary

A report to consider the dedication of land for road purposes situated at the south western corner of the intersection of Ocean Drive and Jonas Absalom Drive, Port Macquarie.

Discussion

Essential Energy has provided Council with what is known as a Section 45 Notice. These Notices are provided when an electricity provider wishes to work on Council land; either a public road or public reserve. In this instance, the Section 45 Notice has been issued over Council land (road) being the south western corner of the intersection of Ocean Drive and Jonas Absalom Drive. Essential Energy have a high voltage switching station at this location which is due for renewal.

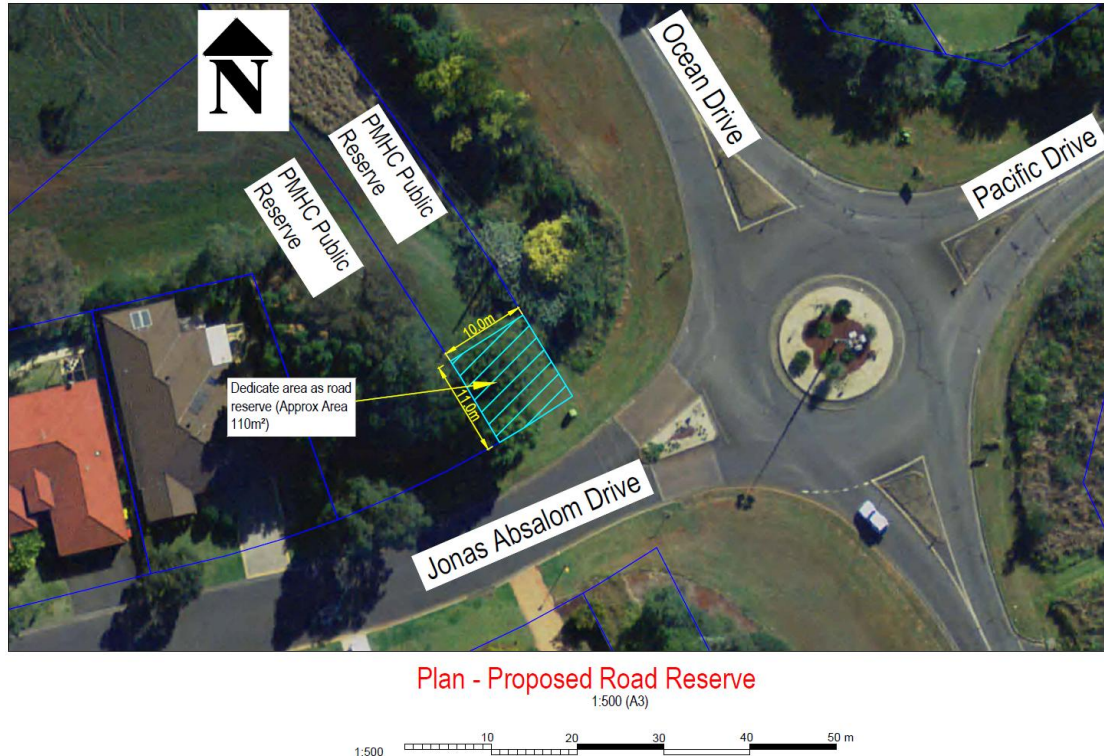
Design for the upgrading of this intersection is also underway. Due to the future intersection upgrade, the high voltage switching station will need to be relocated as its current location will fall within the future vehicle carriageway. Relocation of the switching station as part of the intersection upgrade would need to be funded by Council as part of the intersection works.

The Section 45 Notice is timely in that there now exists the opportunity for the high voltage switching station to be relocated prior to the intersection works, in which case Essential Energy will meet the relocation costs. However, Essential Energy require that the switching station continue to be located within a public road reserve. This is accepted practice as evidenced by the presence of the green coloured padmount substations on the road verge/footpath area of the public road reserves.

Situated adjacent to the existing switching station is a public reserve - Lot 205 DP1007772. The reserve is a buffer along the southern side of Ocean Drive between the road formation and residential lands. At the intersection, the land is open space

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with no active recreation facilities. As part of the future intersection upgrade, an area of Lot 205 will be required for road. The area required is shown hatched in the below plan.



The Local Government Act 1993 provides for the dedication of public reserves for road purposes where the dedication is required to widen an existing public road.

It is proposed that a plan of survey capable of registration at Land and Property Information be prepared. The plan will carry a statement of the intention to dedicate the required land as road. Council as the owner of the road is required to affix its Common Seal to the survey plan.

Options

The following options are available to Council:

1. Not dedicate the land as public road at this time and then relocate the Essential Energy switching station at a later date and at cost to Council.
2. Dedicate the land as public road at this time in which case the relocation of the Essential Energy switching station will be at Essential Energy's cost.

Community Engagement & Internal Consultation

There has been consultation with Essential Energy and Council's Design Services staff.

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Planning & Policy Implications

By proceeding with the road dedication at this time, planning for the intersection upgrade can progress without the need to cost the relocation of the switching station.

Financial & Economic Implications

There will be cost savings to Council if the road dedication occurs at this time.

Costs will be incurred for the survey and plan registration at Land and Property Information. These costs would be incurred irrespective of the timing of the relocation of the high voltage switching station. Funds are currently available to meet the survey and plan registration costs which are estimated at \$3,500 (ex GST).

Attachments

Nil

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Item: 13.11

Subject: LEP 2011 - MISCELLANEOUS AMENDMENTS (PP2014-15.1)

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. Prepare a draft planning proposal as described in this report, pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to 14 issues listed in this report.**
- 2. Forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.**
- 3. Request that the Director General of the Department of Planning & Infrastructure issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.**

Executive Summary

Council's Operational Plan includes undertaking staged administrative reviews of the *Port Macquarie-Hastings Local Environmental Plan 2011*.

This report lists 14 relatively minor amendments that are required to the LEP on issues such as zone boundary adjustments and amendments to permissible uses in particular zones. The proposed amendments have been identified by Council staff or suggested by other parties in the course of day to day implementation of the LEP.

This report provides a summary of the 14 matters and seeks Council's endorsement for the preparation of a planning proposal, referral to the Department of Planning and public exhibition. Following public exhibition a further report will be submitted for Council's consideration with details of any submissions received.

The 14 matters are listed below:

List of Issues

1. Clause 1.2 Aims of Plan
2. Land Use Table - Home-based child care, several zones

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3. Land Use Table - Agriculture and Extractive industries, Zones RU2 & RU3
4. Land Use Table - Signage in Zone RE2
5. Clause 5.3 Development near zone boundaries
6. Clause 5.9 Preservation of trees or vegetation
7. Environmental heritage - Hastings Street, Wauchope
8. 296 Logans Crossing Road, Logans Crossing
9. Part 129 Nancy Bird Walton Drive, Kew #
10. Westport Park, Port Macquarie - height limit #
11. 27 John Fraser Place Port Macquarie - plant nursery #
12. Diamond Drive, Port Macquarie - split zonings
13. Lake Street, Laurieton - Zone B4
- Council has an interest in land affected by this issue.

It is noted that Issues 8, 9, 11 & 12 were mentioned in a report to the August Council meeting - Item 13.10 Strategic Land Use Planning Program and Site Specific LEP Amendments - where it was indicated that these matters would be included in the next grouped administrative amendment.

Discussion

It is proposed that a Planning Proposal be prepared and processed for the following list of changes to the LEP:

1. Clause 1.2 Aims of Plan

Proposal:

That the following be added to clause 1.2:
to provide effective and efficient connectivity and movement corridors within and between subdivisions.

Preferred road networks are typically shown by Council in Development Control Plans and then considered in subsequent development applications for subdivision. It is important that the provisions of the DCP are consistent with the objectives of the LEP, which at present do not include anything in relation connectivity. The proposed addition to clause 1.2 ensures that an appropriate objective is included in the LEP.

2. Land Use Table - Home-based child care, several zones

Proposal:

That in the Land Use Table Home-based child care be listed as Permitted with consent in Zones RU5, R1, R2, R3, R4, R5, B1, B2, B3 and B4.

Under the Codes SEPP (clauses 2.45 & 2.46), Home-based child care is exempt development unless there is a bush fire risk. In such cases, then the provisions of the LEP apply.

For the following zones in LEP 2011 Home-based child care is currently permissible without consent:

- RU5 Village
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential

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- R5 Large Lot Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use

If the relevant site is bush fire prone land, then it is undesirable that Home-based child care can proceed without consent. Where there is a bush fire risk only after a development assessment of the nature of that risk can it be ascertained if the development is suitable for the site.

3. Land Use Table - Agriculture and Extractive industries, Zones RU2 & RU3

Proposal:

That in the Land Use Table:

- Extractive industries be listed as Permitted with consent in Zones RU2 Rural Landscape and RU3 Forestry, and
- Agriculture be listed as Permitted with consent in Zone RU3 Forestry.

While Extensive agriculture is permitted without consent in Zones RU1 Primary Production and RU2 Rural Landscape, other forms of Agriculture require consent. Additionally, Agriculture is prohibited within Zone RU3 Forestry.

Extractive industries are permitted with consent in Zone RU1, but prohibited in Zones RU2 and RU3. This is complicated by *SEPP (Mining, Petroleum Production and Extractive Industries) 2007*, which in clause 7 (3) permits with consent Extractive industries on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent) in another planning instrument.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Discussions have been held with Forestry Corporation of NSW and a proponent for a proposed quarry within State Forest land. Permissibility could be simplified by making either Agriculture or Extractive industries permissible with consent in Zone RU3. It is proposed to make changes that do not require the SEPP to determine permissibility.

4. Land Use Table - Signage, Zone RE2

Proposal:

That in the Land Use Table Signage be listed as Permitted with consent in Zone RE2 Private Recreation.

Within the RE2 Private Recreation zone Building identification signs and Business identification signs are permitted with consent - although more often are allowed as exempt development. Other signage (i.e. advertising) is prohibited.

There are requests from surf lifesaving clubs to have advertising on their premises. These clubs are on land zoned Zone RE2.

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Zone RE2 also applies to other land. In principle it is considered reasonable to permit advertising with consent in Zone RE2 - the consent process allows for consideration of impacts of any proposal.

5. Clause 5.3 Development near zone boundaries

Proposal:

That clause 5.3 (2) be revised to state:

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is:
 - (a) 100 metres for land involving only boundaries between Zones RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry, or
 - (b) 20 metres in all other cases.

Council has the discretion to adopt clause 5.3 or not.

The current wording is:

... The relevant distance is:

- (a) 100 metres from any zone boundary shared with Zone RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry, or
- (b) 20 metres from any other zone boundary.

Subject to various requirements and exclusions, this clause allows for development to extend past zone boundaries, irrespective of any prohibition that may apply. Normally this would only be relevant where zone boundaries do not align with property boundaries, which mostly happens in rural areas and in urban release areas. Broadly the map scales used are 1:20,000 for maps containing urban areas, with 1:80,000 for the balance (i.e. rural only).

In practice, the wording of the existing clause has been found to be ambiguous and improved wording is proposed. For example, the existing clause could be interpreted to effectively extend a residential zone by 100m where it adjoins a rural zone. This was not the intention of the clause and it is proposed to retain the potential for greater variation (i.e. 100m) where only rural zones are involved.

6. Clause 5.9 Preservation of trees or vegetation

Proposal:

That clause 5.9 (9) be adopted within LEP 2011.

At present, Clause 5.9 of LEP 2011 generally applies to urban areas to require development consent for the proposed clearance of vegetation which is specifically described or identified in DCP 2013. This allows Council to identify vegetation such as koala habitat, endangered vegetation or visually significant vegetation and assess the impact of any proposal to remove this vegetation in a development or permit application.

Clause 5.9 does not currently apply to Rural zones nor to Zones R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living.

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It is not proposed to extend Clause 5.9 to Rural zones. However, it is proposed to extend the operation of Clause 5.9 to Zones R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living as these zones are often located in or adjoining urban areas.

This change is proposed to be implemented by adding subclause (9) that states:

Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

Subclause (8) (a) (ii) prevents the clause applying to the clearing of native vegetation that is permitted under Division 2 or 3 of Part 3 of the *Native Vegetation Act 2003*. Note that the Act does not apply to urban zones.

If Council determined not to use Subclause 9, the provisions of the *Native Vegetation Act 2003* would continue to allow, for the three zones without specific assessment:

- (d) under **Division 2 Permitted Clearing** - clearing of native vegetation that is only regrowth or that comprises only groundcover (subject to restrictions), or
- (e) under **Division 3 Permitted activities** - routine agriculture management activities (*RAMA*), continuation of existing farming activities, and sustainable grazing.

The proposed change enables Council to assess proposals for clearance of vegetation in these instances, in more detail.

7. Environmental heritage - Hastings Street, Wauchope

Proposal:

- 1) That in relation to Items I091, I048 and I045 Schedule 5 be updated as follows:
 - a) I045 Address - 39 Hastings Street (corner Young Street)
 - b) I045 Property description - Part Lot 1 DP 1157036
 - c) I048 Property description - Part Lot 1 DP 1157036
 - d) I091 Address - 41A Hastings Street
- 2) That in relation to Items I045 and I048 the Heritage Map be updated as illustrated in this report.

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In relation to 3 adjoining heritage items in Wauchope several corrections and updates are required:

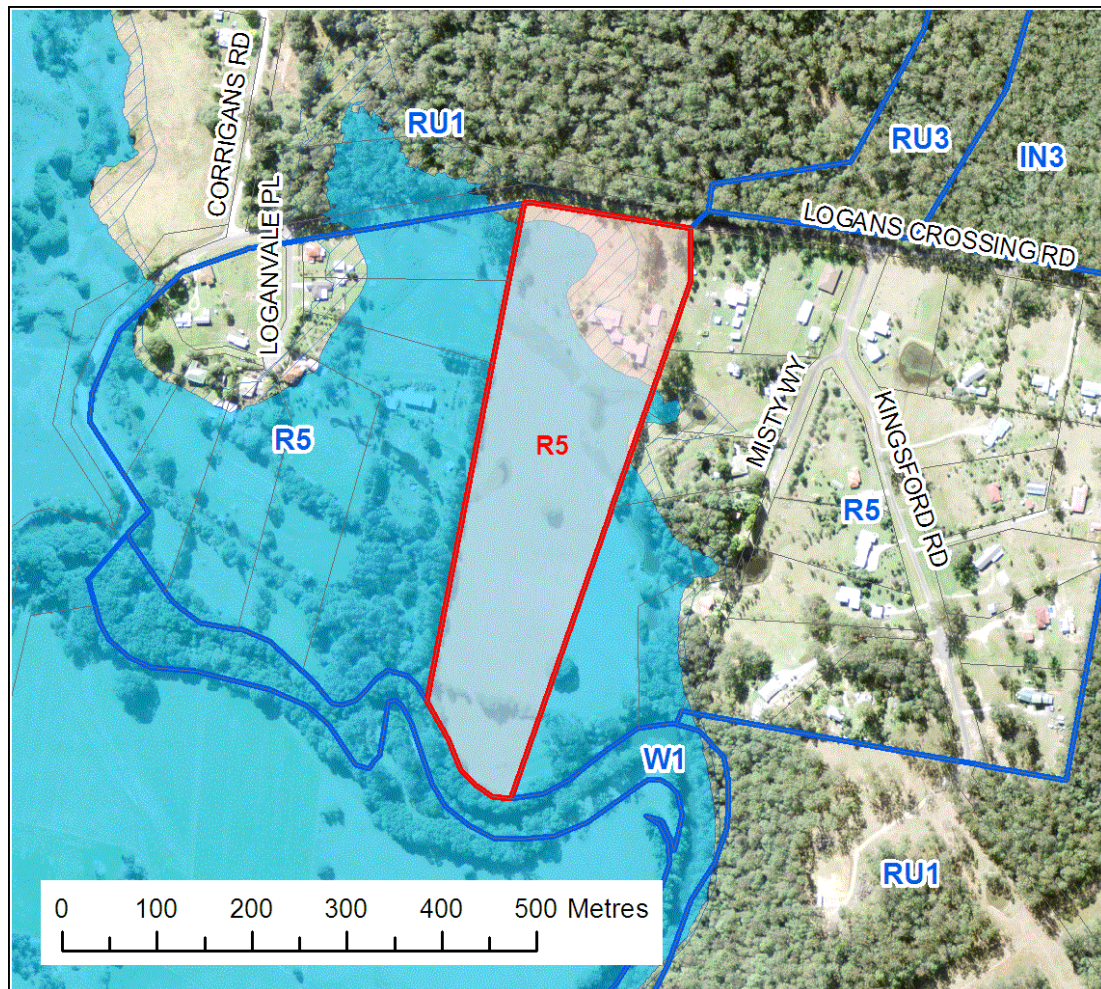
- Item I045 Former police dwelling house - the address has the wrong street frontage - 16 Young Street (corner Hastings Street).
- Item I048 Courthouse building (excluding additions) and Item I045 Former police dwelling house - both on parts of what is was described as Part Lot 2, Book 7605 No 3070 (now superseded), and their boundaries on the Heritage Map are wrong - the red hatched areas on the map shows where the boundaries should be.
- Item I091 Uniting Church building (excluding extensions) - the address is incorrectly described as at 41 Hastings Street.

8. 296 Logans Crossing Road, Logans Crossing

Proposal:

That for Lot 2 DP 599599 No 296 Logans Crossing Road, Logans Crossing the Land Zoning Map be amended to apply Zone R5 Large Lot Residential to the flood-free area.

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No 296 Logans Crossing Road, Logans Crossing (outlined in red on the map) is zoned R1 Primary Production, and is located between land zoned R5 Large Lot Residential. The 9.6 ha lot contains two dwellings on the flood-free portion adjoining Logans Crossing Road, with one dwelling being unauthorised. Enforcement action is suspended pending consideration of this proposed zoning change.

It is proposed to rezone the northern 2 ha flood-free area to R5 Large Lot Residential to allow rural residential development on this part of the property. This is consistent with the adjoining land to the east and west and would allow consent to be granted to the secondary dwelling.

No change is proposed to the minimum lot size of 40 ha - this will preclude possible subdivision of largely flood-labile land.

9. Part 129 Nancy Bird Walton Drive, Kew

Proposal:

That for part of the eastern frontage (as identified in this report) of Lot 2 DP 1171190 No 129 Nancy Bird Walton Drive, Kew:

- the Land Zoning Map be amended to apply Zone B4 Mixed Use, and
- the Lot Size Map be amended to a minimum lot size of 450 sq m
- the Floor Space Ratio Map be amended to apply a maximum FSR of 0.65:1, and

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- the Height of Buildings Map be amended to apply a maximum height of 8.5 m.



Lot 2 DP 1171190 No 129 Nancy Bird Walton Drive, Kew (outlined in red) is owned by Council, and is classified as Operational Land under the Local Government Act 1993. It is mostly zoned RU1 Primary Production.

The area shaded and labelled B4 contains a public toilet and a carpark in conjunction with Nos 131 and 133 Nancy Bird Walton Drive to the north, which are also owned by Council. This shaded area previously contained the former Steaks on Kew restaurant building.

Council's Property Section is exploring options for future use of this land and the adjoining two lots. The shaded area is similar to those lots, and is suitable for combined redevelopment.

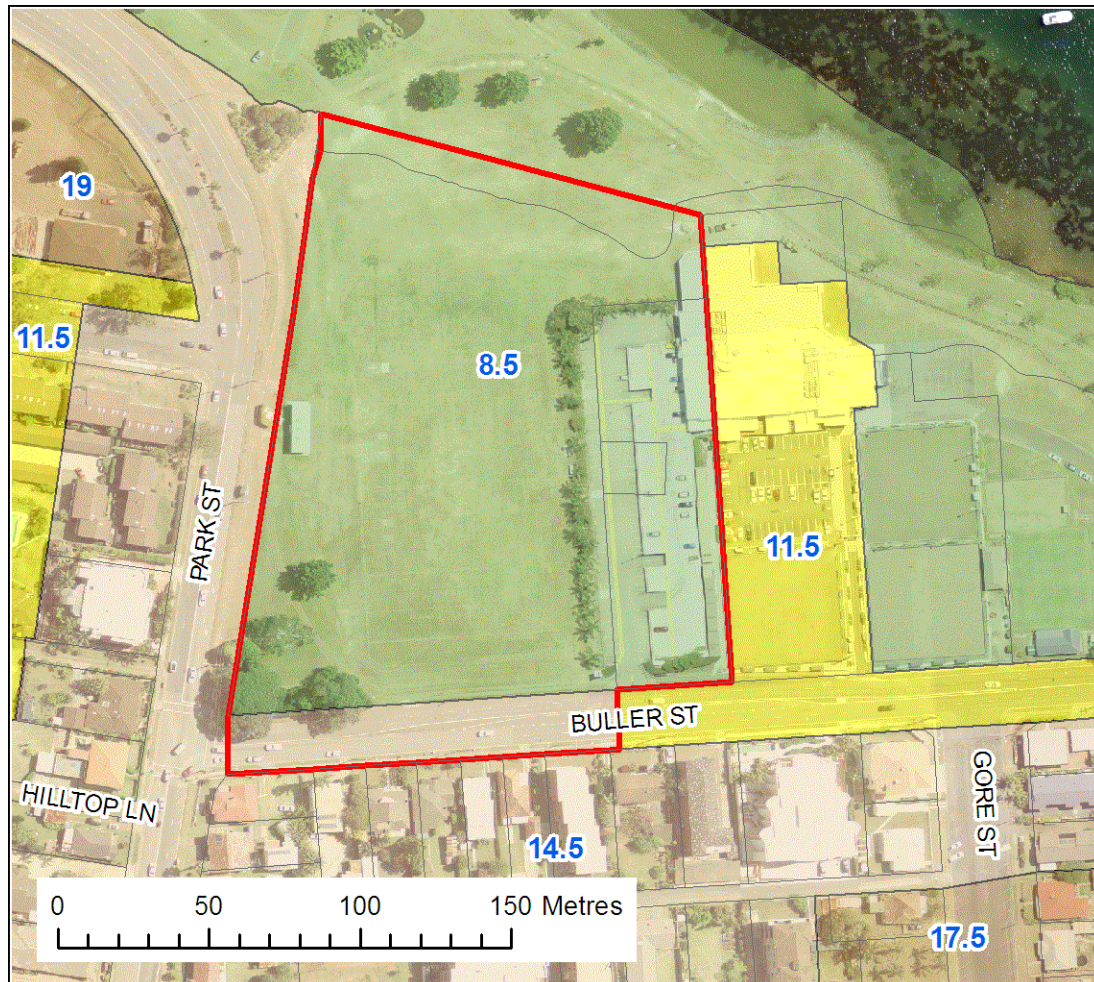
To facilitate future use of the site of the former restaurant building it would be appropriate to rezone this part of Lot 2 to Zone B4 Mixed Use, and make corresponding changes to associated LEP map series.

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10. Westport Park, Port Macquarie - height limit

Proposal:

That for that part of Westport Park adjoining Park Street (as identified on the map following) the Height of Buildings Map be amended to a maximum of 11.5 m.



Westport Park is Crown land managed by Council, and regularly used by temporary uses, including some with tall marquees. The current maximum height limit of 8.5 m can complicate approvals of temporary uses which have higher structures.

It is proposed to increase the height limit to 11.5 m, which will remove the need to seek exemptions to the lower height limit. There will still be general assessment during the approval process.

The Crown land includes the adjoining carpark, which is shared by users of both Westport Club and Westport Park. For mapping simplicity it is proposed to apply the increased height over this land as well.

11. 27 John Fraser Place, Port Macquarie - plant nursery

Proposal:

That for Lot 1 DP 504833, No 27 John Fraser Place, Port Macquarie, the LEP be amended to allow use for a Landcare nursery.

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No 27 John Fraser Place, Port Macquarie (outlined in red on the map) is owned by Council, and is classified as Operational Land under the Local Government Act 1993. It currently contains the Port Macquarie pound.

The local Landcare group have been seeking a location for a nursery, and Council staff have agreed to put forward a proposal to amend the LEP to permit a nursery for Landcare use on part of this lot. The current Zone SP2 Infrastructure (Public Utility Undertaking) does not permit this use, and this proposal will allow this use to be approved.

12. Diamond Drive, Port Macquarie - split zonings

Proposal:

That for Lot 1609 DP 1188716 and Nos 19, 21, 23, 25, 27, 29 & 31 Diamond Drive, Port Macquarie:

- on the Land Zoning Map the boundary between Zones R1 General Residential and RE2 Private Recreation be amended as shown on the map below, and
- on the Lot Size Map the boundary between minimum lot sizes of 450 sq m and 40 Ha be similarly amended, and
- on the Floor Space Ratio Map the boundary of the maximum FSR of 0.65:1 be similarly amended, and

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- on the Height of Buildings Map the boundary of the maximum height of 8.5 m be similarly amended.



The development consent for the staged subdivision occurring around Emerald Drive at Lighthouse Beach predates computerised mapping, and the conversion to digital mapping has led to anomalies over property and zoning boundaries.

Lots within a recent subdivision release (Nos 19, 21, 23, 25, 27, 29, 31 Diamond Drive) and lots pending release within the residue Lot 1609 DP1188716 have split zonings: part Zone R1 General Residential and part Zone RE2 Private Recreation. Consultants for the developer have approached Council about rectifying this promptly, as the split zoning complicates property sales and development.

It is appropriate to alter the boundary for the zoning and associated mapping series, in line with known final property boundaries - the area between Diamond Drive and Ruby Circuit is excluded as further lot releases are anticipated in this area. The red outlines on the map show areas proposed to be changed to R1 and RE2 - corresponding changes to other map series would align with this.

It is proposed to include this matter within this amendment, without payment of any fees.

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13. Lake Street, Laurieton - Zone B4

Proposal:

That Nos 3, 5 & 7, and Lot 701 DP 1027440, Lake Street Laurieton be rezoned to B4 Mixed Use, as shown on the map below.



The Laurieton United Services Club (LUSC) has been seeking to construct seniors housing south of their club building, on land fronting Lake Street (outlined in red on the map); and comprising partly land they own and partly Crown land that they are seeking to acquire.

Preliminary assessment by staff has identified that the site is significantly affected by flooding, and that the development is only permissible in the current Zone B2 Local Centre if the ground floor is used for other purposes.

It is proposed to apply a Zone B4 Mixed Use, which will allow a wide range of uses - including commercial uses and seniors housing. Any development proposal will still be subject to consideration of compatibility with flooding risk and whether the development is appropriate in that location.

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Options

Council has the following options:

1. Proceed with a Planning Proposal as recommended
2. Proceed with and Planning Proposal with amendments or alternatives to the contents of the report
3. Not proceed with a Planning Proposal.

There are numerous issues proposed in this report. The proposals are recommended to keep the LEP up-to-date and accurate and to provide the best balance in effective planning to achieve and facilitate good development outcomes.

Community Engagement & Internal Consultation

There has been internal consultation over these issues, and in some cases, consultation with relevant landowners or their representatives.

Community engagement will occur during the Planning Proposal process, and normally will involve at least a 14 day public exhibition (to be specified by the Department of Planning & Infrastructure). Specific notification will be given to affected landowners.

The information to be exhibited will include specific details regarding Council's ownership and interest in land affected by the LEP.

Following the public exhibition there will be a further report to Council including assessment of any submissions that are received.

Planning & Policy Implications

The 2014-2015 Operational Plan includes:

- 5.4.3.1 Undertake staged administrative reviews of the Port Macquarie-Hastings Local Environmental Plan 2011.

The proposed LEP improvements will facilitate appropriate development with fewer complications in the approval process.

Financial & Economic Implications

The implementation of the proposed LEP amendments is proposed within Council's Strategic Planning program.

Issue 9, former Steaks on Kew site, has the potential to provide financial benefit to Council. In relation to the other matters involving Council owned land (Issues 10 and 11), there is no significant economic or financial impact or benefit for Council, associated with the proposed changes.

Given the nature of the changes proposed, it is not expected that there will be any significant adverse economic impacts. Proposed changes will largely provide for positive economic development outcomes by clarifying anomalies in the LEP.

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Attachments

Nil

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Item: 13.12

Subject: LIVEABLE NEIGHBOURHOODS: PORT MACQUARIE TOWN FRINGE
LEP AND DCP CHANGES

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. As a result of the consideration of submissions, adopt the proposed changes to the local environmental plan as described in the report.
2. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 31).
3. Adopt Development Control Plan 2013 (Amendment No 3), to commence on the date of commencement of Local Environmental Plan 2011 (Amendment No 31).
4. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

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.

The purpose of this report is to inform Council of the results of the recent community engagement of the Liveable Neighbourhoods Town Fringe project and seek approval to proceed to make the necessary changes to the local environmental plan and development control plan.

At its meeting of 21 May 2014, Council resolved to prepare a Planning Proposal and draft changes to the development control plan to implement the recommendations of the Liveable Neighbourhoods - Town Fringe urban design report and seek feedback from State agencies and the community on the proposed changes.

After receiving a Gateway Determination from the Department of Planning and Environment on 7 August, State agency comments were received by 22 September 2014.

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Public exhibition was carried out between 22 September and 27 October 2014 and four submissions were received from the general public. Issues raised include:

- opposition to high density and population increases,
- opposition to a proposed reductions to floor space or building height for specific sites,
- criticism of proposed design standards.

No changes are proposed in response to submissions.

Council's options are to:

- Approve the proposed changes as publicly exhibited,
- Approve the proposed changes with any changes as Council sees fit, or
- Not approve the proposed changes.

Council should now consider the submissions received during the public exhibition period and determine whether to proceed with the Planning Proposal.

Discussion

The proposed changes generally comprise amendments to building heights, floor space ratio and in limited cases, zoning, as well as various urban design development control plan provisions. The intent is to encourage well-designed, higher density residential development in well-served locations within walking distance of the Port Macquarie CBD.

At its meeting of 21 May 2014, Council resolved as follows:

That Council:

- 1. Note the matters raised in submissions as summarised in this report and attached and thank all those who made a submission in writing for their contribution.*
- 2. Prepare a draft Planning Proposal as described in this report, pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to changing the Land Use Zoning Map, the Height of Buildings Map and the Floor Space Ratio Map as they relate to the identified Town Fringe areas of Port Macquarie.*
- 3. Forward the draft Planning Proposal to NSW Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.*
- 4. 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 in respect of the Planning Proposal.*
- 5. Prepare a draft amendment to the Port Macquarie-Hastings Development Control Plan 2013 to incorporate the changes described in this report and publicly exhibit the draft for a minimum of 28 days in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.*
- 6. Be briefed on any proposed LEP amendments prior to forwarding to NSW Planning and Environment.*

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CARRIED: 6/0

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

AGAINST: Nil

Staff prepared the attached Planning Proposal in accordance with the relevant State guidelines and incorporating the local environmental plan changes described in the previous Council report (Attachment 1).

Draft changes to the Development Control Plan were prepared; also in accordance with the recommendations attached to the previous Council report (Attachment 2).

On 25 July 2014, Strategic Land Use Planning staff sought a Gateway Determination and the Minister's delegation to make the plan.

On 7 August 2014, the Regional Office of the Department of Planning and Environment forwarded the attached copy of the Gateway Determination with standard conditions for State and public consultation and authorising the delegation of plan making powers to Council (Attachment 3).

On 13 August 2014, requests for comment on the Planning Proposal were sent to the Office of Environment and Heritage and the Rural Fire Service as directed in the Gateway Determination. Comments were requested by 12 September 2014.

On 2 September 2014, the Rural Fire Service responded that they had no concerns or issues (Attachment 4).

On 22 September 2014, the Office of Environment and Heritage responded with specific advice regarding the Old Government House site at 2 Clarence Street (Attachment 5). This issue is dealt with in more detail in the Community Engagement section below. No changes to the Planning Proposal are required. The matter can be addressed by incorporating an advisory note in the development control plan.

On 22 September 2014, public exhibition started for both the Planning Proposal and the draft Development Control Plan changes and ran through to 27 October 2014 with four submissions received, detailed in the Community Engagement section below.

On 30 October 2014, the Department of Planning and Environment, following from the Rural Fire Service comment, advised that they agreed to the Planning Proposal's inconsistency with the Ministerial Direction regarding Planning for Bushfire Protection (Attachment 6).

The actions described in items 2 to 5 in the above Council resolution are now complete. In response to item 6, a Councillor briefing was held 26 November 2014.

Approval is now sought to proceed to refer the Planning Proposal to the Department of Planning and Environment so that the plan can be made. At the same time, approval is sought to adopt the draft development control plan provisions.

If the Planning Proposal and the development control plan are both approved by Council, staff will coordinate so that both come into effect on the same day.

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Options

Council is the 'relevant planning authority' under the *Environmental Planning and Assessment Act 1979* (the Act) with regard to making local environmental plans and development control plans.

In accordance with the Act, Council may, at any time, vary the planning proposal or draft plan as a consequence of its consideration of any submission or report during community consultation or for any other reason.

After considering any submissions made about the planning proposal and development control plan, Council may:

1. Approve the planning proposal and draft plan as exhibited, or
2. Approve the planning proposal and draft plan with such alterations as Council thinks fit, or
3. Decide not to proceed further.

Should Council wish to proceed to make the changes to the local environmental plan, staff will send the attached draft local environmental plan maps to the Department of Planning and Environment's mapping section for review and send the Planning Proposal to the Office of Parliamentary Counsel to prepare the draft local environmental plan. Once maps and draft plan are ready, they will be presented to Council's delegate, usually Director Development and Environment, for approval. Once approved, the Department will notify the approval on their website. The plan will come into effect on notification.

The matters raised in submissions are described in the following section. Given no changes are proposed in response to submissions; Option 1 is the preferred option for both the Planning Proposal and the draft development control plan.

The consequences of not proceeding with the plan would mean that Council's urban consolidation actions set out in the Urban Growth Management Strategy may not be achieved.

Community Engagement & Internal Consultation

Community engagement for this project has been ongoing since 2012 and has included:

- A community reference group to provide feedback on successive draft recommendations during 2012 and 2013.
- Information made available on the PMHC Listening website.
- Letters to landowners sent in February 2014.
- Media release and television exposure in February 2014.
- Public exhibition of the urban design report and recommended changes to the planning provisions during February and March 2014.

At its meeting of May 2014, Council considered three submissions and endorsed the draft recommendations to proceed to the formal amendment process. Further community engagement as part of this process has been completed as described below.

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On Friday 19 September 2014, a public notice was published as part of Council's 'Council Matters' page in the Port Macquarie News and on Council's website, advertising the public exhibition and inviting public comments.

The attached Planning Proposal and draft development control plan provisions were publicly exhibited from Monday 22 September 2014 to close of business Monday 27 October 2014. Copies of the documents were made available for viewing and download from Council's PMHC Listening website. Hard copies were made available for viewing at the Port Macquarie Council office.

The number of community member visits to the web page has been good but has resulted in few formal submissions. Between the publication of the public notice and the end of the exhibition period:

- 126 people visited the project webpage.
- 82 people downloaded more information.
- 2 people engaged by leaving an online submission.

The exhibition attracted four submissions in total, detailed in the table below. No changes are proposed in response to the issues raised.

Submission		Issue
1.	Cathy Wright (Attachment 7)	<p>1. Totally against any further high rise development within Port Macquarie. Ludicrous to keep putting more permanent population in units and just adding to the congestion.</p> <p>2. Should be a limit on the number of people that can reside in any one area. We have to keep a good balance of residential, farming, tourism and most importantly the natural areas.</p>
	Response/ Comment:	<p>1. The proposal does not change Council's planning intent for the area as expressed in the current local environmental plan and development control plan. That is, generally medium-rise residential dwellings throughout Westport with a commercial spine along Gordon Street. The proposed changes are intended to make more efficient use of land by increasing development yield while introducing urban design controls to maintain and enhance amenity, particularly for public spaces.</p> <p>1.</p> <p>2. While there are a number of low-rise detached dwellings in the study area now, the current planning controls allow for significant medium rise development of between four and six storeys. Without the proposed changes there is an estimated additional capacity for more than 3000 people in the study area compared to the current population. The proposed changes only</p>

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		<p>refine these existing controls further.</p> <p>3.</p> <p>4. On the matter of congestion, the key principle of consolidating our population around centres is to encourage walking and cycling and reduce the reliance on private cars over time. Residents within the Town Centre fringe Liveable Neighbourhood area are generally only a few minutes walk to the Port Macquarie CBD.</p> <p>5.</p> <p>2. A cap on population is not Council policy. The Community Strategic Plan explicitly sets out that Council will plan settlements to accommodate projected population growth.</p> <p>6.</p> <p>7. The proposed changes are considered to provide a good balance of housing choices for current and future residents and help to reduce the pressure to rezone land at the fringe of the urban areas to accommodate population growth.</p> <p>8.</p>
2.	Malcolm McNeil (Attachment 8)	<p>1. Parts of the proposal (reduction in floor space ratio in certain areas) are totally at odds with Part 1 - Objectives or Intended Outcomes AND Part 2 - Explanation of Provisions AND Part 3 - Justification.</p> <p>9.</p> <p>2. I strongly object to the reduction in Floor Space Ratio from 3.0:1 to 2.0:1 (at 94 William Street). Such a dramatic reduction reduces the development potential by approximately 820m². The effect of the Planning Proposal virtually eliminates the likelihood of further development occurring on the site.</p> <p>10.</p>
	Response/ Comment:	<p>1. One objective of the proposed changes is to improve the consistency between Floor Space Ratio and Height of Buildings controls and to refine or adjust zones and building heights with a view to facilitating urban consolidation and increasing the proportion of attached dwellings in new development.</p> <p>11.</p> <p>12. The proposed changes are predominantly minor to moderate increases to the development standards. Where a decrease is proposed, it is in order to adjust a development standard to suit the desired future character of the area or to address a mismatch between standards.</p> <p>There are about 400 separate lots in the study area.</p> <ul style="list-style-type: none"> About 30% are affected by a zone change, with no 'back zoning'.

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		<ul style="list-style-type: none"> About 60% are affected by a change to floor space ratio, with less than 5% of lots proposed for a decrease. About 60% are affected by a change to maximum building height, with less than 3% of lots proposed for a decrease. <p>The estimated overall effect of the proposed changes is about a 30% increase in theoretical development yield in the area, or additional capacity of about 1,100 dwellings if fully developed, achieving the objective of the Planning Proposal.</p> <p>13.</p> <p>2. Council's urban designer has advised that the site's current floor space ratio of 3.0:1 could not be achieved under the existing height and setback requirements and would require a building of about eight or nine storeys, inconsistent with the desired building height for the area. Early in the engagement process, the Community Reference Group for this project advised buildings should generally not be higher than six storeys in this area.</p> <p>14.</p> <p>15. The floor space ratio of 2.0:1 is proposed in order to align with the current maximum building height of six storeys.</p> <p>16.</p> <p>17. The floor space ratio achieved with the current building is estimated to be less than 1.0:1, allowing further 800-1000 square metres of potential floorspace.</p> <p>18.</p> <p>19. Note that there is some flexibility allowed for under section 4.6 of the local environmental plan. Development standards such as floor space ratio may be varied where the applicant can demonstrate sufficient planning grounds and the development remains consistent with the objectives of the standard and the zone.</p> <p>20.</p> <p>21. Given this flexibility, the suggested floor space ratio of 2.0:1 is an appropriate development standard in line with the six storey height limit for the site.</p>
3.	Geraldine Haigh Hopkins Consultants (Attachment 9)	<p>1. Continuing to assume Port Macquarie's resident base will always be baby boomer retirees is short-sighted and will lead to housing supply and affordability issues.</p> <p>22.</p> <p>2. Controls intended to achieve a high standard of unit amenity could reduce density in the medium and high density residential zones.</p> <p>23.</p> <p>3. Disappointed that the draft provisions</p>

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		are not focussed on good design outcomes requiring architects to be responsible for unit amenity and high quality design. Draft provisions fall back on lazy numerical standards on the assumption that more physical separation is the only way to ensure unit amenity.
Response/ Comment:	<p>1. Council's population forecast indicates the proportion of people aged over 65 years is expected to grow from 24% to 32% of the population by 2036. The average household size is expected to fall from 2.34 to 2.31 persons by 2026. The data was last updated in January 2014, taking into account the possible effect of the university and hospital developments. There is no evidence to suggest the forecast is out of date.</p> <p>24.</p> <p>25. Due to the ageing population and declining household size, Council anticipates greater demand for smaller housing options, including accommodation for one and two person households.</p> <p>26.</p> <p>27. Housing supply is not a significant issue in the area. There is more than 20 years supply of vacant zoned residential land in the Port Macquarie-Hastings at Thrumster (Area 13), Rainbow Beach (Area 14), Camden Haven/Kew (Area 15) and the unused capacity of various residential estates across the LGA. There is also up to 25 years supply of rural residential lots. Given the locations of these areas, development is likely to be predominantly detached houses. The Liveable Neighbourhoods project aims to provide additional housing choice by encouraging smaller, low maintenance dwellings in well serviced, convenient locations.</p> <p>28.</p> <p>2. The intent of the proposed controls is to provide higher density housing forms without compromising amenity rather than simply maximising density. Upper level setbacks are proposed not only for the visual and acoustic privacy of residents but also to reduce the perceived height of the building from the street so as not to become overbearing to pedestrians at street level.</p> <p>29.</p> <p>3. The draft controls are written to be consistent with the State's draft <i>Apartment Design Guide</i> that will be used in conjunction with the State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP65). Design matters referred to in SEPP65 prevail over any local environmental plan or development control plan. A key design principle in the draft Apartment Design Guide is that minimum building separation should increase proportionally to the building height.</p>	

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4.	<p>Geraldine Haigh Hopkins Consultants</p> <p>For owners of 3 Clarence Street, Port Macquarie (Attachment 10)</p>	<ol style="list-style-type: none"> 1. Request that Council not change the height controls as they will be inconsistent with the objectives of the R4 High Density Residential Zone. 30. 2. Questions the value of Floor Space Ratio controls. 31. 3. Proposed change on this site would be inequitable when compared with development potential of other R4 zoned land.
	<p>Response/ Comment:</p>	<ol style="list-style-type: none"> 1. The proposed changes affecting 3 Clarence Street and surrounding properties are a 50 per cent increase in floor space ratio from 1.0:1 to 1.5:1 and an alteration to the maximum building height from six storeys at the front third of the site and four storeys at the rear two thirds, to four storeys across the whole site. The zone is proposed to remain as R4 High Density Residential. 32. The relevant objectives of the R4 High Density Residential Zone are: <ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To encourage development that has regard to the desired future character of street and supports active and safe uses at pedestrian level. 33. The proposed change is consistent with these objectives as it: <ul style="list-style-type: none"> • Provides a high density housing type consistent with the demand envisaged by Council's population forecast close to the Port Macquarie CBD. • Provides for a lower rise residential building at the edge of the high density residential area in response to its setting close to the river. • Provides for development that is consistent with the desired character of the area, in particular by ensuring view sharing to the scenic outlook to the north, a key feature of this precinct. 34. 2. The use of floor space ratio is standard practice in NSW. Council could opt to remove the provisions from the local environmental plan, however this would only be appropriate after consideration of the broader issues. The status of floor space ratio development standards is therefore beyond the scope of this project.

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		<p>3. The standard zones and their objectives are set by the State and are intentionally broad to allow a variety of building forms within the same zone, encouraging flexibility.</p> <p>35.</p> <p>36. Building height, setbacks, and floor space ratio are set according to area context, for example local topography and desired streetscape outcome, and will vary within the same zone. As such, development potential may vary from site to site within the same zone.</p>
5.	Office of Environment and Heritage Referral advice (Attachment 5)	<p>1. Division of Flooding has no objection to the proposal.</p> <p>37.</p> <p>2. The potential for impact from development excavations adjacent to the Old Government House site at 2 Clarence Street should be a consideration for development assessment.</p>
	Response/ Comment:	<p>1. Noted.</p> <p>38.</p> <p>2. Noted. Propose to insert an advisory note when amending the Town Beach area-based DCP provisions. The Town Beach provisions will be amended as part of the Liveable Neighbourhoods - East Port project in 2015.</p>

Planning & Policy Implications

The project is consistent with Council's strategic planning framework. The project contributes to particular outcomes sought by the Community Strategic Plan:

- "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, and
- "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.

The project is consistent with the Urban Growth Management Strategy 2011-2031 as it directly responds to the planning principle for housing "to promote urban consolidation in central, well-connected locations that provides a range of services or recreation opportunities for residents."

The project is consistent with Council's Economic Development Strategy performance measure of achieving population growth of 1.65% per annum by providing additional house capacity in residential areas.

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Financial & Economic Implications

The project is coordinated by the Strategic Land Use Planning Team as part of Council's Operational Plan for 2014-2015.

The completion of the work in the manner outlined in this report is able to be undertaken within Council's Strategic Land Use Planning Team in consultation with other divisions of Council.

The work is funded as a scheduled project within Council's Strategic Planning Program for 2014-2015.

The work is expected to provide positive economic outcomes by ensuring that Council's planning controls remain contemporary and facilitate good development in line with market demands.

Attachments

- 1 [View](#). Planning Proposal
- 2 [View](#). Draft DCP provisions: Town Fringe
- 3 [View](#). Gateway Determination
- 4 [View](#). RFS response
- 5 [View](#). OEH response
- 6 [View](#). Department advice on s117 planning for bushfire protection
- 7 [View](#). Submission: Cathy Wright
- 8 [View](#). Submission: Malcolm McNeil
- 9 [View](#). Submission: Geraldine Haigh
- 10 [View](#). Submission: Geraldine Haigh for owners 3 Clarence St

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Item: 13.13

Subject: WILLIAM STREET PARKING PLANNING AGREEMENT

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.1 Plan settlements to accommodate a range of compatible land uses that meets projected population growth for new and existing developments.

RECOMMENDATION

That the report on the William Street Parking Planning Agreement be noted.

Executive Summary

The purpose of this report is to advise Council of a recent voluntary planning agreement entered into under Section 93F of the *Environmental Planning and Assessment Act 1979* (as amended) in relation to a Development Application considered and approved by the Development Assessment Panel (DAP).

Discussion

At the meeting of 22 October 2008 (Item 27) Council resolved as follows:

“That the General Manager be given delegated authority to enter into a Voluntary Planning Agreement on behalf of Council where the development to which the Agreement relates is approved by Council’s Development Assessment Panel and the General Manager report to the next Council Meeting the results of the negotiations’.

The William Street Parking Planning Agreement was offered by 2444 Pty Ltd in connection with Development Application (DA) 2013/0482 for additions to a commercial premises at 60/12-24 William St, Port Macquarie.

The DA was approved at the meeting of the DAP on 12 November 2014 (Item 05). The Planning Agreement was entered into on 21 November 2014.

The planning agreement provides for the payment to Council by the developer, in lieu of provision of one parking space, of a monetary contribution of \$18,435 towards the cost of the provision by Council of public car parking, or the upgrading of pedestrian or traffic facilities, in the local area of the development.

Council’s Car Parking Contributions Plan does not apply to the subject land and therefore a voluntary planning agreement is required where the developer intends to make a monetary contribution to Council.

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Community Engagement & Internal Consultation

The planning agreement was placed on public notification from 22 August to 19 September 2014 in connection with DA 2013/482. Nine submissions were received in relation to the notification of the DA and the planning agreement. Matters raised were addressed in the report to the DAP (12 November 2014, Item 5)

Planning & Policy Implications

The planning agreement was prepared and notified in accordance with relevant planning legislation and Council's Planning Agreements Policy.

Financial & Economic Implications

The provisions of the planning agreement do not affect Council's financial position and are unlikely to have any significant adverse economic impact.

Attachments

Nil

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Item: 13.14

Subject: DRAFT STRUCTURE PLAN FOR THE GREATER SANCROX AREA

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.1 Plan settlements to accommodate a range of compatible land uses that meets projected population growth for new and existing developments.

RECOMMENDATION

That Council:

- 1. Adopt the revised Greater Sancrox Area Structure Plan as described in this report.**
- 2. Submit the Greater Sancrox Area Structure Plan to the NSW Department of Planning and Environment for endorsement and requesting inclusion of the proposed urban and employment investigations areas on the Growth Maps to the Mid North Coast Regional Strategy.**
- 3. Note submissions received in relation to the Draft Greater Sancrox Area Structure Plan**
- 4. Hold discussions with landowners in Sectors 2, 4 and 5 in the first quarter of 2015 to determine how to best implement the recommendations of the Structure Plan.**
- 5. Continue to consult with the NSW Roads and Maritime Services regarding access arrangements for the western part of the Greater Sancrox area.**

Planning and Providing Our Infrastructure

Executive Summary

Council has identified the need for a Structure Plan for the Greater Sancrox area to provide a framework for future development. The aim of the Structure Plan is to provide a framework for coordination of future development in the area, particularly in terms of key infrastructure (e.g. roads, water and sewerage services) and environmental management.

The Structure Plan is necessary because there are more than 100 landowners whose properties may have potential for some form of development in the future in the Greater Sancrox area. This fragmentation of ownership presents a major challenge for Council and the community in co-ordinating development outcomes.

The NSW Department of Planning & Environment has previously refused to consider site specific proposals for Local Environmental Plans in the Sancrox area, until a coordinated framework is provided.

Council staff have coordinated the preparation of planning studies for the Greater Sancrox area in consultation with a Reference Group including landowner and State agency representatives.

A draft Structure Plan was prepared and reported to Council in August 2014. Council resolved to place the draft Structure Plan on public exhibition for a period of six weeks and to consider a report following completion of the public exhibition period. The Draft Greater Sancrox Area Structure Plan was publicly exhibited during September and October 2014 and a total of 21 submissions were received, including four submissions from State government agencies.

The purpose of this report is to advise on the outcomes of the exhibition period and to consider the need for changes to the exhibited draft Structure Plan. The report contains a review of the 21 submissions.

Key issues are addressed in the body of the report, including the following:

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1. Billabong Drive / Oxley Highway intersection
2. Sewer servicing
3. Proposed urban/residential investigation for Bushland Drive and Sector 1
4. The relationship between industrial and rural-residential development in Sectors 3 and 4
5. Rawdon Island Road / Oxley Highway intersection
6. Staging of detailed rezoning investigations for Sector 6

Following consideration of these issues, several changes have been made to the exhibited draft Structure Plan, as shown in Attachment 1. The main changes include text and map amendments at Bushlands Drive to better describe opportunities for investigation of rural residential development.

It is recommended that Council retain urban investigation options in Sector 1 and on constraint free land at the southern end of Bushlands Drive to ensure that longer term urban development options are not compromised by short term rural residential subdivision.

Recognising that Council has limited capacity to progress investigations in the Greater Sancroix area, it is recommended in the revised draft Structure Plan that Council proceed with investigations for Sectors 2, 4 and 5 in the short term in consultation with relevant landowners. Considerable work will be required to develop planning proposals for each of these areas and to establish funding mechanisms for essential infrastructure.

It is proposed that Council continue to consult with NSW Roads and Maritime Services regarding access arrangements from the Oxley Highway to the western parts of the Greater Sancroix area.

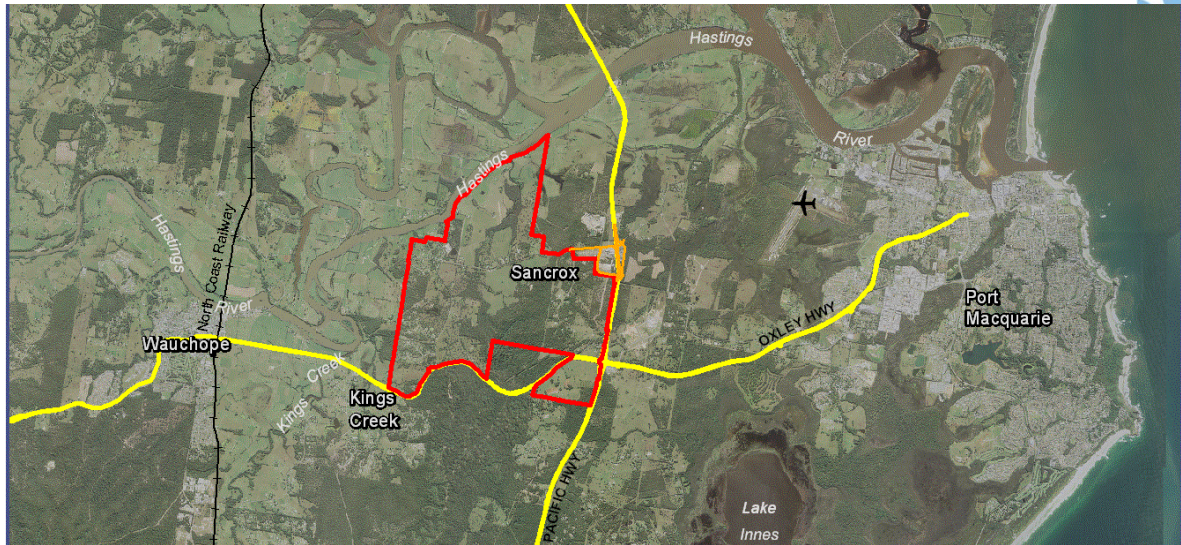
Following adoption of the revised Draft Structure Plan, it is necessary that Council forward the Structure Plan to the NSW Department of Planning and Environment and request necessary amendments to the Port Macquarie-Hastings Urban Growth Management Strategy 2011 and the Mid North Coast Regional Strategy 2009 to enable Council to proceed to rezoning of land in the rural residential and future urban investigation areas respectively.

If adopted by Council and endorsed by the NSW Department of Planning and Environment (DP&E), the future land use will be implemented through updates to Port Macquarie-Hastings Local Environmental Plan (PMHLEP) 2011. The timing of investigations can be reviewed in the review of the Port Macquarie-Hastings Urban Growth Management Strategy.

As a first step, it is proposed that Council consult affected landowners in sectors 2, 4 and 5 to discuss the process to amend the LEP, including timing, responsibilities and resources. A further report will be presented to Council following this consultation.

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Discussion



Why do we need a Structure Plan?

Council adopted the Hastings Rural Residential Strategy in 2004 and in doing so, included an extensive area of rural land at Sancrox as investigation area for rural residential development.

Planning investigations commenced for several sites within the investigation area during 2005/06, however these were not finalised following advice from the NSW Department of Planning and Environment (DP&E) that a more strategic approach to planning and development in Sancrox would be required. That is, it would no longer be possible to undertake rural residential investigations on a site by site basis. An overall planning framework would be required to co-ordinate rezoning and development in the Sancrox area.

Port Macquarie-Hastings Urban Growth Management Strategy 2011

The Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) 2011 identified the preparation of a Structure Plan for Sancrox as a priority action. The investigation area included the former rural-residential investigation area plus land adjacent to the Pacific Highway for urban/employment investigation and land south of the Oxley Highway for future urban investigation.

The DP&E endorsed the preparation of a Structure Plan for Sancrox, on the condition that once investigations are complete, Council will be required to seek approval to amend the UGMS prior to rezoning land.

Draft Structure Plan preparation

The Greater Sancrox Area Issues Paper 2011 was presented to State government agencies and landowners for feedback in October 2011. A Reference Group was formed shortly after that in January 2012. The Reference group comprised representatives from Council staff, landowners, the local development industry and State government - NSW DP&E, Roads and Maritime Services (RMS) and office of Environment and Heritage (OEH).

The Reference Group met six times with the objective of providing input to the issues related to co-ordinating infrastructure and environmental management outcomes

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across the study area. An Overview and Discussion Paper was distributed to the Group in January 2013 as an update on the work completed at that time. Reference Group meeting notes are annexed to the Draft Structure Plan. Feedback from the Reference Group to a preliminary draft Structure Plan was considered in the 20 August 2014 report to Council. The feedback generally focused on individual sites with key issues relating to the extent and timing of detailed rezoning investigations.

Detailed investigations to help inform the Draft Structure Plan preparation included:

- Ecological assessment to identify significant flora and fauna
- Concept subdivision and road layout plan as a basis for preliminary yield estimates and to identify environmental management and infrastructure requirements
- Water and sewer infrastructure investigations
- Desktop biodiversity certification assessment to indicate whether an 'improve or maintain' outcome for vegetation is achievable
- Traffic modelling to understand the capacity of the future road network and key intersections.

These investigations, together with a 2006 study of on-site effluent disposal for the catchment, guided early options in preparing the Draft Structure Plan.

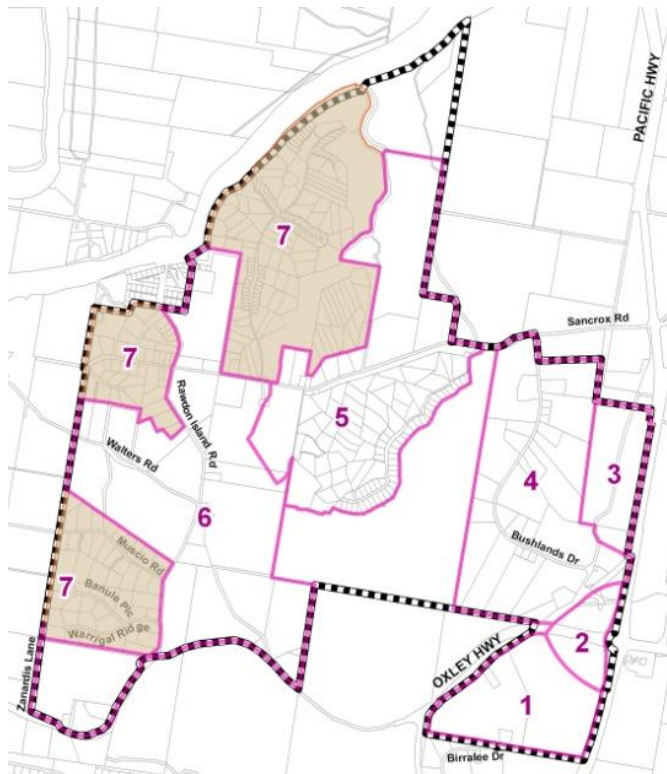
The Draft Greater Sancroix Area Structure Plan presented to the 20 August 2014 Council meeting provided opportunities for:

- areas of potential additional rural-residential, residential, industrial and gateway/tourist-related development, subject to detailed rezoning investigations
- conservation of the area's natural resources and bushland character through a network of vegetation and habitat linkages maintained to protect the area's important biodiversity and waterways
- improved transport links, including upgraded local roads and intersections
- expansion and upgrading of water supply and connection to reticulated sewer for potential urban/residential and employment land uses.

Recommended staging for detailed rezoning investigations were as follows:

- Investigation of sectors 2, 4 and 5 in the short-term (see sectors map below).
- Investigation of sector 6 deferred pending further consultation with the NSW Roads and Maritime Services (RMS) to determine the safety and capacity of the Oxley Highway/Rawdon Island Road intersection for additional development.
- Investigation of sectors 1 and 3 deferred due to land supply issues, with timing to be considered as part of the ongoing review of Council's UGMS.

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Exhibition of Draft Structure Plan

At its meeting held on 20 August 2014, Council considered the Draft Greater SancroxA Area Structure Plan and resolved to place the Draft Plan on public exhibition.

The Draft Greater SancroxA Area Structure Plan was publicly exhibited during September and October 2014. In response to the exhibition period, a total of 21 submissions were received including two feedback survey forms and four submissions from State government agencies.

The purpose of this report is to consider the submissions made in response to the public exhibition of the Draft Structure Plan and to make a recommendation that Council proceed to adopt a revised Draft Plan (Attachment 1), subject to the amendments discussed in this report.

Summary of Issues Raised

All issues raised in submissions are addressed in the table in the 'Community Engagement & Internal Consultation' section of this report. Copies of the submissions are provided in Attachment 2.

A wide range of issues have been raised relating to infrastructure planning, environmental management and future implementation. Some submissions question the merit of urban development to the west of the Pacific Highway. One submission questions the sustainability of rural residential development and the need for infrastructure costs, including maintenance costs, to be subsidised by the broader community.

There are a range of views in public submissions in relation to environmental management ranging from a suggestion that there will be unacceptable impacts on the environment if the low density development proceeds as shown in the draft

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Structure Plan to suggestion that there is additional capacity for development. One submission calls for Council to facilitate coordinated environmental offsets.

Responses to all submissions are provided in Community Engagement & Internal Consultation and Options sections of this report. In addition, the following part of this report addresses key issues for specific sectors and infrastructure issues:

1. Billabong Drive / Oxley Highway intersection
2. Sewer servicing
3. Proposed urban/residential investigation for Bushland Drive and Sector 1
4. The relationship between industrial and rural-residential development in Sectors 3 and 4
5. Rawdon Island Road / Oxley Highway intersection
6. Staging of detailed rezoning investigations for Sector 6

These issues are considered below:

□ Issue No 1 - Billabong Drive / Oxley Highway intersection

The draft Structure Plan proposes an upgrade of the Oxley Highway/Billabong Drive intersection to a two-lane roundabout at an estimated cost of approximately \$3 million. The current intersection has some capacity in the short-term but will need to be replaced in the longer-term to provide access to proposed new development in the Greater Sancrox area.

King and Campbell consultants, on behalf of the northern gateway landowner, suggest that the Oxley Highway/Billabong Drive intersection should be progressively upgraded and funded as part of the broader arterial road network in the LGA. They suggest it is not equitable to rely on local Sancrox development to fund the upgrade of this intersection with the Oxley Highway.

Planning comment: Council has sought feedback from the RMS on this issue. The RMS advise by letter dated 5 December 2014 that this “intersection would need to be considered in future planning proposals and/or development applications for this location. In 2015, Council and Roads and Maritime are undertaking a traffic study for Port Macquarie and surrounding areas, which will include modelling of traffic movements at this location and will assist with assessing the performance of this intersection and effects of any future development”.

It is important that Council establish a funding strategy for the future upgrade of this intersection in consultation with landowners in the Sancrox area and the RMS. This can be undertaken in conjunction with rezoning for future development that will use Billabong Drive to ensure that future intersection upgrades can be implemented.

□ Issue No 2 - Sewer servicing

The Draft Structure Plan proposes that urban development in the eastern parts of the Greater Sancrox area will be serviced by a sewer connection to the proposed Thrumster Sewerage Treatment Plan (STP) via Fernbank Creek Road.

The sewer pump stations and mains to connect to infrastructure would be the responsibility of developers and there is concern that the cost of this infrastructure will be cost prohibitive.

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Submissions on behalf of landowners within Sector 1 and the gateway sites request consideration to servicing future development via the Thrumster urban release area rather than via Fernbank Creek Road to reduce costs.

Planning comment: As noted in the 20 August 2014 Council report, the Thrumster urban release sewerage system has not been designed with capacity to accept flows from west of the Pacific Highway.

Interim arrangements have been put in place for the Sancrox and Fernbank Park Employment Precincts to temporarily pump into Thrumster Street. However, this infrastructure will be rendered redundant once the proposed new Thrumster Sewerage Treatment Plant (STP) is constructed and a new rising main servicing the employment precincts will be constructed along Fernbank Creek Road.

The connection of further development at Sancrox to sewerage infrastructure in the Thrumster urban release area is problematic as the Thrumster system has limited capacity, including limited ultimate capacity in the mains north from the Thrumster area to the proposed new STP.

It is therefore proposed in the draft Structure Plan that future residential, gateway and industrial areas on the western side of the Pacific Highway will be serviced by a series of pump stations and mains along Fernbank Creek Road to the future Thrumster STP.

The timing of the future sewer connection to the Thrumster STP along Fernbank Creek Road is uncertain at this stage and it has been acknowledged by Council staff that this will be an expensive exercise. Nevertheless, the Structure Plan provides for sewerage connection will be required in the long term.

Given that detailed rezoning investigations for the gateway sites is proposed in the short-term, consideration may be given to temporary on-site sewage management systems for these sites until such time as the sewer reticulation system is operating on the western side of the Pacific Highway.

□ Issue No 3 - Proposed urban/residential investigation for Bushland Drive and Sector 1

A number of submissions do not support future urban/residential development at the southern end of Bushland Drive (aka South Bushland Drive). It has been suggested that residential development would diminish the existing rural character of the locality and a preference is stated for rural-residential investigation of this land.

Hopkins Consultants, on behalf of Messrs Gillespie and Berry, indicate that urban/residential would not be economically feasible for the site due to the cost of providing sewer, as discussed under Issue 2 above. The landowners have met with Council strategic planning staff and have indicated frustration that no impetus would exist to rezone the land in the short to medium-term given current vacant residential supply in the Thrumster urban release area.

King and Campbell Consultants on behalf of the northern gateway landowners, suggest that residential development for the southern end of Bushland Drive is not suitable based on existing high background noise levels from the Pacific Highway and potential for residential to limit the development potential of the northern gateway site.

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Submissions on behalf of Sector 1 landowners request that the Draft Structure Plan identify Sector 1 for rural-residential rather than urban/residential investigation if it is not possible to identify the land for residential rezoning in the short-term and connect to sewer via the Thrumster urban release area.

Planning comment:

The potential for noise to new residential development at the southern end of Bushlands Drive would also apply to rural residential development in that location. In either case, it will be necessary to demonstrate that there will not be adverse noise impacts on existing and future residential in that area from development on the northern gateway site.

Preliminary investigations indicate that there is approximately 12.2 hectares of relatively unconstrained land at the southern end of Bushland Drive, which can be sewered as described in Issue 2 above. Council staff have acknowledged that the provision of sewer to that area alone is not economical.

However, this land is essentially in the same situation as Sector 1 which is identified for urban investigation in the Mid North Coast Regional Strategy. Representatives of Sector 1 have indicated that if the Bushland Drive area is not sewered, then this makes the provision of sewer to Sector 1 less viable. That is, there will be less development contributing to the cost of providing this infrastructure.

Representatives of both Sector 1 and South Bushlands Drive indicate that they would like their properties to be considered for rural residential development.

The key issue for Council is not whether a sewer connection is viable economically at the present time. Council has simply identified the Sancrox area for investigation and has given no commitment to early development of either area. The viability of funding essential infrastructure is a key consideration for all development areas and it is normally the case that more outlying areas develop later due to infrastructure costs.

The key issue for Council is the type and density of development that should be achieved in Sector 1 and South Bushlands Drive in the long term, given that both areas are able to be serviced and are strategically located in immediate proximity to existing/proposed employment lands and close to services in the Thrumster town centre.

These areas differ from the remainder of the Greater Sancrox study area in that they are relatively unconstrained and not fragmented in terms of ownership. The subdivision of land for rural residential use results in little or no further development because services are difficult to implement retrospectively, landownership is fragmented and rural residential development is designed to occupy the space available.

If south Bushland Drive is developed for rural residential use, it should not be expected that higher density development will occur in these areas in the long term.

Council will consider the available supply of residential land in detail during review of the Urban Growth Management Strategy in 2015. Preliminary estimates of yield

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show that there is approximately 20 to 25 years supply of vacant zoned residential land around Port Macquarie.

There is very little unconstrained land east of the Pacific Highway that is not already fragmented by subdivision and the preservation of land for urban growth in Sector 1 and South Bushland Drive may therefore be important as part of the longer term growth of Port Macquarie.

Accordingly, it is proposed that Council continue to identify South Bushlands Drive and Sector 1 for future urban growth and determine the timing and nature of development in successive reviews of the Urban Growth Management Strategy. Given expected demands for long term growth around Port Macquarie, it is important from a land use planning perspective to identify these areas for low-density rural residential development at this point in time.

It is not proposed to rezone either area for residential in the short-term due to current residential land supply with over 20 years supply zoned and ready for development in areas nearer to Port Macquarie. This is consistent with Council's adopted position in the UGMS 2011 and will be considered in future reviews of the UGMS to ensure that investigations are undertaken at the appropriate time.

□ Issue No 4 - The relationship between industrial and rural-residential development in Sectors 3 and 4

- A submission for Expressway Spares Pty Ltd suggests that any buffer requirements relating to Sector 3 should be equitably shared across adjoining properties where a change in zoning is proposed for adjoining land. The submission notes that future industrial development will screen rural-residential development from highway traffic noise.

The owner of land at the southern part of Sector 3 requests that that land be identified for tourist identification as an extension of the northern gateway rather than future industrial investigation.

Planning comment: It is normal planning practice to ensure that buffers are provided by the development generating the impact (e.g. noise, odour, dust) and that development that might otherwise take place on adjoining land is not unreasonably restricted.

In this case, Council has identified Sector 3 for possible long term light industrial use on land adjoining the Pacific Highway, with access from the Sancroix Road and adjoining industrial development to the north. Buffer requirements for this type of development are not expected to be excessive, however it will be necessary to consider potential amenity impacts on adjoining development at the time that any light industrial rezoning is proposed. A vegetated buffer of 100m width is notionally shown on the Structure Plan on the western boundary of Sector 3.

Future rural residential development in Sector 4 will need to be separated from the vegetated buffer and it is likely that Council will require a minimum setback of around 50m due to asset protection requirements. This issue will be considered in more detail in any planning proposal for rural residential development in Sector 4.

The southern part of Sector 3 adjoins and is at the same elevation as the adjoining light industrial investigation area to the north. It is a logical extension to the light

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industrial investigation area, which can be separated from surrounding future uses by a riparian corridor in the south and provides for optimal use of land adjoining the Pacific Highway.

From preliminary investigations, it appears there is insufficient area to accommodate tourist development on the property at the southern end of the employment investigation area in addition to light industrial development and associated buffers. It is therefore recommended that the Sector boundaries remain as exhibited, with detailed investigation of boundaries in future stages of planning.

□ Issue No 5 - Rawdon Island Road / Oxley Highway intersection

Rawdon Island Road has been previously identified as a black spot by the RMS and although there has been no reported intersection crashes in this location over the past 5 years, it has been assumed for the purposes of the draft Structure Plan, that improved access arrangements will be needed if large scale new development is proposed at Sancrox.

Council has engaged with the RMS throughout the preparation of the draft Structure Plan and included a proposed relocation of the Rawdon Island Road intersection approximately 700 metres further to the east in the draft Structure Plan. This intersection leads into a new north -south link road with an estimated cost of \$2million.

Landowners in Sector 6 have raised concerns during preparation and exhibition of the draft Structure Plan that it is not economically feasible for landowners to fund the proposed new intersection. The landowner whose property directly adjoins the relocated Rawdon Island Road intersection has confirmed no interest in detailed rezoning investigations for that land in the short-term.

Council has sought feedback from the RMS regarding possible State funding. The RMS has indicated that the Service is supportive of a new Rawdon Island Road intersection with the Oxley Highway in principle but has made no offer to contribute to its cost.

The RMS advise by letter dated 5 December 2014, that there are *“no current plans for upgrading the intersection of the Oxley Highway and Rawdon Island Road... Roads and Maritime are undertaking safety improvements to the curves adjacent to the intersection in the 2015/16 financial year. These works will include minor superelevation correction and the application of high friction SMA surface to improve wet weather safety”*.

The State government is currently preparing an Oxley Highway Road Corridor Strategy and an Oxley Highway Safety Review, which are scheduled for completion in 2014 and early 2015 respectively. The RMS advises in their letter dated 5 December 2014 that neither the Corridor Strategy or the Safety Review will specifically address the Rawdon Island Road intersection.

Hopkins on behalf of their clients, Gloucester Heights landowners group, seek agreement to an upgrade/relocation of the Rawdon Island Road intersection on Gloucester Heights properties instead of the exhibited location. The Gloucester Heights properties (Lot 9 DP1029887 & Por 462 DP754434) are located immediately east and west of the existing intersection.

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No information is provided as to how the proposal might work, except that Zanardis Lane to the west of Rawdon Island Road has been mentioned by Hopkins Consultants as a possible alternate access point. The RMS has advised in their latest letter dated 5 December 2014, that an additional access may be considered subject to “*details of proposed design and proof the proposal would provide safe access to Zanardis Lane and not compromise safety and efficiency of the Oxley Highway at this location*”.

The RMS has previously offered to work with Council to begin a strategic options analysis for the Spencers cutting/Rawdon Island Road section of the Oxley Highway corridor in 2014/15.

Planning comment:

Whilst the RMS states that there have not been any reported intersection crashes in the past 5 years, it is expected that the intersection could be a significant safety concern following substantial additional development.

The status of the Rawdon Island Road intersection is therefore a key issue, particularly for Sector 6, which modelling suggests would lead to an approximate doubling of traffic using the intersection.

Council staff had been led to believe that the status of the Rawdon Island Road intersection would be addressed in the Safety Review. However, Council is now advised by the RMS that the Safety Review and Corridor Strategy will not specifically address the Rawdon Island Road intersection.

Given the anticipated cost of intersection works on the Oxley Highway to serve new development and the limited capacity of new development to fund these improvements, it is critical that Council establish whether the existing intersection has additional capacity from a safety perspective.

It is also important that Council consider alternate intersection locations and funding arrangements in consultation with the RMS to service new development in the western parts of the Greater Sancrox area.

In relation to the Corridor Strategy, it is important that the RMS consider a range of realignment options for the Oxley Highway, including options to significantly improve the alignment of Spencers Cutting. This is important for the future of the Port Macquarie to Wauchope corridor, which is expected to accommodate around 70% of urban growth in the Port Macquarie Hastings.

In the absence of any more definite proposal, the ongoing investigation of access to the western parts of the Greater Sancrox area has been identified as a key action in the Structure Plan.

□ Issue No 6 - Staging of detailed rezoning investigations for sector 6

The submission from Hopkins Consultants regarding the Gloucester Heights land (see Issue 5 above), is made on the basis that detailed rezoning investigations for the Gloucester Heights lands proceed immediately as a separate sector (No 8), in conjunction with discussions/negotiations with the RMS and Council to resolve the Rawdon Island Road intersection issue.

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Hopkins Consultants have confirmed that they are willing to prepare the planning proposal and co-ordinate specialist reports to assist Council in undertaking a rezoning for their clients' land. In addition, the landowner is willing to cover reasonable costs incurred over and above the statutory rezoning fee should it become evident that the investigations were going to result in Council requiring extra resourcing to complete the work.

A submission has also been received from Expressways Spares suggesting that sectors 5 and 6 should be investigated together in the short-term.

Planning comment:

The staging proposals in the draft Structure Plan recognise that Council has limited capacity to coordinate and assess planning proposals for multiple sectors concurrently.

There are 114 landowners in Sectors 1-6 and there has been limited cooperation between landowners to date on key issues including funding of essential infrastructure and environmental management. Council has had to play a leadership role and landowners have invariably focussed on the best outcomes for their own land. This is a reasonable position for landowners but places considerable pressure on Council resources.

The demand on Council to co-ordinate will increase significantly at the planning proposal stage. It is therefore proposed that Council stage investigations within the annual strategic planning program, based on the Structure Plan and Urban Growth Management Strategy.

In the first instance, it is proposed that Council liaise with the landowners in Sectors 2, 4 and 5, as these sectors do not depend significantly on the Rawdon Island Road intersection. Meetings are proposed to determine information requirements and resourcing for these sectors and a report would be submitted to Council in the first quarter of 2015.

Adding sector 6 would mean that all areas of the Greater Sancroix would be investigated concurrently. In sectors 5 and 6 alone, this would involve co-ordinating and informing up to 80 individual landowners.

In Sector 6, as discussed in Issue 6 above, the key issue is the resolution of the Highway access issue at Rawdon Island Road or an alternative access point. To progress Sector 6, it is proposed that Council continue to consult with the RMS in relation to the Corridor Strategy and Safety Reviews and alternative access arrangements for the western parts of the Greater Sancroix Area.

Options

It is recommended that Council adopt the revised Draft Structure Plan, as shown in Attachment 1, including amendments:

1. to identify the southern end of Bushland Drive and Sector 1 south of the Oxley Highway, as future *urban* investigation instead of future urban/residential investigation.
2. to more generally describe the limited rural residential potential on the Structure Plan map for Bushland Drive
3. to clarify various aspects of State and Federal government planning policy

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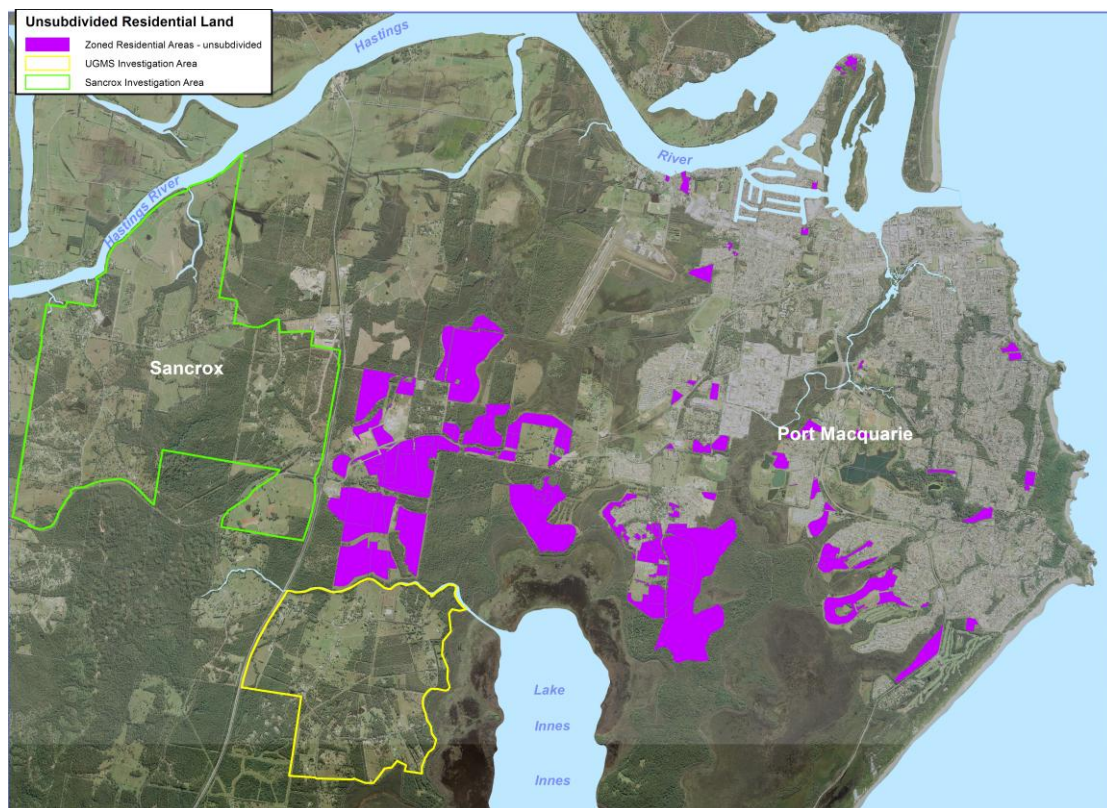
4. to provide updated advice resulting from the RMS's latest correspondence, and
5. to correct for a small number of typographical and grammatical anomalies.

A schedule of amendments made to the exhibited Draft Structure Plan is included as Attachment 3.

Council could alternatively decide not to adopt the Structure Plan or to defer adoption of the Structure Plan and to revisit part or all of the strategic planning for the Greater Sancrox area.

A deferral could relate to the review of planning priorities in the Urban Growth Management Strategy in 2015. For example, Council may wish to consider the longer term growth implications and/or environment management implications of low density development, as proposed in the draft Structure Plan.

The current investigations at Sancrox are based on Council's 2004 Rural Residential Strategy. However, there are limited areas available around Port Macquarie for long term urban growth as shown in the image below and it remains an option for Council to plan for longer term urban growth in the Sancrox area.



Council may wish to amend part or all of the Structure Plan, such as the future status assigned to the southern part of Bushlands Drive. In terms of implementation, Council may wish to amend the priorities for ongoing planning, such as to include the investigation of Sector 6 along with other sectors.

It remains an option for Council to investigate all sectors concurrently and there are some advantages in taking this approach. For example, land use zones, minimum lot

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sizes, development control provisions, planning for developer contributions, State agency consultations and community engagement could all happen at the same time.

However, the disadvantages in progressing investigations for sectors 5 and 6 together are the likely lengthy delays that would be experienced in all sectors due to limited resources within Council. The employment of additional resources has been undertaken by Council in the past at the expense of developers. However this has proven difficult to coordinate (e.g. Area 15) and Council planning and infrastructure staff were still extensively involved.

Following consideration of these options and issues, it is recommended that Council adopt the Structure Plan as proposed and proceed in the manner described in this report.

Community Engagement & Internal Consultation

The draft Structure Plan was placed on public exhibition for six weeks from 5 September to 20 October 2014. The exhibition included the following components:


- Advertisement in newspapers
- Advice of the Draft Plan and Feedback Survey Form on Council's PMHC Listening website
- Copies of the Draft Plan and exhibition details at the PMQ Customer Service Centre and Branch offices
- Written notice of the Draft Plan to all landowners within the Study Area and adjoining landowners
- Hosting of two community 'drop-in' information sessions, targeting specific sectors in the GSA
- Subsequent meetings and in some instances, site inspections, with landowners that had been unable to attend the information sessions or who requested additional discussion.

Although many verbal and personal enquiries were fielded during the public exhibition, only a relatively small number of written submissions have been received, 21 in total, including two survey feedback forms and three submissions from State government agencies.

The matters identified in the public submissions have been considered in the 'Discussion' section of this report. A summary of all submissions received and a planning response to the issues raised is tabulated below.

Submission		Issue
1.	King & Campbell for Stan Hore	Landowner seeks inclusion of the whole of Pt Lot 2 DP1175559 in the draft Structure Plan area, north and south of the Oxley Highway, to ensure that all issues associated with future development of the land can be undertaken in a co-ordinated and holistic manner.
	Response/ Comment:	Pt Lot 2 DP 1175559 is fragmented across three areas (see map below). The area south of the Oxley Highway is identified in the draft Structure Plan as potential urban, consistent with the Department of Planning & Environment's (DP&E) Mid North

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		<p>Coast Regional Strategy (MNCRS) and the Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) 2011.</p> <p>Apart from the landscape ecological assessment, which included land adjoining the study site for context, the northern areas of Pt Lot 2 have not been considered in the draft Structure Plan preparation, nor are these lands identified for investigation in the MNCRS or UGMS.</p> <p>Any proposal to include this land in the Structure Plan would need to be assessed as part of a future review of the MNCRS and UGMS.</p> 
2.	Stan R Hore	<p>1. A residential rezoning for Sector 1 is supported provided sewer connection is permitted to the Area 13 sewerage system. It is not considered feasible that sewer be connected to the Thrumster STP due to the:</p> <ul style="list-style-type: none"> - slope of the land which is likely to result in lower yields than those estimated in the Draft Plan - high cost of constructing the Thrumster STP - uncertainty that sector 3 (potential industrial lands) will contribute to the cost of sewer given the amount of vegetation clearing and offset that would be required to rezone this land. <p>2. If not allowed to connect to the Thrumster sewer, a rural-residential rezoning is preferred for sector 1 and would offer the following benefits:</p> <ul style="list-style-type: none"> - help Council to recover infrastructure costs for the eastern part of the study site - provide a buffer of less intensive land use adjoining the southern gateway. <p>3. The draft Structure Plan does not include a sewer servicing strategy for future development.</p>
	Response/Comment:	<p>1. Considered in the report as Issue Nos 2 and 3. In summary, it is not proposed to investigate sector 1 for rezoning in the short-term due to land supply issues. Identification of this land for urban/residential investigation is consistent with the MNCRS and UGMS.</p> <p>2. As above.</p>

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		<p>3. A preliminary Sewer Servicing Strategy Concept Plan was included in the exhibited Draft Structure Plan as appendix 3 and is retained in the revised Draft Structure Plan attached to this report.</p>
3.	Sunniva Boulton	<p>1. Strongly recommended that before any development occurs controls be introduced to ensure that no building is permitted within 100m of existing vegetation due to:</p> <ul style="list-style-type: none"> - Likely excessive clearing to maintain bushfire safety, which will undermine the environmental aims of the Structure Plan. A map attachment to the submission suggests that based on the low density development scenario, an approximate additional 61 ha of vegetation can be potentially cleared under the Rural Fire Service's (RFS's) new 10/50 vegetation clearing code. - Increased workload for the RFS in ensuring that properties are safe from bushfire hazard. - Additional burden to Council in maintaining Asset Protection Zone (APZ) clearing in bushland areas adjoining development. <p>2. Sector 1 south of the Oxley Highway is a totally inappropriate location for future urban/residential development given that it fronts two major highways. It is considered that residential amenity will be seriously compromised.</p> <p>3. The safety of vehicle access will be seriously compromised without a major upgrade of the entrance onto the Oxley Highway for urban/residential development south of the Oxley Highway. Also, no consideration has been given to the impact that the additional traffic will have on the Oxley Highway which will result in traffic jams on an already significantly congested road towards the Highway interchange at peak hour.</p> <p>4. Concerned that additional development in Sancrox will create an added burden on local ratepayers with sewer, water and roads infrastructure funding all required into the long-term. Before Council commits to any development in the area, it must be demonstrated to the rate-paying public that this development can be supported by Council rates well into the future. It is recommended that Council prepare a long-term infrastructure maintenance financial plan for public consideration before any decision is made to support additional development in Sancrox.</p>
	Response/ Comment:	<p>1. The hypothetical building and clearing envelopes estimated for potential rural-residential development in the Draft Plan were based on a low-density development concept, which assumed minimal clearing of vegetation and need to provide offsets, with dwelling envelopes of 10m x 15m plus 30m Asset Protection Zones (APZs).</p> <p>Based on this concept it was estimated that future rural residential development could achieve an approximate 3.7:1 vegetation offset ratio to satisfy the State government's</p>

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		<p>'maintain or improve' criteria for development. The potential for additional clearing arising from the RFS's 10/50 vegetation clearing entitlement code will need to be addressed. Given the likelihood of change to this legislation, it is proposed to assess this in greater detail as part of investigations at the rezoning stage.</p> <p>Under section 117(2) of the Environmental Planning and Assessment Act 1979 (EP&A), Council is required to consult with the Commissioner of the NSW Rural Fire Service prior to exhibiting any proposal to rezone land and ensure compliance with the RFS's Planning for Bushfire Protection Guidelines 2006. The objective is to minimise risk and encourage sound management of bushfire prone areas in accordance with RFS requirements.</p> <p>The landowner will be responsible for maintaining APZs on private land.</p> <p>2. The land is described as "Urban Investigation" in the UGMS 2011 and "Future Urban Release Area" in the MNCRS, so alternatives to urban/residential can be considered for the site.</p> <p>3. The Draft Structure Plan recommends upgrade of the Billabong/Oxley Highway intersection to a two-lane roundabout to accommodate future urban/residential traffic from sector 1.</p> <p>The background traffic report prepared to inform the Draft Plan, forecasts that all Oxley Highway intersections will operate at level of service (LOS) A/B and therefore the additional traffic will only have a marginal impact on the performance on the external road network.</p> <p>Note: LOS is defined as a qualitative measure for ranking operating conditions based on factors such as speed, travel time, freedom to manoeuvre, interruptions, comfort and convenience. There are six levels of service, from A to F, with LOS A representing the best operating condition and LOS F the worst. LOS C or better is generally accepted as an appropriate level of operation.</p> <p>Ongoing consultation with RMS is proposed in relation to the function of the Oxley and Pacific Highways and the location/design of future intersections.</p> <p>4. While the capital costs for the provision of infrastructure for new development can be taken into account through development contributions plans and planning agreements, it is acknowledged that ongoing maintenance of infrastructure needs to be covered by rate income.</p> <p>Investigations to date have focussed on ensuring that there will not be any significant subsidy from the broader community in the establishment of infrastructure in the Greater Sancroix area.</p>
4.	Hopkins Consultants for Jeff	Submission opposes urban/residential at the southern end of Bushlands Drive and requests identification for rural-residential on the basis that:

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	Gillespie & Tony Berry	<ul style="list-style-type: none"> - a residential zoning is out of character with the area - current land supply and feasibility will dictate that any residential development will not occur for many decades if at all - it will effectively sterilise the land indefinitely and prevent sale or development - yields will be low - infrastructure costs will be high - offset requirements for residential development will not be achievable on-site.
	Response/Comment:	<p>Considered in the report as Issue No 3.</p> <p>In summary, this area is relatively constraint free and is a significant site in the Port Macquarie to Wauchope corridor.</p> <p>Given limited long-term land supply in this corridor, proximity to urban services and potential integration with other urban uses along the western side of the Pacific Highway, it is recommended, on balance, that this site be identified for urban investigation.</p>
5.	Robyne Lamont	<p>Submission requests that the southern area of sector 3 be identified as gateway/tourist lands rather than proposed employment/industrial on the basis of the following:</p> <ul style="list-style-type: none"> - ability to develop to the highway frontage - minimal visual impact - the amenity of the land is more suited to a future tourism use rather than light industrial - an existing public road access is available independent of Bushland Drive - the site presents an opportunity for expansion of the adjoining Billabong Wildlife Park or other tourist attraction at the gateway of PMQ - scope exists for natural buffers to be planted out - a future tourism use would add to PMQ and draw more visitors to the area.
	Response/Comment:	<p>Considered in the report as Issue No 4.</p> <p>In summary, tourist use of the land is not supported. The site forms a logical extension of sector 3 being separated from the northern gateway by riparian buffers, EEC and local wildlife corridor. Subject to suitable buffers, the north-eastern corner is considered to have potential for future light industrial.</p>
6.	Max Griffiths	<p>Submission provides an overview of land use planning issues related to the Bushland Drive area from 1981 to date and seeks:</p> <ul style="list-style-type: none"> - a rezoning of Bushlands Drive to permit rural-residential with a minimum lot size of 1 to 1.2 ha - Identification of sector 3 (proposed Highway employment/industrial) as rural residential investigation - Resolution of Council's 10-year rezoning delay for properties in Bushland Drive.

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		<p>The submission notes that:</p> <ul style="list-style-type: none"> - The Land and Environment Court upheld a DA refusal in 2001 for a proposed industrial use on the northern gateway site due to likely impact on residential amenity and inconsistency with the rural-residential character of the area. - In 2001 a development control plan was put in place for the Bushland Drive area to ensure the rural-residential amenity of the area was maintained. - In 2005 a rezoning application submitted on behalf of landowners in Bushland Drive found no significant issues exist not to progress a rural-residential rezoning. - In 2005 Council rejected a proposed industrial rezoning and southern access road adjoining the Pacific Highway due to likely impact on residential amenity and inconsistency with the rural-residential character of the area. - Council's UGMS identified Bushland Drive for rural-residential investigation. - The Biolink ecological assessment completed for the draft Structure Plan does not reflect the detailed studies already completed for the area.
	Response/Comment:	<p>Proposed urban/residential for the southern end of Bushland Drive is considered in the report as Issue No 3 and in submission 4.</p> <p>Subject to suitable environmental offsets and buffers to mitigate potential for land use impacts to adjoining residents, identification of sector 3 as employment lands is consistent with the UGMS and provides opportunity for a southward expansion of the Sancrox Employment Precinct in the longer-term. This area is limited for rural-residential development because of noise from the adjoining Pacific Highway.</p> <p>The Draft Structure Plan recommends that detailed rezoning investigations for rural residential in Bushland Drive commence in the short-term.</p> <p>The long history of Council planning for the Sancrox area is acknowledged. In reality, when detailed, site specific investigations were commenced by Council in 2005, they were not able to be progressed due to an objection from the NSW Department of Planning and Environment.</p> <p>Council has funded the preparation of a Structure Plan for the area with the aim of facilitating co-ordinated development, having regard to contemporary issues (e.g. the ability of access via the new Sancrox Road overpass).</p>
7.	Joseph & Paula Mouqué	<p>Submission advises that during a visit to Council's offices in August 2014 and prior to purchasing land in Bushland Drive, staff failed to provide accurate advice regarding the potential for future urban/residential and employment lands in the locality.</p>

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		<p>Three main concerns are:</p> <ol style="list-style-type: none"> 1. The entirely new proposal to extend the industrial zone further south along the Pacific Highway and proposed 'gateway' area north of the Oxley Highway. Had we known about these proposals, we would never have bought our property in Bushland Drive. I feel Council has misled me on this. 2. The entirely new thought to rezone the adjoining land for higher density development - the thing that would never happen 'in my lifetime'. Had I wanted to live in Sovereign Hills, I would have bought in Sovereign Hills. 3. The 80km/h speed limit in Bushland Drive is considered inappropriate. It is requested that the limit be reduced to 60km/h and concealed entrance warnings be placed on properties that need them.
	Response/ Comment:	<p>It is not clear from the submission who the landowners spoke to at Council when they visited in August 2014, however at that time, all planning staff were aware of the draft Structure Plan preparation and Council's intention to investigate the land for future urban/employment in the UGMS.</p> <p>With respect to the concerns raised:</p> <ol style="list-style-type: none"> 1. As noted in submission 6, identification of sector 3 for proposed future employment/industrial is consistent with the UGMS. Rezoning this land is a longer-term proposition given existing industrial land supply in the immediate vicinity (i.e. 85-90ha of vacant zoned industrial land is located immediately to the north and northeast). <p>Buffers to future industrial will be addressed in more detail at the rezoning stage based on the principle that buffers are to be provided on the land on which the noise is generated.</p> <p>The northern gateway site is identified in the MNCRS as "proposed employment lands" and the UGMS as "urban investigation". Any rezoning of this land will need to ensure satisfactory buffers to mitigate potential for impacts to adjoining/adjacent residents.</p> <ol style="list-style-type: none"> 2. The matter of proposed urban/residential for the southern end of Bushland Drive is considered in the report as Issue No 4 and in submission 4. 3. Speed limits for Bushland Drive are a function of the number of driveway accesses. An 80km/h speed limit is considered satisfactory for the current situation, however in the future, a 60km/h limit may be appropriate if development intensifies. At this point in time however, Council has no plans to change the existing speed limit.
8.	Hopkins Consultants for	<ol style="list-style-type: none"> 1. A rezoning application for Gloucester Heights landowners group was lodged with Council in early 2006 and since that time 8-years has passed with very little progress despite

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	Gloucester Heights landowners group	<p>significant work being done and expense incurred.</p> <p>2. Gloucester Heights landowners group seek agreement to an upgrade/relocation of the Rawdon Island Road intersection on their client's land, east and west of the existing intersection, in lieu of the exhibited location further to the east.</p> <p>The request is made on the basis that detailed rezoning investigations for the Gloucester Heights lands proceed immediately as a separate sector (No 8), in conjunction with discussions/negotiations with the RMS and Council to resolve the Rawdon Island Road intersection.</p> <p>Justification is provided on the basis that:</p> <ul style="list-style-type: none"> - the landowner is a self-funded investment group able to proceed with rezoning and development immediately - the landowner has offered to contribute to detailed traffic studies and design work for the intersection - intersection reconfiguration/relocation is likely to involve acquisition by RMS/Council from the landowner - early engagement will ensure a long-term solution for the intersection up-front and facilitate development for the remainder of sector 6 - no other environmental or infrastructure impediments exist that would restrict rezoning and development of the land.
	Response/Comment:	<p>1. See comments in response to submission 6. It has not been possible for Council to progress investigations for this land. The former Gloucester Heights rezoning application was returned with fees refunded in full following advice from the NSW DP&E that Council cannot progress a rezoning of the land ahead of an overall planning framework being prepared to co-ordinate rezoning and development in the broader Sancrox area.</p> <p>2. Considered in the report as Issues No 5 and 6 and in the report options.</p>
9.	Peter Hore for MM Hore	<p>1. Supportive of Council's approach to planning for the gateway sites but the gross floor space estimates for the gateways should be increased to reflect the capacity to deliver a larger economic outcome.</p> <p>2. Proposed tourist zoning for the gateway sites is unnecessarily restrictive. Any of the Business zonings may be more appropriate to facilitate alternative development outcomes.</p> <p>3. It is noted that the draft Plan does not consider extending sewer from the adjacent Thrumster area to service the southern gateway site. Suggest that the most economical solution would be to provide a sewer connection from the Highway Service Centre on the eastern side of the Pacific Highway.</p> <p>4. The Billabong Drive/Oxley Highway intersection is at an unsafe angle and consideration should be given to relocating it</p>

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		<p>to the east for improved sight distance for traffic accessing the interchange.</p> <p>5. It is requested that sector 1 be rezoned in the short-term to reduce the cost of land in the PMH area and that this land be serviced with sewer via an extension from the Thrumster urban release area.</p> <p>6. If Council is not willing to rezone sector 1 in the short-term, it is requested the land be rezoned for unsewered rural-residential. This would assist Council to recover infrastructure costs in the eastern area of the Greater Sancroix and provide a buffer of less intensive use alongside a commercial land use which is likely to operate 24-hours a day.</p> <p>7. The south-eastern corner of Sector 1 is regrowth of low environmental quality, having been cleared in the 1950s. It is requested that this land be identified for rural-residential subject to offsets being provided for clearing.</p>
	Response/ Comment:	<p>1. A gross floor area of 3,800sqm was assumed for each gateway site for the purposes of the traffic modelling in the absence of development concepts from landowners. These sites will be high generators of traffic and need to be the subject to detailed modelling at future detailed rezoning/DA stages.</p> <p>2. Zone options for the gateway sites can be considered as part of detailed rezoning investigations in the context of the retail hierarchy established in the UGMS in addition to the NSW Minister for Planning's Direction No 5.4 Commercial and Retail Development along the Pacific Highway, North Coast.</p> <p>3. Considered in the report as Issue No 2 and in submission 2.</p> <p>4. The Pacific Highway / Oxley Highway interchange is a critical intersection in the State road network. Its operation must not be compromised by the operation of nearby intersections. The Billabong Drive intersection with the Oxley Highway therefore needs to be sufficient separate from the interchange. The minimum separation distance would be the subject of traffic modelling at subsequent detailed design stages in consultation with NSW Roads and Maritime Services.</p> <p>5. Considered in the report as Issue Nos 2 & 3 and in submission 2.</p> <p>6. Considered in the report as Issue No 3 and in submission 2.</p> <p>Buffers to mitigate potential impacts from the southern gateway site will be required to future development and will be considered in more detail as part of the proposed rezoning investigations for the Gateway sites.</p> <p>7. See comments above. All of sector 1 is currently identified in the MNCRS and UGMS for future urban investigation.</p>
10.	King &	1. The landowner is prepared to consider a potential Highway

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Campbell for Hazenveld Superannuation Fund Pty Ltd (HSF)	<p>Service Centre for the northern gateway site provided there is suitable consultation with the adjoining Billabong Park to ensure that the two land uses are compatible.</p> <p>2. Council's consideration to reducing the current 40-hectare minimum lot size to facilitate opportunities for integration of part of the property with the adjoining Billabong Park is sought.</p> <p>3. The draft Structure Plan suggests a yield of 3,800sqm of tourist/commercial floor space, which represents a floor space ratio (FSR) of 0.05:1. The landowner does not support this restriction on the future development of the gateway sites noting that neither the Billabong Wildlife Park nor a potential HSC are likely to comply with a FSR of 0.05:1.</p> <p>4. There have been no native vegetation and biodiversity issues identified that would restrict development of the northern gateway site.</p> <p>5. During peak traffic times queuing from the intersection at Oxley/Pacific Highways impacts the functionality of the existing Billabong Drive/Oxley Highway. These impacts are expected to increase overtime due to the ongoing increase in traffic along the PMQ to Wauchope development corridor identified in the UGMS.</p> <p>On that basis, it is considered that the progressive upgrade of the Oxley Highway/Billabong Drive intersection should be undertaken as part of the funding associated with the upgrade of the broader arterial road network in the LGA. It is not equitable to rely on local Sancrox development only to fund the upgrade of this intersection with the Oxley Highway.</p> <p>6. Given the proximity of the gateway sites to the existing reticulated sewerage services in Thrumster, it is not viable to connect the gateways to the future Thrumster STP on Fernbank Creek Road via the Sancrox Employment Precinct.</p> <p>7. The landowner seeks planning of future water supply infrastructure to provide for connection of the gateways to the existing/proposed reticulated water supply system in Thrumster.</p> <p>8. Concept plan attached to the submission provides an indication of likely suitable vehicle access arrangements for the northern gateway site.</p> <p>9. Given the existing high background noise levels and potential for urban/residential development in this locality to impact on the development potential of the gateway sites, residential development on the north-western corner of the Pacific/Oxley Highways is not supported.</p> <p>10. While the landowner supports commencement of rezoning investigations for the gateways in the short-term, the landowner reserves the right to delay any rezoning if it is to be undertaken without a specific land use in mind given the rezoning itself may create liabilities with respect to land tax etc.</p> <p>11. Generally the landowner seeks to ensure that any future</p>
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		rezoning of the property retains a range of potential uses that recognise the strategic importance of the site on the corner of the Pacific/Oxley Highways.
	Response/ Comment:	<p>1. Noted. Council is supportive of the recommendation in the State Government's current review of its Highway Service Centre (HSC) policy to allow for one additional HSC to establish west of the Pacific Highway at its junction with the Oxley Highway, subject to detailed investigations.</p> <p>2. Agreed. Minimum lot sizes will be determined as part of detailed rezoning investigations.</p> <p>3. As noted in submission 9, a GFA of 3,800sqm was assumed for each gateway site for the purposes of the traffic modelling in the absence of development concepts from landowners. However, no consideration has been given to FSRs in the preparation of the Draft Structure Plan. This level of detail will be assessed as part of detailed rezoning investigations.</p> <p>4. Noted.</p> <p>5. Considered in the report as Issue No 1.</p> <p>6. Considered in the report as Issue No 2.</p> <p>The short-term financial viability of a sewer connection is noted. Temporary on-site arrangements can be considered as part of the proposed LEP amendment for the Gateway sites.</p> <p>7. Agreed.</p> <p>8. Noted.</p> <p>9. Considered in the report as Issue No 3 and in submission 4.</p> <p>Buffers to mitigate potential impacts from the northern gateway site will be required to the nearest sensitive receivers, including rural-residential land uses.</p> <p>10. Council staff will consult landowners prior to commencement of LEP investigations.</p> <p>The Draft Structure Plan does not nominate a specific land use for the gateway sites. As part of detailed investigations, however, Council will be seeking a concept plan to support a rezoning proposal.</p> <p>11. Noted. At present, the Draft Structure Plan suggests a SP3 Special Use Tourist zoning for the gateway sites. The suitability of this zone for future development of these sites will be assessed as part of detailed investigations.</p>
11.	Patrick Cassegrain	<p>1. Residential development should be kept east of the Pacific Highway or around existing townships like Wauchope. It is not supported for Bushland Drive.</p> <p>Where achievable, additional rural-residential development is supported for Bushland Drive.</p>

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		<p>2. Bushland Drive, Sancrox Road and Rawdon Island Road (due to low traffic volumes) have reasonable capacity for additional and direct vehicle access.</p> <p>3. Respectfully suggest the potential yield for Bushland Drive, including any offset if necessary, could be much more than that indicated on the Draft Structure Plan map for rural-residential because the land is not mapped as core koala habitat, or within the extent of occurrence for the powerful owl, masked owl or glider.</p>
	Response/Comment:	<p>1. Considered in the report as Issue No 3 and in submission 4.</p> <p>2. The objective in not allowing direct access is to reduce the number of intersections where possible, for a more efficient and cost effective road network. In some instances, direct access may be required to ensure that individual sites can be developed. Assessment of such instances will be required at the time of detailed rezoning investigations.</p> <p>3. The Draft Structure Plan map does not define development footprints. It identifies broadly where development can potentially occur, subject to detailed investigations.</p> <p>The rural-residential investigation areas indicated for the Bushland Drive area reflect the limited potential identified by desktop analysis, which assumed minimal vegetation clearing and need to provide environmental offsets. The draft Structure Plan map has been amended to assist in conveying this information.</p>
12. & 13.	Norm Dunn (submission + feedback survey form)	<p>1. Significant increase in light and heavy vehicle use of Sancrox and Rawdon Island Roads over the last decade has resulted in road deterioration which is likely to get worse with development of the Sancrox Employment Precinct.</p> <p>Submission queries whether Council has considered applying a "load limit" to Sancrox and Rawdon Island Roads to ensure heavy vehicles use the Pacific and Oxley Highways rather than the local road network within Sancrox.</p> <p>2. Supportive of the Vision Statement, identification of gateways sites and additional rural residential in the area. Concerned about the use of Sancrox and Rawdon Island Roads by heavy vehicles.</p> <p>3. Preference stated for rural residential, rather than residential for the southern end of Bushland Drive and south of the Oxley Highway.</p>
	Response/Comment:	<p>1. Council's traffic engineer has advised that observations suggest that Sancrox Road and Rawdon Island Road currently carry traffic volumes appropriate for their role in the road hierarchy. RMS and Council will monitor the impact of the construction of the Sancrox overpass and the Pacific Highway upgrade. It is expected that once the upgrades are complete</p>

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		<p>shortcutting will be unlikely because the Pacific Highway to Oxley Highway route will be much more attractive. The Greater Sancrox plan discusses the need for upgrades to these roads in the future. Load limits would not be considered.</p> <p>2. Noted.</p> <p>3. Identification of urban/residential for the southern end of Bushland Drive and land south of Oxley Highway is considered in the report as Issue No 3 and in submission 4.</p>
14.	John Vanderley	<p>1. It is noted that only approx 1/3rd of my property is shown as having potential for rural-residential development. The entire northern half of the land is marked as a local wildlife corridor, however the corridor is superfluous as it leads directly into rural residential land. Overall, this land is isolated from the significant local and sub-regional corridors. The draft structure plan map shows a disproportionate amount of land allocated to environmental conservation for my land.</p> <p>2. My land is zoned RU1 Primary Production under Port Macquarie-Hastings Local Environmental Plan 2011. If the ecological assessment to inform the draft Structure Plan was completed in 2011, why didn't Council change the zoning on the northern part of my land to environmental conservation at that time? On what basis has Council's position changed to marking it for environmental conservation now?</p> <p>3. Figure 8 (p19) in the draft Structure Plan sets out potential environmental lands but my property is not included in the areas identified.</p> <p>4. Concerned about the environmental principles of the Draft Structure Plan requiring vegetation corridors to be retained and not significantly fragmented, plus maintenance of existing vegetation cover.</p> <p>5. It is not clear why a majority of my land should not be included for future rural-residential. At the very least consideration should be given to a strip along the eastern boundary with excellent existing road access. It is well serviced by road, power, sewage and wastewater opportunities, is not flood affected, is outside the employment lands buffer and is located close to Sancrox reserve.</p> <p>6. The draft Structure Plan map risks significantly limiting future expansion opportunities for the nursery. The nursery site and its future potential provide a number of benefits of high value to the community including but not limited to employment, commercial and tourist opportunities.</p> <p>7. I have noted that Sancrox Road is quite often used by cyclists and as such, might be considered as a designated cycleway. It provides for a more pleasant access road west instead of the noisy dangerous Oxley Highway.</p> <p>8. In addition, a weight limit along Sancrox Road preventing use by heavy trucks might also be worth considering with</p>

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	appropriate road works to accommodate cyclists.
Response/ Comment:	<p>1. As indicated in response to submission 11, the Draft Structure Plan does not define development footprints, nor does it rezone land. It identifies broadly where development can potentially occur, subject to detailed investigations.</p> <p>The rural-residential investigation areas shown on the exhibited Draft Structure Plan map reflect the limited potential identified by desktop analysis based on a low-density development concept plan prepared to inform the Draft Plan preparation. This concept, which was shown as appendix 1 in the exhibited Draft Structure Plan, assumed minimal vegetation clearing and therefore minimal need to provide environmental offsets.</p> <p>Much of the subject property is identified as constrained for rural-residential on the basis that it contains:</p> <ul style="list-style-type: none"> - Lowland subtropical rainforest on floodplain, which is an Endangered Ecological Community (both State and Federally listed). This EEC is not able to be offset and requires buffering to development. - Habitat for squirrel gliders and food resource area for threatened owls. - Vegetated first order streams dissecting the site, which require protection and buffering. <p>The local wildlife corridors shown on the Draft Structure Plan map are associated with the above constraints and are conceptual at this stage, subject to detailed rezoning investigations.</p> <p>The opportunity exists to participate in detailed rezoning investigations, as part of sector 6, to determine the potential of the land for rural residential rezoning. The Draft Structure Plan recommends that investigations for Sector 6 be deferred in the short-term, pending resolution of the Rawdon Island Road/Oxley Highway intersection safety and capacity issues.</p> <p>2. As above.</p> <p>3. Figure 7 in the Draft Plan shows assumed building envelopes and clearing based on a low-density development scenario for rural residential land use in the Greater Sancrox. Figure 8 provides one example of how this level of clearing may potentially achieve an environmental offset ratio to satisfy the State government's 'maintain and improve criteria'. The subject land was not included in this estimate, however, the status of the property can be considered in more detail in future planning for Sector 6.</p> <p>4. These principles relate to ensuring the long-term maintenance of biodiversity and viability of populations of threatened species in the Greater Sancrox area through retention and protection of adequate areas of habitat.</p> <p>5. As noted previously, the opportunity exists to participate in detailed rezoning investigations, as part of Sector 6, to</p>

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		<p>determine the potential of the land for future rural residential development. The Structure Plan map has been amended to show the property as "Limited Rural Residential Potential in existing cleared areas (Fig 20) subject to detailed investigations".</p> <p>6. Expansion of the nursery is permissible in the existing RU1 zone, subject to obtaining prior development consent. The Draft Structure Plan does not change this situation.</p> <p>7. Cycling facilities are generally not required on roads until traffic volumes exceed 2,000 vehicles per day and therefore a mixed traffic environment, accommodating both vehicles and bicycles is appropriate for roads such as Sancrox Road.</p> <p>8. As noted in submission 12, load limits would not be considered for Sancrox and Rawdon Island Roads.</p>
15.	Expressway Spares Pty Ltd	<p>1. Given the fragmented land ownership issues, any planning process needs to ideally be as simple as possible. Flexibility is also needed to add adjacent lands to the study area.</p> <p>2. Regardless of the outcome of the final Structure Plan, the whole of the GSA needs to be put forward by PMHC in the next review of the MNCRS.</p> <p>3. The draft Structure Plan notes that proposals to develop land affected by Koalas would require approval from the Commonwealth under the Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999 over and above any development approval issued by Council under the Environmental Planning and Assessment Act 1979. Planning for the Greater Sancrox should "streamline" the need to go to three levels of Government given that development is difficult enough without overtly complicating the way forward. Council needs to deal with any Federal government issue and not left to individual landowners to deal with.</p> <p>4. Prefer development scenario 2 in relation to the proposed industrial area.</p> <p>5. The need for a buffer arrangement is understood, however, it should be equitably shared across adjoining properties if there is to be a change of land use both sides of a boundary.</p> <p>6. The offset issue is probably the most significant issue for the GSA. Is there a solution where Council can calculate the area within the Greater Sancrox that can be used as offset, against the area that may be lost and work out a simple rate of compensation that might be effectively paid between landowners? For example, a landowner has x ha to be removed but they pay compensation to another landowner who has agreed to x ha (equivalent habitat) of permanently environmental land.</p> <p>7. PMHC should prohibit any further individual property access points other than those already approved as part of the Sancrox Traffic Arrangement process.</p>

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	<p>8. The existing Sancrox Reserve is well established and has very good capacity so there is limited need for significant open space provision in the area.</p> <p>9. It is noted that the original estimate of 100 ha of employment land for Sancrox-Fernbank Park has fallen short by 10 to 15 ha (i.e. total 85-90ha). As such the GSA employment lands should not be held back on any supply basis.</p> <p>10. Access for Sector 3 will be from the landowners who partly paid for the overpass and this future contribution should be acknowledged now and 'locked-away' in terms of any contribution from the possible development of sector 3. A VPA process could achieve this perhaps.</p> <p>11. Disagree that detailed rezoning investigations for sector 6 should be deferred pending resolution of the road infrastructure issues. Consider that rezoning investigations for sector 5 and 6 should occur together.</p>
Response/ Comment:	<p>1. Unfortunately the fragmented ownership in the area adds to the complexities involved in addressing the range of land use planning issues for rezoning and development in the Greater Sancrox area. No detail has been provided as to how the Structure Plan should be simplified. However, Council will work co-operatively with landowners to achieve this aim.</p> <p>The boundary of the Greater Sancrox study area accords with the investigation area identified in the UGMS. Inclusion of additional land would need to be assessed as part of a review of the MNCRS and UGMS.</p> <p>2. Agreed.</p> <p>3. The combined Koala populations of Queensland, NSW and the ACT were listed as Vulnerable under the EPBC Act in May 2012.</p> <p>The Federal government has developed EPBC Act referral guidelines for the Koala to provide further guidance to proponents regarding whether a proposal is likely to require referral to the Department due to impacts on the listed Koala.</p> <p>The Draft Structure Plan has been amended to clarify that proponents should use these guidelines to help in deciding whether a proposal triggers the need for Federal government approval. It is not Council's responsibility to undertake this assessment on behalf of landowners.</p> <p>4. Scenario 1 shown on the concept subdivision plan prepared to inform the Draft Structure Plan and included as appendix 1 provides no development potential for the proposed employment/industrial lands. Any development of this land, as suggested by scenario 2 on the plan, would be subject to the identification and securing of suitable offset lands for vegetation clearing and buffers to protect the amenity of nearby residents.</p> <p>5. Considered in the report as Issue No 6.</p>

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		<p>In summary, it is generally the responsibility of the proponent for noise generating uses to provide any necessary buffers. This will be addressed in more detail in LEP investigations.</p> <p>6. Council has sought the input of key landowners during preparation of the draft Structure Plan with the aim of resolving the offset issue under the principles of BioBanking or Bio-certification, as is described in the submission.</p> <p>Ultimately a high level of co-ordination and strong landowner buy-in will be required to address the offset issues for rezoning in the Greater Sancrox as part of detailed investigations. While Council staff can assist, it is not Council's role to secure offsets.</p> <p>7. The Draft Structure Plan does not identify any property access points to the Pacific Highway overpass, with the exception of sector 3 (potential employment/industrial lands).</p> <p>8. Open space is a community asset that provides important social and recreational opportunities and will be an important consideration in future planning for the longer-term urban and employment areas of the GSA.</p> <p>9. Adequate vacant zoned industrial land supply exists to cater for projected demand in the short to medium-term. The timing for release of the potential employment/industrial lands will be subject to ongoing future review of the MNCRS and UGMS.</p> <p>10. The contribution from the landowners that have part funded the overpass is a matter for Council to take into consideration. Council is not obliged to provide a contribution offset. However, this can be considered in the preparation of a Contributions Plan at the time of detailed rezoning investigations.</p> <p>11. Considered in the report as Issue No 6.</p>
16.	All About Planning for Marcus & Mariet Ludriks	<p>Submission seeks a reduction in the minimum lot size applying to an existing zoned R5 Large Lot Residential property at 395 Sancrox Road from 1.2ha to either 1ha or 8,000sqm, to allow a two-lot subdivision.</p> <p>It is considered that the proposal has merit on the basis of the size of existing lots in this area Sancrox. In addition, the Sancrox Wastewater Management Study 2006 preliminary site analysis does not preclude a potential subdivision of the site down to 8,000sqm, subject to more detailed and site specific investigation.</p>
	Response/Comment:	<p>In addition to vegetation and on-site effluent disposal, issues that would need to be considered as part of any rezoning include water supply and the capacity to service similar sites in the area.</p> <p>Council's water section has advised that currently no capacity exists for additional development in the Greater Sancrox ahead of upgrading the existing water supply. Augmentation would be required to facilitate the proposal.</p>

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		Given the scale of the proposed rezoning and high up-front costs to extend water supply infrastructure to service the site, it is recommended that a rezoning not be considered until such time as an upgraded water connection to Rawdon Island Road is able to be provided as development proceeds in Sector 6.
17.	Marcus Ludriks (feedback form)	<p>1. Feedback indicates support for the Vision Statement, additional rural residential, employment/industrial and gateways. It is also considered that the draft Plan provides a good balance between development potential and wildlife corridors.</p> <p>2. Uncertain about potential urban/residential at the southern end of Bushland Drive on the basis of existing amenity and adequacy of local roads.</p> <p>3. Suggest that other technologies, such as composting toilets for example, are available that would reduce the significant space required for on-site waste disposal.</p>
	Response/Comment:	<p>1. Comments noted.</p> <p>2. Proposed urban/residential for the southern end of Bushland Drive is considered in the report as Issue No 3 and in submission 4.</p> <p>3. Consideration to on-site sewage treatment options can be considered at detailed rezoning/DA stages.</p>
18.	NSW Rural Fire Service	<p>No objections are raised. General advice provided that all future development will be required to comply with the specifications and requirements of <i>Planning for Bushfire Protection 2006</i>.</p> <p>It is recommended that a detailed transport/road plan be developed to support the structure plan with distributor and collector roads located along the hazard interface to promote better bushfire outcomes for the future built form of the locality.</p> <p>Consideration is also suggested to the need for additional water reservoirs to support the demand from the potential future land use opportunities and requirements for mains pressure at the hydrant stipulated in AS 2419.1-2005 Fire Hydrant Installations.</p>
	Response/Comment:	Noted.
19.	NSW Department of Trade and Investment, Regional Infrastructure and Services - Mineral Resources Branch	Advice provided that intensification of residential development within quarry transition (buffer) zones is generally not supported by MRB, however, it is noted that each application should be considered on its individual merits.

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	(MRB)	
	Response/Comment:	Noted. Land affected by the quarry transition area will need to address potential areas of conflict with the Sancrox quarry in consultation with MRB prior to rezoning.
20.	Department of Primary Industries - Agriculture NSW	<p>Submission advises that mapped regionally significant farmland will require a merit-based assessment of agricultural value prior to rezoning.</p> <p>It is also recommended that a Land Use Conflict Risk Assessment (LUCRA) be carried out to ensure that legitimate agricultural activities will be able to continue.</p>
	Response/Comment:	<p>Those areas of the study site containing mapped regionally significant farmland have been identified for investigation in the former Hastings Rural Residential Strategy 2004 and more recently in the UGMS 2011. The DP&E are supportive of the UGMS investigations. In addition, in preparing the Draft Structure Plan, the land has been identified as affected by Koala habitat, endangered ecological communities and fragmented ownership.</p> <p>For isolated pockets of regionally significant farmland it is considered reasonable to allow it to go to a higher use based on location, constraints and adjoining land uses. However, it will be necessary to obtain endorsement of the Structure Plan by DP&E prior to any rezoning.</p> <p>It is considered reasonable that a LUCRA assessment be carried out at the time of detailed rezoning investigations given the extent of fragmentation in the area and possibility that some landowners may wish to continue an agricultural land use or logging of their property, rather than pursuing a rezoning.</p>
21.	NSW Roads and Maritime Services	<p>Advice provided that RMS have no plans to upgrade the Oxley Highway/Rawdon Island Road intersection at present, apart from safety improvements to the curves adjacent to the intersection during the 2014/15 financial year.</p> <p>The submissions confirms that:</p> <ul style="list-style-type: none"> - The draft Oxley Highway Corridor Strategy is due for completion by the end of the year but with no scheduled release date. Long-term improvements between the Pacific Highway and Wauchope are identified but the Rawdon Island intersection is not specifically mentioned. - The Oxley Highway Safety Review will be released in early 2015 and similar to the Corridor Strategy, does not specifically mention the Rawdon island Road intersection. Comments for this location relate to the general alignment through the curves and need to consider future realignment. <p>The RMS suggest that subject to detailed design and consideration to safety and traffic efficiency, an additional access to the Oxley Highway at Zanardis Lane may be</p>

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	considered. In addition, Council and the RMS will be undertaking a traffic study for PMQ and surrounding areas in 2015 and include modelling of traffic movements at the Oxley Highway/Billabong Drive intersection which will assist in assessing performance of this intersection and the impact of future development.
Response/ Comment:	Considered as Issue Nos 1 and 6 in the report.

All Sancrox landowners, including all persons who lodged submissions in relation to the Draft Structure Plan have been notified that this issue is being considered at this Council meeting and given the opportunity to address Council on any matters relating to the Draft Structure Plan.

Planning & Policy Implications

The Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) identified the Greater Sancrox area as an investigation area for future rural-residential and urban growth in the Port Macquarie to Wauchope corridor. The UGMS recommended that a Structure Plan be prepared for Sancrox with a key objective of ensuring efficient and co-ordinated development outcomes and connectivity, particularly having regard to the overall road network, water supply, sewer servicing, stormwater drainage and environmental considerations.

The Draft Structure Plan does not rezone land. It is a strategy document to provide a co-ordinated framework for land use, environmental management and infrastructure planning in Sancrox at a strategic level. It identifies broadly where development can potentially occur, the infrastructure needed to service it and a general sequence for detailed rezoning investigations. The Structure Plan has no statutory effect until its provisions are included in a Local Environmental Plan (i.e. through a rezoning).

If adopted by Council, approval will be required from the NSW Department of Planning and Environment (DP&E) to amend the Mid North Coast Regional Strategy (MNCRS) and UGMS prior to any rezoning. The DP&E has recently commenced a review of the MNCRS. Once endorsed by the DP&E, detailed investigations could commence in accordance with the adopted Structure Plan.

As a necessary first step in any rezoning process, landowners will be responsible for demonstrating how a proposal meets the environmental principles of the Structure Plan, to meet State planning requirements. Issues to be considered include habitat protection for significant species, connectivity requirements for these species, the provision of offset areas to compensate for vegetation removal, and the preparation of management strategies. Coordinated funding arrangements for essential infrastructure will need to be determined.

Financial & Economic Implications

Given the lower density of development proposed in the Greater Sancrox Structure Plan, development contributions per lot are expected to be higher than for residential development in other parts of the local government area. Additional costs are also

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likely to apply, including the establishment and ongoing maintenance of environmental lands.

The extent of land fragmentation in Sancrox means that there is potential for financial risks to impact on Council associated with infrastructure requirements, particularly road works, for the development of the area overtime. These risks are to be mitigated through the preparation of developer contribution plans under Section 94 of the EP&A Act 1979 and potentially through planning agreements for infrastructure works.

While the capital costs for the provision of infrastructure for new development can be taken into account through development contributions plans and planning agreements, it is acknowledged that ongoing maintenance of infrastructure will need to be covered by rate income.

Investigations to date have focussed on ensuring that there will not be any significant subsidy from the broader community in the establishment of infrastructure in the Greater Sancrox area.

Attachments

- 1[View](#). Final Draft Greater Sancrox Structure Plan Dec 2014
- 2[View](#). Submissions
- 3[View](#). Schedule of changes to exhibited Draft Structure Plan

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Item: 13.15

Subject: OCEAN DRIVE LAKE CATHIE PLANNING AGREEMENT

Presented by: Development & Environment, Matt Rogers

Alignment with Delivery Program

5.4.1 Plan settlements to accommodate a range of compatible land uses that meets projected population growth for new and existing developments.

RECOMMENDATION

That Council delegate authority to the General Manager to determine and execute the Ocean Drive, Lake Cathie Planning Agreement.

Executive Summary

Council has been in negotiations with three separate landowners in Ocean Drive Lake Cathie to facilitate the coordination of the construction of a new intersection and associated infrastructure opposite Abel Tasman Drive. A draft Voluntary Planning Agreement (VPA) has been prepared that sets out the terms of agreement between the parties and Council. It is proposed that authority be delegated to the General Manager to determine the VPA following public notification in order to progress the matter without further delay.

Discussion

Development Application 2012/381 for a 176 lot subdivision and associated infrastructure was approved by Council on 21 February 2013 . The development application includes the construction of an intersection at Abel Tasman Drive/Ocean Drive Lake Cathie to serve two separate landowners' subdivisions as well as an adjoining property. Following an offer from the three landowners involved, Council has facilitated negotiations on the planning agreement provisions for the construction of the intersection and infrastructure to serve the proposed subdivisions.

The draft planning agreement has now reached a stage where all parties are in agreement with the provisions. It is anticipated that formal offers to enter into the agreement will be received shortly to enable public notification of the agreement.

Specific provisions of the VPA include:

- Staged construction of the intersection on Ocean Drive.
- Construction of a lead in road.
- Reimbursement of costs between the parties for the cost of construction of infrastructure.
- Payment of roads contributions.
- Construction of relocated water and sewer mains.

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- Construction of a sewer pump station.
- Payment of water and sewer contributions.
- Dispute resolution mechanisms .
- Registration of the VPA on the title of the land.
- Payment of Council's costs in relation the preparation and negotiation of the VPA.

A copy of the draft agreement is attached.

Options

Council could choose not to delegate Authority to the General Manager to determine the VPA. Choosing not to delegate this authority would potentially delay the commencement of the associated developments given that Council will not meet again until February 2015.

Community Engagement & Internal Consultation

Development Application 2012/381 for a 176 lot subdivision and associated infrastructure was placed on Public Exhibition via neighbour notification from 16 - 30 August 2012. No submissions were received.

Public notification of the draft VPA is yet to be carried out.

Relevant staff in the Infrastructure and Asset Management and Development and Environment Divisions have been consulted in the preparation of the draft VPA.

Planning & Policy Implications

The draft VPA conforms to Council's Planning Agreements Policy.

Financial & Economic Implications

The draft VPA is considered to have positive financial and economic impacts through the orderly coordination of infrastructure to serve development.

Development Contribution offsets will be provided for road, water and sewer works constructed by the developer.

Attachments

1 [View](#). Draft Ocean Drive Lake Cathie Planning Agreement

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 Tender T-14-20 Managed Print Services

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

Item 15.02 Tender T-14-31 Provision of Statutory Property Services

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

Item 15.03 Tender T-14-41 Provision of Landscape Supplies

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

Item 15.04 Tender T-14-50 Tastings on Hastings Event Coordinator

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

Item 15.05 Tender T-14-24 Supply and Delivery of Pipes and Associated Fittings

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

Item 15.06 Tender T-14-25 Invasive Weed and Feral Animal Management Services

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a

commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**Item 15.07 Heritage Arts & Culture Priorities Advisory Group -
Expressions of Interest Received**

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

Item 15.08 Tender T-14-33 High Voltage Maintenance Program

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

Item 15.09 RFQ-14-40 Supply of Motor Grader

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

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

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

RECOMMENDATION

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

Item 15.01 Tender T-14-20 Managed Print Services

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

RECOMMENDATION

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