



Ordinary Council

Business Paper

date of meeting: Wednesday 17 June 2015

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.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-Committee-Meetings/Request-to-speak-on-an-Agenda-Item>

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.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-Committee-Meetings/Request-to-speak-in-a-Public-Forum>

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

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 June 2015

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**PORT MACQUARIE
HASTINGS**

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

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

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

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 20 May 2015 be confirmed.

PRESENT**Members:**

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director of Community and Economic Growth (Tricia Bulic)
Director of Corporate and Organisational Services (Rebecca Olsen)
Director of Development and Environment Services (Matt Rogers)
Director of Infrastructure and Asset Management (Jeffery Sharp)
Governance Support Officer (Bronwyn Lyon)
Communication Engagement and Marketing Team Leader (Andy Roberts)

The meeting opened at 5.30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Pastor Jeff Atherton from the People Builders Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

The Mayor noted the approved leave of absence for Councillor Hawkins.

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Levido

1. That the Minutes of the Ordinary Council Meeting held on 15 April 2015 be confirmed.
2. That the Minutes of the Extra-Ordinary Council Meeting held on 27 April 2015 be confirmed with the following amendment:
"Councillor Intemann joined the meeting at 4.33pm."

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Less Than Significant Interest in Item 12.01 - DA2015 - 0129 - Dwelling, Swimming Pool And Boat Ramp Including Clause 4.6 Objection To Clause 4.3 (Height Of Building) Under Port Macquarie-Hastings Local Environmental Plan 2011 At Lot 32, DP 1069338, 74 The Anchorage, Port Macquarie, the reason being that Councillor Levido lives opposite the subject property.

Councillor Levido declared a Non-Pecuniary, Less Than Significant Interest in Item 13.01 - Notice of Motion - 2015 - 2016 Budget Considerations, the reason being that Councillor Levido is a member of Rotary Club of Port Macquarie Sunrise Inc., who have significant involvement in carrying out works in the Port Macquarie Lighthouse Precinct.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 2 April to 6 May 2015 inclusive be noted.

CARRIED: 8/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Griffiths

That Council determine that the attachments to Item Number 13.03 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

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

AGAINST: Nil

08 PUBLIC FORUM

The Mayor advised of applications to address Council in the Public Forum from:
Mrs Diane Gilbert regarding a request for Council to assist in an application for
National Stronger Regions Funding.

RESOLVED: Sargeant/Cusato

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

CARRIED: 8/0

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

AGAINST: Nil

**08.01 REQUEST FOR COUNCIL TO ASSIST IN APPLICATION FOR
NATIONAL STRONGER REGIONS FUNDING**

Mrs Diane Gilbert, representing the Wauchope Heated Indoor Pool, addressed Council requesting Council to assist in the application for National Stronger Regions Funding.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

Item 12.02 - Mr Wayne Ellis in support of the recommendation.

Item 12.02 - Ms Tamsen Robertson in opposition of the recommendation.

Item 12.02 - Mr Lou Perri in support of the recommendation.

Item 12.02 - Mr Philip Laing in opposition of the recommendation.

Item 12.02 - Mrs Robina Laing in opposition of the recommendation.

Item 13.01 - Mr Paul Dirago in support of the recommendation.

Item 13.04 - Mr Ross Cargill in support of the recommendation.

RESOLVED: Sargeant/Cusato

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

CARRIED: 8/0

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Sargeant

That Standing Orders be suspended to allow Items 12.02, 13.01 and 13.04 to be brought forward and considered next.

CARRIED: 8/0

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

12.02 DA2015 - 0030 - ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 377 DP 236950, 31 VENDUL CRESCENT, PORT MACQUARIE

The Mayor advised of a formal request from the applicant for deferral of this item.

Mr Wayne Ellis addressed Council in support of the development application and answered questions from Councillors.

Ms Tamsen Robertson chose not to speak.

Mr Lou Perri chose not to speak.

Mr Philip Laing chose not to speak.

Mrs Robina Laing chose not to speak.

RESOLVED: Levido/Intemann

That Council:

1. Defer the determination of DA2015 - 0030 for additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011, at Lot 377, DP 236950, 31 Vendul Crescent, Port Macquarie, to allow for amended plans to be submitted.
2. Refer the application to the Development Assessment Panel for determination in accordance with the Development Assessment Panel Charter.

CARRIED: 8/0

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

13.01 NOTICE OF MOTION - 2015 - 2016 BUDGET CONSIDERATIONS

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

Mr Paul Dirago addressed Council in support of the notice of motion and answered questions from Councillors.

MOTION

MOVED: Griffiths/Roberts

That Council consider the following items in the development of the final draft 2015 - 2016 budgets and capital works programs:

Consult, design and construct a pedestrian crossing on Ocean Drive, Lake Cathie in the vicinity of the northern side of the lake.

Undertake a feasibility study and associated investigations into providing additional parking atop the Port Central Shopping Centre car park on Murray Street, Port Macquarie.

Fund short term works to allow two lanes of traffic in each direction from the Ocean Drive intersection to the Oxley Highway roundabout on Lake Road, Port Macquarie.

Allocate \$1 million for urgent stormwater repairs and maintenance across the LGA.

Allocate funding towards the completion of the Port Macquarie Lighthouse to Davis Crescent footpath project, including resealing the road surface from Matthew Flinders Drive to the Lighthouse.

Undertake investigations into a signalised intersection on Gordon Street and Gore Street to also include pedestrian crossings on all four ways.

Seal Stoney Creek Road in the currently unsealed sections as per the works program.

Remove from the current Draft Budget considerations any funds and resources allocated to the Cairncross Gas Capture project.

Place on hold the Kew Waste Transfer Station project until a detailed review and analysis has been undertaken and reported to a Council meeting.

Remove from the draft consideration for an \$800,000 loan to fund parks and gardens works.

Place a moratorium on new staff positions for the remainder of the Council term to September 2016.

Fund items as outlined above 1 through 12 from cash reserves, operational savings or grant funding.

AMENDMENT

MOVED: Turner/Cusato

That Council:

1. Note that numerous discussions, briefing and workshops have been held with all Councillors since November 2014 in relation to the 2015 - 2016 draft budget.
2. Acknowledge that opportunities have been afforded to all Councillors to have their input considered within these processes.

3. Acknowledge that all Councillor have been involved in preparation of Council's draft budget and voted unanimously to put it on public exhibition.
4. Note Councillors efforts to produce a balanced budget against a backdrop of a large backlog of existing infrastructure works.
5. Consider all submissions from Councillors and members of the public to the 2015 - 2016 draft Operational Plan.
6. Undertake a review of the budget process.

AMENDMENT

MOVED: Besseling/Cusato

That Council:

1. Note that numerous discussions, briefing and workshops have been held with all Councillors since November 2014 in relation to the 2015 - 2016 draft budget.
2. Acknowledge that opportunities have been afforded to all Councillors to have their input considered within these processes.
3. Acknowledge that all Councillor have been involved in preparation of Council's draft budget and voted unanimously to put it on public exhibition.
4. Note Councillors efforts to produce a balanced budget against a backdrop of a large backlog of existing infrastructure works.
5. Consider all submissions from Councillors and members of the public to the 2015 - 2016 draft Operational Plan.

CARRIED: 8/0

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

AGAINST: Nil

THE AMENDMENT BECAME THE MOTION

RESOLVED: Besseling/Cusato

That Council:

1. Note that numerous discussions, briefing and workshops have been held with all Councillors since November 2014 in relation to the 2015 - 2016 draft budget.
2. Acknowledge that opportunities have been afforded to all Councillors to have their input considered within these processes.
3. Acknowledge that all Councillor have been involved in preparation of Council's draft budget and voted unanimously to put it on public exhibition.
4. Note Councillors efforts to produce a balanced budget against a backdrop of a large backlog of existing infrastructure works.
5. Consider all submissions from Councillors and members of the public to the 2015 - 2016 draft Operational Plan.

CARRIED: 8/0

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

AGAINST: Nil

13.04 ROAD NETWORK PLANNING

Mr Ross Cargill, representing Men at Work, addressed Council in support of the recommendation.

RESOLVED: Intemann/Sargeant

That Council:

1. Endorse the investigation and planning for new road links and upgrades within the Local Government Area including:
 - (a) new North-South and East-West links
 - (b) additional links to Port Macquarie Regional Airport
 - (c) new link between Central Road and Acacia Avenue
 - (d) options for additional access to the southern section of the Lake Road Industrial area through to Kingfisher Drive/Wrights Road area
 - (e) upgrade of Lake Road to two lanes in each direction between the Oxley Highway and Ocean Drive.
2. Consider the proposed link road investigations in the preparation of the Urban Growth Management Strategy (UGMS) review and prior to commencing any investigations for the future rezoning of land that may be affected by future link roads.
3. Actively seek external funding for the preconstruction and construction activities required for the upgrade of Lake Road.
4. Consider funding the preconstruction activities in 2016 - 2017 budget if other funding is not forthcoming.

CARRIED: 8/0

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

AGAINST: Nil

09.01 STATUS OF OUTSTANDING REPORTS TO COUNCIL

RESOLVED: Levido/Intemann

That the information in the May 2015 Status of Outstanding Reports to Council be noted.

CARRIED: 8/0

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

AGAINST: Nil

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

RESOLVED: Sargeant/Cusato

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

-
1. Laura Chapman (Ranger).
 2. Daniel Trotter (Environmental Health Officer On-site Sewage Management).
- CARRIED: 8/0
- FOR: Besseling, Cusato, Griffiths, Intemann, Levido, Roberts, Sargeant and Turner
- AGAINST: Nil
-

09.03 DISCLOSURE OF INTEREST RETURN

RESOLVED: Cusato/Griffiths

That the Disclosure of Interest returns be noted for:

1. Ranger.
 2. Environmental Health Officer - Onsite Sewerage Management.
- CARRIED: 8/0
- FOR: Besseling, Cusato, Griffiths, Intemann, Levido, Roberts, Sargeant and Turner
- AGAINST: Nil
-

09.04 REPORT ON ATTENDANCE AT THE AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE

RESOLVED: Turner/Roberts

That Council note the conference report provided by Councillor Intemann on her attendance at the Australian Local Government Women's Association Conference.

CARRIED: 8/0

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

AGAINST: Nil

09.05 QUARTERLY BUDGET REVIEW STATEMENT - APRIL 2015

RESOLVED: Griffiths/Intemann

That Council note the Quarterly Budget Review Statement for the March 2015 Quarter.

CARRIED: 8/0

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

AGAINST: Nil

09.06 MONTHLY FINANCIAL REVIEW FOR APRIL 2015

RESOLVED: Griffiths/Levido

That Council adopt the adjustments in the "Financial Implications" section of the report for April 2015.

CARRIED: 8/0

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

AGAINST: Nil

09.07 INVESTMENTS - APRIL 2015

RESOLVED: Intemann/Griffiths

That Council note the Investment Report for the month of April 2015.

CARRIED: 8/0

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

AGAINST: Nil

09.08 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT

RESOLVED: Sargeant/Levido

That Council note the information within the report.

CARRIED: 8/0

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

AGAINST: Nil

09.09 PENSIONER CONCESSIONS REBATE POLICY REVIEW

RESOLVED: Intemann/Turner

That Council place on public exhibition the draft Pensioner Concessions Rebate Policy for a period of 28 days.

CARRIED: 8/0

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

AGAINST: Nil

09.10 2014 - 2015 OPERATIONAL PLAN PROGRESS REPORT AS AT 31 MARCH 2015

RESOLVED: Intemann/Griffiths

That Council:

1. Note the 2014 - 2015 Operational Plan quarterly progress report as at 31 March 2015.
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, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

10.01 RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - APRIL MEETING

RESOLVED: Besseling/Griffiths

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

1. Mr Cameron Lindsay in the amount of \$200.00 to assist with the expenses he would have incurred travelling to and competing at the CHS Volleyball Championships held in Mt Druitt, Sydney from 21 - 23 April 2015 inclusive.
2. Mr Harrison Northey in the amount of \$250.00 to assist with the expenses he would have incurred travelling to and competing at the National Swimming Titles held in Sydney Olympic Park Aquatic Centre, Sydney on 16 and 17 April 2015.
3. Ms Paige Leonhardt in the amount of \$350.00 to assist with the expenses she would have incurred travelling to and competing at the Georgina Hope Foundation and the National (Age & Open) Swimming Titles held in March and April 2015 respectively.

CARRIED: 8/0

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

AGAINST: Nil

10.02 SUSPENSION OF THE ALCOHOL FREE ZONE - ZONE 2 ON FRIDAY 26 JUNE 2015

RESOLVED: Turner/Cusato

That Council suspend the alcohol free zone in Zone 2 from 3pm to 10pm on Friday 26 June 2015 in accordance with the Local Government Act 1993 Alcohol Free Guidelines (Section 646).

CARRIED: 8/0

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

AGAINST: Nil

11.01 DIGITAL STRATEGY - PUBLIC EXHIBITION REPORT

RESOLVED: Turner/Sargeant

That Council:

1. Note the submissions made in response to the exhibition of the draft Port Macquarie-Hastings Digital Strategy.
2. Adopt the Port Macquarie-Hastings Digital Strategy with the inclusion of changes as identified within the report.

CARRIED: 8/0

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

AGAINST: Nil

12.01 DA2015 - 0129 - DWELLING, SWIMMING POOL AND BOAT RAMP INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDING) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 32, DP 1069338, 74 THE ANCHORAGE, PORT MACQUARIE

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

RESOLVED: Griffiths/Cusato

That the determination of DA2015 - 0129 for a dwelling, swimming pool and boat ramp including clause 4.6 objection to clause 4.3 (height of building) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 32, DP 1069338, No. 74 The Anchorage, Port Macquarie, be noted.

CARRIED: 8/0

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

AGAINST: Nil

12.03 DA2015 - 0114 - DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.4 (FLOOR SPACE RATION) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 18 DP 24185, 7 KALANG STREET, LAKE CATHIE

RESOLVED: Griffiths/Roberts

That the determination of DA2015 - 0114 for a dwelling including clause 4.6 objection to clause 4.4 (floor space ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 18, DP 24185, No. 7 Kalang St, Lake Cathie, be noted.

CARRIED: 8/0

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

AGAINST: Nil

12.04 MERGER OF THE HASTINGS LGA COAST & ESTUARIES SUB-COMMITTEE AND THE HASTINGS LGA FLOODPLAIN SUB-COMMITTEE

RESOLVED: Griffiths/Sargeant

That the merger of Hastings LGA Coast & Estuaries Sub-Committee & the Hastings LGA Floodplain Sub-Committee be deferred pending a review of all committees to be reported back to the July 2015 Council Meeting.

CARRIED: 8/0

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

AGAINST: Nil

12.05 RECOMMENDED ITEM FROM HASTINGS LGA FLOODPLAIN SUB-COMMITTEE - DRAFT PORT MACQUARIE-HASTINGS FLOOD POLICY.DCP FLOOD DEVELOPMENT PROVISIONS

RESOLVED: Griffiths/Turner

That Council place on public exhibition for 28 days the Draft Port Macquarie-Hastings Flood Policy/DCP Flood Provisions (April 2015), with minor amendments identified by the Hastings LGA Floodplain Sub-Committee.

CARRIED: 8/0

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

AGAINST: Nil

12.06 CHOOSE YOUR BIN AND NEW DOMESTIC WASTE SERVICE SURVEY

RESOLVED: Griffiths/Turner

That Council note the report and use the results of the survey to inform ongoing waste education and awareness programs.

CARRIED: 8/0

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

AGAINST: Nil

13.02 WATER SUPPLY POLICY 2015

RESOLVED: Cusato/Levido

That Council place on public exhibition the draft Water Supply Policy 2015 for the period 27 May to 24 June 2015.

CARRIED: 8/0

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

AGAINST: Nil

13.03 TOWN GREEN RE-TURFING

RESOLVED: Cusato/Roberts

That Council undertake rehabilitation of an area of Town Green as indicated in this report from existing Town Green budget allocations in the current 2014 - 2015 Operational Plan.

CARRIED: 8/0

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

AGAINST: Nil

13.05 PORT MACQUARIE-HASTINGS BIKE PLAN

RESOLVED: Intemann/Turner

That Council:

1. Note the submissions made in response to the exhibition of the Draft Final Port Macquarie-Hastings Bike Plan.
2. Adopt the Port Macquarie-Hastings Bike Plan - May 2015 with the inclusion of changes as identified within the report.

CARRIED: 8/0

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

AGAINST: Nil

13.06 PORT MACQUARIE-HASTINGS PEDESTRIAN ACCESS AND MOBILITY PLAN

RESOLVED: Intemann/Turner

That Council:

1. Note the submissions made in response to the exhibition of the Draft Final Port Macquarie-Hastings Pedestrian Access and Mobility Plan.
2. Adopt the Port Macquarie-Hastings Pedestrian Access and Mobility Plan - May 2015 with the inclusion of changes as identified within the report.

CARRIED: 8/0

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

AGAINST: Nil

13.07 DEVELOPMENT CONTRIBUTIONS FOR NON RESIDENTIAL DEVELOPMENT

RESOLVED: Turner/Cusato

That Council:

1. Undertake a trial, until 30 June 2016, to allow the payment of development contributions/headworks charges by instalment without security, subject to:
 - a) The development being in any Business Zone, Mixed Use Zone or Industrial Zone (not being development for residential accommodation or tourist and visitor accommodation).
 - b) It only applying to developments where the total contributions payable do not exceed \$50,000.
 - c) The total contributions permitted to be paid by instalment without security being limited to \$50,000.
 - d) The maximum amount of s94/s94A development contributions that can be paid by instalment without security being limited to \$5,000.
 - e) Payment of an interest charge based on the Council's investment portfolio performance plus 1% to be added to the contribution instalments.
 - f) The contributions and interest to be paid in 24 equal monthly instalments by a direct debit arrangement.
 - g) Any default in the payment of the contribution instalments will result in the full amount of the contributions becoming due and payable.
 - h) The interest charge on default payments being in accordance with the interest rate on overdue rates & charges as per the rate determined by the Division of Local Government.
2. Undertake a trial, until 30 June 2016, to allow an exemption from the payment water and sewerage headworks charges for development involving a change of use or extension of an existing premises, where the combined total of water and sewer headworks charges do not exceed \$2,000, in any Business Zone, Mixed Use Zone or Industrial Zone (not being development for residential accommodation or tourist and visitor accommodation).

-
3. Request the General Manager report to the July 2016 meeting providing details on the outcome of the trials.

CARRIED: 7/1

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

AGAINST: Levido

13.08 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Intemann/Griffiths

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

CARRIED: 8/0

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

AGAINST: Nil

13.09 QUESTION ON NOTICE - WAUCHOPE SWIMMING POOL FACILITY

MOTION

MOVED: Griffiths/Roberts

That Council:

1. Note the information included in the report.
2. Consult and engage with the community and stakeholders to discuss the Wauchope Pool facility following further detail being received by Council.

LOST: 2/6

FOR: Griffiths and Roberts

AGAINST: Besseling, Cusato, Intemann, Levido, Sargeant and Turner

FORESHADOWED MOTION

MOVED: Levido/Intemann

That Council note the information included in the report.

THE MOTION WAS PUT

RESOLVED: Levido/Intemann

That Council note the information included in the report.

CARRIED: 6/2

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

AGAINST: Griffiths and Roberts

13.10 MCINHERNEY PARK

RESOLVED: Cusato/Turner

That Council:

1. Note the information included within this report.
2. Support further exploration of additional sites along the Hastings River for access and use by motorised vessels, with particular focus on opportunities at Fernbank Creek.
3. Continue investigations into sites across the LGA suitable for boating infrastructure using the priorities identified within the Recreation Action Plan.
4. Identify and seek funding opportunities for boating infrastructure projects from the Road and Maritime Services and the NSW State Government.
5. Report to the August 2015 Ordinary Council Meeting outlining progress on identifying additional sites and upgrades to boating infrastructure within the LGA.

CARRIED: 8/0

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

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

14.01 UNSEALED ROAD NETWORK

Question from Councillor Cusato:

1. Does council have a structured rotation program for the grading, restoration and re-gravelling of the unsealed road network in the Port Macquarie-Hastings LGA?
2. Does Council have a priority implementation plan for works on the unsealed roads network after a major rain event?

Comments by Councillor (if provided):

Nil.

14.02 EXPRESSION OF INTEREST - SHORT STREET PLAZA CAR PARK

Question from Councillor Intemann:

Has Council received a material response to its Expression of Interest for the Short Street Plaza car park?

Comments by Councillor (if provided):

Nil.

14.03 FISHERMEN'S CO-OP

Question from Councillor Intemann:

Will Council be responding to the NSW government proposal to dispose of the Fishermen's Co-op, especially in terms of Council's EOI and the planning history for the site?

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Sargeant/Turner

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

Item 15.01 Tender T-15-16 2014 - 2015 Port Macquarie CBD Footpath Cleaning

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

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

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.29pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 8.31pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Cusato/Griffiths

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

Item 15.01 Tender T-15-16 2014 - 2015 Port Macquarie CBD Footpath Cleaning

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

RECOMMENDATION

That Council:

1. Accept the alternate tender submission for the 2014 - 2015 Port Macquarie TCMP Footpath Cleaning from Wasp Industries Pty Ltd for the period 1 June 2015 to 31 May 2016, with options to extend for a further 2 x 12 month 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-15-16.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Intemann, Levido, Roberts, Sargeant and Turner
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>) ⁱ	
Relationship of identified land to councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST	
Nature of land that is subject to a change in zone/planning control by proposed LEP (<i>the subject land</i>) ⁱⁱⁱ [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor [Tick or cross one box]	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

Councillor's Signature: Date:

Important Information

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

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

-
- i. Section **443** (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative^{iv} or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- ii. Section **442** of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section **448** of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section **443** (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section **448** (g) (ii) of the *Local Government Act 1993*.
- iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Item: 06.01

Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND
ALLOCATIONS

Mayor, Peter Besseling

RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 7 May to 3 June 2015 inclusive be noted.

Discussion

Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 7 May to 3 June 2015 inclusive was \$1,020.00.

This included the following:

Donation to Fundraiser for Special Olympics Australia	\$200.00
Donation to Hastings Cancer Trust on behalf of Centenarian Eunice Mather	\$100.00
Floral Bouquet for Centenarian Eunice Mather	\$20.00
Donation to Red Shield Appeal	\$300.00
Donation to Fundraiser for Hastings Cancer Trust	\$400.00
	<u>\$1,020.00</u>

Attachments

Nil

Item: 07

**Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL
MEETING**

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Number 13.10 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

Discussion

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

Item No:	13.10
Subject:	Port Macquarie Indoor Stadium Expansion
Attachment Description:	Letter to PCYC CEO
Confidential Reason:	Relates to commercial information of a confidential nature that would, if disclosed, reveal a trade secret. (Local Government Act 1993 - Section 10A(2)(d)(iii)).

Item: 08**Subject: PUBLIC FORUM**

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

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

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

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

Ensuring Good Governance

What are we trying to achieve?

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

What will the result be?

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

How do we get there?

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

Ensuring Good Governance

Item: 09.01

Subject: STATUS OF OUTSTANDING REPORTS TO COUNCIL

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 June 2015 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
Fit for the Future - Draft submission. (Item 09.01 - OC 18/02/15)		GM	Jun 2015	Jun 2015
QON - Unsealed Road Network (Item 14.01 - OC 20/05/15)		DIAM		Jun 2015
QON - EOI Short Street Plaza Car Park (Item 14.02 - OC 20/05/15)		GM		Jun 2015
QON - Fishermen's Co-op (Item 14.03 - OC 20/05/15)		GM		Jun 2015
Committees Review (Item 12.04 - OC 20/05/15)		DCOS		Jul 2015
Policy Making - review. (Item 09.07 - OC 19/11/14)		DCOS	Jun 2015	Jul 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	DCEG	Feb 2015	Jul 2015

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
McInherney Park - progress on identifying additional sites and upgrades to boating infrastructure within the LGA. (Item 13.10 - OC 20/05/15)		DCEG		Aug 2015
Waste Audit - Results. (Item 12.06 - OC 16/07/14)		DDES	Oct 2015	Oct 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 2015	Oct 2015
Development Contributions for Student Accommodation - results of trial. (Item 13.06 - OC 19/11/14)		DDES	Jun 2015	Oct 2015
Free Camping - Position Statement monitoring and engagement with free camping community. (Item 11.03 - OC 18/03/15)		DCEG	Feb 2016	Feb 2016
Development Contributions for Non Residential Development - outcome of trials. (Item 13.07 - OC 20/05/15)		DDES		Jul 2016
Draft Structure Plan for the Greater Sancrox Area - consideration/investigations of potential urban capability/serviceability / capacity of lands between Oxley Highway to north, Pacific Highway to west and Houston Mitchell Drive to south and viability of rural residential development in the Greater Sancrox area. (Item 13.07 - OC 18/02/15)		DDES	2016	2016

Cyclic Reports

Report	Reporting Officer	Reporting Cycle
Monthly Financial Update	DCOS	Monthly
Investments	DCOS	Monthly
Mayoral Discretionary Fund Allocations	GM	Monthly

Ensuring Good Governance

Report	Reporting Officer	Reporting Cycle
Development Activity and Assessment System Performance	DDES	Quarterly (Apr, Jul, Oct, Feb)
Glasshouse Quarterly Financial Report	DCOS	Quarterly (July, Oct, Feb, Apr)
Procurement Strategy - Progress Report (Item 08.10 - ORD 18/09/2013)	DCOS	Quarterly (July, Oct, Feb, Apr)
Glasshouse Strategic Business Plan - Progress Report	DCOS	Quarterly (Aug, Nov, Feb, May)
Delivery Program - Progress Report	DCEG	Biannual (Mar, Sept)
Operational Plan - Progress Report	DCEG	Biannual (May, Oct)
Economic Development Strategy - Progress Report (Item 10.03 - ORD 20/11/2013)	DCEG	Biannual (June, Dec)
Mayoral and Councillor Fees (Setting of)	GM	Annually (June)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (July)
Compliments and Complaints Annual Report	DCEG	Annually (Aug)
Annual Report of the Activities of the Mayor's Sporting Fund	DCEG	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	DCOS	Annually (Sept)
Audit Committee Annual Report	DCOS	Annually (Sept)
Annual Disclosure of Interest Returns	GM	Annually (Oct)
Payment of Expenses and Provision of Facilities to Councillors Policy for Adoption	DCOS	Annually (Nov)
Council's Annual Report	DCEG	Annually (Nov)
Annual Reporting of Contracts for Senior Staff	GM	Annually (Nov)

Attachments

Nil

Ensuring Good Governance

Item: 09.02

Subject: NOTICE OF MOTION - SUPPLY OF SERVICES TO COUNCIL

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

RECOMMENDATION

That the General Manager bring a Report back to the September 2015 Meeting of Council outlining:

1. How a regime can be established (including an appropriate Recommendation) setting out a quarterly report to Council detailing amounts paid by Council to suppliers of services to Council including accounting, audit, legal, planning, architectural, surveying, environmental consultancy, IT and HR/Staff Training, limited to such suppliers who receive a gross amount of \$10,000.00 + GST or more in a quarter. Such quarterly report to detail:
 - a) Name of supplier.
 - b) Nature of service supplied.
 - c) The amount paid allocated as to:
 - i) Costs;
 - ii) Disbursements;
 - iii) GST; and
 - iv) The allocated amount shown on both a "Report Quarter" and "Year to Date" basis.
2. The implications and challenges in commencing such a Report regime for the December 2015 quarter where the Report would be provided to the February 2016 Council Meeting with the Report for each subsequent quarter being provided to the Council Meeting as follows:
 - a) March Quarter – May Meeting.
 - b) June Quarter – August Meeting.
 - c) September Quarter – November Meeting.
 - d) December Quarter – February Meeting.

Comments by Councillor (if provided)

Council is making significant progress in the reporting of its financial structure and components with a community benefit of greater transparency as to how Council spends public money.

Further work is needed to break down broad categories of expenditure to specific items including details of the payees and the services provided by those payees.

Attachments

Nil

Ensuring Good Governance

Item: 09.03

Subject: NOTICE OF MOTION - EXTERNALLY RESTRICTED FUNDS IN THE CATEGORIES OF DEVELOPER CONTRIBUTIONS, WATER, SEWERAGE AND DOMESTIC WASTE MANAGEMENT

Councillor Levido has given notice of His intention to move the following motion:

RECOMMENDATION

That the General Manager bring a report back to the September 2015 Meeting of Council dealing with Externally Restricted Funds in the categories of Developer Contributions, Water, Sewerage and Domestic Waste Management and for this report to include:

1. Balances held as at 30 June 2015 in each of the above-mentioned External Restrictions.
2. Brief details of the composition of each restriction including individual Contribution Plans and the funds held in each category/Plan.
3. An explanation as to how funds held within these External Restrictions are expended.

Comments by Councillor (if provided)

As at 30 June 2014, Council had investments of approximately \$150 million comprising "Restricted Funds".

These restricted funds are basically made up of:

1. Internally restricted funds of approximately \$81 million comprising Reserve Funds established by Council, funds held for committed works, working capital and funds that are set aside by Council to cover its obligations to employees as an employer;
2. Externally restricted funds of some \$95 million comprising Developer Contributions for the purposes of Section 94 of the Environmental Planning and Assessment Act, 1979, Council's Waste Fund, Council's Water Fund and Council's Sewer Fund; and
3. Prepaid & unexpended Grant Funds tied to specific projects and Special Rate funds tied to defined precincts such as Sanctuary Springs and the Broadwater development, both in Port Macquarie, of approximately \$10 million.

By 30 June 2015, it is probable that these investments will be in the order of \$190 million. It is also probable that the bulk of the increase is by way of Developer Contributions.

By Council's September 2015 Meeting, the updated 30 June 2015 Reconciliation will be available.

Ensuring Good Governance

In the current difficult financial environment it is important to understand the scope of the funds held, their lawful availability for the provision of infrastructure and associated works and how those funds can be lawfully expended by Council.

Attachments

Nil

Ensuring Good Governance

Item: 09.04

Subject: 2015-2016 COUNCILLOR AND MAYORAL FEES

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

1.2.1 Provide effective leadership that supports the community.

RECOMMENDATION

That in relation to Councillor remuneration for the 2015-2016 financial year, Council:

1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2015 to be \$18,380.00.
2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2015 to be \$40,090.00 (this amount is in addition to the fee payable to a Councillor).
3. Amend the 2015-2016 budget allocation for Councillor and Mayoral Fees in accordance with the fees set for 2015-2016.
4. Note the continued advocacy of Local Government NSW that the significant time involvement required from councillors is not appropriately recompensed through the current remuneration levels.

Executive Summary

The Local Government Remuneration Tribunal on 13 April 2015 released its determination in relation to its 2015 annual review for the payment of fees to Councillors and Mayors.

Port Macquarie-Hastings Council is classified as a Regional Rural council. The Tribunal has determined that the revised band of fees for a regional rural council be:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Regional Rural	• \$8,330	• \$18,380	• \$17,740	• \$40,090

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member.

Council, in the past, has adopted the maximum fee determined by the Tribunal for both Councillors and the Mayor.

Ensuring Good Governance

Discussion

On 13 April 2015, the Local Government Remuneration Tribunal made its determination in relation to its 2015 Annual Review for the payment of fees to Councillors and Mayors. The review focused on the determination of annual fees to be paid in each of the categories to councillors and mayors.

The full 2015 Report and Determination from the Local Government Remuneration Tribunal has been provided to Councillors under separate cover and is available publicly from the NSW Remuneration Tribunals website, remtribunals.nsw.gov.au.

The Local Government Remuneration Tribunal, under section 241 of the *Local Government Act 1993* ("the Act"), determines annually for each category of council, the minimum and maximum amount of fees to be paid to councillors and mayors.

On 27 June 2011, the NSW Parliament passed amendments to the Act to apply the same government public sector wages cap that binds the Industrial Relations Commission to the determination of the minimum and maximum fees for councillors and mayors. Therefore no increase beyond 2.5 percent may be applied by the Tribunal to the minimum and maximum amounts of fees to be paid to councillors and mayors. The effect of the amendments to the Act was to remove the Tribunal's discretion to determine any increase beyond 2.5 percent.

On 4 March 2015 the Tribunal wrote to all council mayors advising of the commencement of the 2015 Annual Review and invited submissions from councils as to whether 'Fit for the Future' councils should be recognised in any future or alternative categorisation model.

The Tribunal received fifteen (15) submissions from individual councils.

Submissions received (in summary) addressed the following matters:

- The Tribunal to determine the maximum statutory increase of 2.5 percent as permitted by the legislation.
- A number of councils requested individual re-categorisation.
- A number of councils raised the increased role and responsibilities councillors undertake and that fee levels should greater reflect same.
- The matter of establishing a Deputy Mayoral fee was raised.
- The current remuneration levels are deemed by some councils to be a barrier in attracting younger and working people to stand for election.

In addition to the fifteen (15) submissions above, the Tribunal also received a submission from and met with representatives of Local Government NSW (LGNSW).

In their submission, LGNSW requested:

- That a new category be established, 'peri-urban', to contain those councils that occupy a landscape on a major city fringe that is neither fully urban nor completely rural.
- That councillor and mayoral remuneration be increased by the full 2.5 percent for 2015-2016.

LGNSW continues to advocate that elected representatives face increasing challenges, associated with managing council workload, family responsibilities and

Ensuring Good Governance

paid work, and that the significant time involvement is not appropriately recompensed through the current remuneration levels.

The Tribunal reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and found that the full increase of 2.5 percent available to it is warranted and appropriate.

Port Macquarie-Hastings Council is classified as a Regional Rural council. The revised table of fees are shown below:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Principal City	\$25,040	\$36,720	\$153,200	\$201,580
Major City	\$16,690	\$27,550	\$35,470	\$80,260
Metropolitan Major	\$16,690	\$27,550	\$35,470	\$80,260
Metropolitan Centre	\$12,520	\$23,370	\$26,600	\$62,090
Metropolitan	\$8,330	\$18,380	\$17,740	\$40,090
Regional Rural	\$8,330	\$18,380	\$17,740	\$40,090
Rural	\$8,330	\$11,010	\$8,860	\$24,030
County Council – Water	\$1,660	\$9,180	\$3,550	\$15,080
County Council – Other	\$1,660	\$5,490	\$3,550	\$10,020

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member.

Options

Council must determine the Councillor Fee for the 2015-2016 financial year within the relevant band of the 2015 Local Government Remuneration Tribunal determination.

Councillor Fee \$8,330 - \$18,380

Council must determine the Mayoral Fee for the 2015-2016 financial year within the relevant band of the 2015 Local Government Remuneration Tribunal determination.

Mayoral Fee \$17,740 - \$40,090

Community Engagement & Internal Consultation

Internal Consultation

- Group Manager Governance and Executive Services.

Planning & Policy Implications

As per Council's current Payment of Expenses and Provision of Facilities to Councillors Policy, Council will set the Councillor and Mayoral annual fees payable for the financial year commencing 1 July, prior to 30 June.

Council's past practice has been to adopt the maximum fee determined by the Tribunal for both Councillors and the Mayor.

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Financial & Economic Implications

The draft 2015-2016 budget currently has allocations for Councillor and Mayoral fees totalling \$205,499.

Draft 2015-2016 Budget Allocations:

Total (Annual) Councillor Fees	Total (Annual) Mayoral Fee	Total
\$147,032	\$58,467	\$205,499

If Council was to resolve to adopt the maximum amount payable to Councillors and the Mayor it would require an additional \$11.00 to be allocated to Councillor and Mayoral fees.

Tribunal Determination (Regional Rural - Maximum):

Councillor Fee	Mayoral Fee	Total
\$165,420 (Individual Cllr \$18,380)	\$40,090	\$205,510

Attachments

Nil

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Item: 09.05

Subject: COUNCIL POLICY REVIEW - POLICY RESCISSIONS

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

1.4.1 Engage with the community on impacts and changes of operations.

RECOMMENDATION

That Council:

1. Place on public exhibition from 26 June 2015 to 24 July 2015 (28 days) its intention to rescind the following Policies:
 - a) Access to Information.
 - b) Broadcasting of Council Meetings.
 - c) Council Documents and Reports.
 - d) Annual Reporting.
 - e) Airport Car Parking.
 - f) Release of Rating and Property Information.
 - g) Hazardous Waste Incidents.
 - h) Impounding of Cattle.
 - i) Impounding of Dogs.
 - j) Local Aboriginal Land Councils - Interim Consultation Policy regarding Council Works, DA's and Draft LEPs.
 - k) Noise from Recreational Trail Bike Use.
 - l) Provision of Kerbside Waste Collection Services to Dwellings Multi Unit Developments Commercial and Industrial Premises.
 - m) Temporary Occupation of Building During Erection of a Dwelling.
 - n) Use of Public Land for Vegetation Offsets.
 - o) Aggregation of Land Values for Rating Purposes.
 - p) Exercising Horses on Pilot Beach Dunbogan.
 - q) Frontage Works to Development.
2. That the General Manager prepare a Hazardous Waste Incidents WHS Procedure, which will be used in place of the rescinded Hazardous Waste Incidents Policy.
3. Note the following Policies have previously been superceded:
 - a) Beach Areas Permitting Dogs in the Local Government Area.
 - b) Calling of Quotations and Tenders for Contractors.

Executive Summary

Council has a total of 93 Policies. A comprehensive Council Policy review has taken place over the last twelve (12) months.

Council's entire Policy suite has been reviewed, which has resulted in the identification of seventeen (17) Policies recommended for rescission.

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Council's Policy Register and the Policies the subject of this report are publicly available via [Council's website](#).

Discussion

A comprehensive Council Policy review has taken place over the last twelve (12) months. Council's entire Policy suite has been reviewed, which has resulted in the identification of seventeen (17) Policies recommended for rescission.

Council currently has a total of 93 Policies.

Council's Policy Register and the Policies the subject of this report are publicly available via [Council's website](#).

It is recommended that the following Policies be rescinded:

1. Access to Information Policy

(Division responsible: Corporate and Organisational Services)

The objective of this Policy is to describe Council's principles regarding public access to information and to facilitate the processing of requests for access.

- With the introduction of the Government Information (Public Access) Act 2009 ("GIPA Act"), section 12 of the Local Government Act 1993 ("LG Act") was repealed being replaced by Schedule 1 of the Government Information (Public Access) Regulation 2009 ("GIPA Regulation").
- The GIPA Act:
 - i) Provides a comprehensive framework for the release of information by Council.
 - ii) Places annual reporting requirements on Council.
 - iii) Incorporates appropriate access methods and appeals processes.

The GIPA Act legislates Council's principles regarding public release of information and the processes to follow for information release.

Schedule 1 of the GIPA Act outlines the only and specific reasons for denial of information and section 14 provides the only considerations for denial.

Establishing a 'more restrictive' Policy in this area would be in conflict with the objectives of the GIPA Act.

The current Policy was previously used in conjunction with Freedom of Information (FOI) legislation. The current Policy was updated (2010) to include references to GIPA legislation.

The GIPA legislation is considered to provide a sufficient framework for the provision of information.

It is recommended to rescind this Policy.

2. Aggregation of Land Values for Rating Purposes

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(Division responsible: Corporate and Organisational Services)

The Policy objective is to outline Council's Policy in relation to the aggregation of land values for rating purposes.

Local Government Act 1993 (extract)

Section 548A - Aggregation of values of certain parcels subject to rates containing base amounts

- (1) If the Council is of the opinion that the levying of a minimum rate or of a rate containing a base amount:
 - (a) would apply unfairly, and*
 - (b) could cause hardship to a rateable person who is rateable in respect of two or more separate parcels of land subject to the rate, it may aggregate the land values of such of the parcels as it determines and levy the rate on the aggregated land values.**
- (2) Land values may be aggregated under this section for separate parcels of land only if each separate parcel is subject to:
 - (a) the same category or subcategory of the same ordinary rate, or*
 - (b) the same special rate.**
- (3) A council must not aggregate the land values of two or more separate parcels of land:
 - (a) if each parcel is a parcel on which a dwelling is erected or a parcel that comprises (or substantially comprises) a dwelling in a residential flat building or;*
 - (b) if the parcels are a combination of parcels referred to in paragraph (a).**

This Policy is not required as the subject matter is covered by statutory provisions of the LG Act section 548A.

It is recommended to rescind this Policy.

3. Airport Car Parking

(Division responsible: Corporate and Organisational Services)

The Policy objective is to ensure that car parking is available for users of Port Macquarie Airport and that fees charged for parking at the Airport are used to support ongoing operations, loan repayments and future improvements of the Airport.

This Policy is a duplication of the Schedule of Fees and Charges (Revenue Policy) – which is adopted by Council annually as part of its annual Integrated Planning and Reporting documents.

The exemption/concession clause of this Policy, which states that the fees charged are at the sole discretion of Port Macquarie-Hastings Council, is in conflict with a current delegation to the General Manager, in that:

The General Manager can:

“vary, waive or reduce various fees as detailed in Council's Statement of Fees and Charges in those circumstances where the organisation/person involved is a charitable organisation, or where the fee charged is not achieving a usage/level of sales envisaged, or if the specified fee is unreasonable or inappropriate in defined or exceptional circumstances.”

It is recommended to rescind this Policy.

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4. Annual Reporting

(Division responsible: Economic and Community Growth)

The Policy objective is to outline Council's policy in relation to producing an Annual Report.

This Policy was adopted in 1996 and has not since been revised.

Council's obligations concerning annual reporting is heavily legislated, part of the Integrated Planning and Reporting framework and supplemented by direction and guidance from the Office of Local Government.

It is recommended to rescind this Policy.

5. Broadcasting of Council Meetings

(Division responsible: Corporate and Organisational Services)

The objective of this Policy is to outline Council's Policy in relation to the broadcasting of Council Meetings.

Clause 273(1) of the *Local Government General Regulation 2005* ("LGGR") states:

"A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee."

It is understood that local community radio may have previously broadcast Council Meetings, under which the establishment of this Policy stemmed.

This Policy is in contradiction to the current Code of Meeting Practice. This Policy, in part, removes the need for a person to seek Council permission under clause 273(1) of the LGGR.

It is recommended to rescind this Policy.

6. Council Documents and Reports

(Division responsible: Corporate and Organisational Services)

The objective of this Policy is to ensure the availability of reports, studies and publications to the public.

Internet and Web access to Council documents has increased dramatically over the last 5 years and is envisaged to continue to increase. Schedule 1 of the GIPA Regulation outlines the required documents to be "open access" (available) to the Community:

Four (4) types/classes of information:

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1. Information about Council (Community Strategic Plan/Delivery Program/Operational Plan, registers of information, disclosure returns, agendas/minutes).
2. Plans and policies (Policies, plans of management, Local Environmental Plan(s), Development Control Plan(s), contribution plans, etc.).
3. Information about development applications.
4. Approvals, orders and other documents.

The GIPA Act provides a comprehensive framework for the release of information by Council and has access methods and appeals processes. The GIPA Act also places heavy obligations on council's to make information available via their websites.

It is recommended to rescind this Policy.

7. Exercising Horses on Pilot Beach Dunbogan

(Division responsible: Development and Environment Services)

The Policy Objective is to outline Council's Policy on the exercising of horses on Pilot Beach, Dunbogan.

The Policy is not required as it is managed by signage as required.

It is recommended to rescind this Policy.

8. Frontage Works to Development

(Division responsible: Development and Environment Services)

The Policy objective is to ensure land use developments provide appropriate infrastructure works along their respective property frontages to service the infrastructure demands associated with the development.

This Policy is no longer required as this area is managed through the development application process.

It is recommended to rescind this Policy.

9. Hazardous Waste Incidents

(Division responsible: Development and Environment Services)

The Policy objective is to outline Council's Policy in relation to hazardous and orphan waste incidents.

It is recommend to rescind this Policy and subsequently develop a WHS Procedure to manage these matters - which is considered a more appropriate approach.

10. Impounding of Cattle

(Division responsible: Development and Environment Services)

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The Policy objective is to advise the location of the Livestock pound for the reception, detention and sale of straying Stock.

The Policy is no longer required as it is covered by statutory provisions of the *Impounding Act 1993*.

It is recommended to rescind this Policy.

11. Impounding of Dogs

(Division responsible: Development and Environment Services)

The Policy objective is to nominate the place for the acceptance and detention of dogs and cats. The Policy is no longer required as it is covered by statutory provisions of the *Companion Animals Act 1998*.

It is recommended to rescind this Policy.

12. Local Aboriginal Land Councils – Interim Consultation Policy regarding Council Works, Development Applications and Draft LEPs Policy

(Division responsible: Development and Environment Services)

The Policy objective is to enable the relevant Local Aboriginal Land Council to notify Council of any Aboriginal significance for sites subject to proposed Council works, to Development Applications, and to Draft Local Environmental Plans, pending completion of a Local Aboriginal Heritage Study.

This Policy is no longer required as Council's planning legislation, Gateway process and current Community Engagement Policy provide sufficient and contemporary guidance.

It is recommended to rescind this Policy.

13. Noise from Recreational Trail Bike Use

(Division responsible: Development and Environment Services)

The Policy objective is to:

- Identify areas where recreational trail bike riding activities are not appropriate. To identify areas where recreational trail bike riding may be appropriate.
- To provide guidelines that assist in the minimisation of noise impacts from recreational trail bike riding.
- To outline Council's approach to dealing with noise complaints about trail bikes.
- To promote responsible use of recreational trail bikes.

The Policy is not required as this area is covered by statutory provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Noise Control) Regulation 2008* and the Noise Guide for Local Government.

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It is recommended to rescind this Policy.

14. Release of Rating and Property Information

(Division responsible: Corporate and Organisational Services)

The Policy objective is to outline Council's Policy in relation to the release of rating and property information.

The *Privacy and Personal Information Protection Act 1998* ("PIIP Act") outlines Council's obligations in this area. The PIIP Act requires Council to have a Privacy Management Plan. Council has both a Plan and procedures for the release of information considered "personal information", which includes rating and property information.

This Policy duplicates Council's legislatively required Privacy Management Plan.

It is recommended to rescind this Policy.

15. Provision of Kerbside Waste Collection Services to Dwellings Multi Unit Developments Commercial and Industrial Premises

(Division responsible: Development and Environment Services)

The Policy Objective is to provide definitions on the types of waste services available, the implementation of these services, the methods of charging and the application of the Policy to residents within the Port Macquarie-Hastings Local Government Area.

This Policy is not required as the matters are either covered by Council's Fees and Charges or are appropriately assessed in conjunction with a development application.

It is recommended to rescind this Policy.

16. Temporary Occupation of Building during erection of a Dwelling

(Division responsible: Development and Environment Services)

The Policy objective is to allow the temporary residential occupation of a building during the construction of a permanent dwelling on the same site.

This Policy is not required as it is managed on a merit basis through the development application process under the *Environmental Planning and Assessment Act 1979*.

It is recommended to rescind this Policy.

17. Use of Public Land for Vegetation Offsets

(Division responsible: Development and Environment Services)

The Policy objective is to outline Council's position in relation to the use of public land to provide off-sets to vegetation removal for private development and to ensure that

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the benefit of public land is reserved for the broader community and for potential off-sets associated with Council public infrastructure works.

This Policy is currently preventing the use of Council land to assist in offsetting developments with a public benefit.

It is recommended to rescind this Policy.

Superceded Council Policy

The following Policies are currently listed on Council's Policy register, however upon investigation it was revealed that they had been previously superceded.

1. Beach Areas Permitting Dogs in the Local Government Area

The Policy objective is to set aside specific beach areas where dogs are permitted and to specify conditions under which dogs are permitted on beaches.

This Policy was superceded by Dogs In Public Open Spaces Policy following its formal adoption at the Ordinary Council Meeting held on 20 April 2011.

The adopted Dogs In Public Open Spaces Policy specifically identifies that it supercedes this Policy.

2. Calling of Quotations and Tenders for Contractors

Council at the Ordinary Council Meeting held on 15 May 2013 adopted a revised suite of Procurement Policies and Procedures. Specifically:

- Procurement Policy.
- Statement of Business Ethics Policy.
- Tendering Procedure.
- Purchasing Procedure.
- Purchase Card (P-Card) Procedure.
- Engagement of Consultants Procedure.

The adopted Procurement Policy specifically identifies that it supercedes this Policy.

Options

Council has the option to place any, all or none of the identified Policies within this report on exhibition for the purposes of rescission.

Community Engagement & Internal Consultation

Community Engagement

It has been this Council's past practice to place Council Policies identified for rescission on public exhibition and call for submissions.

It is recommended to publicly exhibit the seventeen (17) Council Policies identified for rescission for a 28 day period.

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The exhibition period is intended to commence on Friday 26 June 2015 and close on Friday 24 July 2015.

Internal Consultation

- General Manager.
- Directors.
- Council Policy Responsible Officers.

Planning & Policy Implications

This report recommends the rescission of seventeen (17) current Council Policies.

It has been however, past practice of this Council to place Council Policies identified for rescission on public exhibition and call for submissions.

Should Council resolve to exhibition any or all of the identified Policies for the purpose of rescission, a further report will be presented to Council which will call for the ultimate rescission of the Policies.

Financial & Economic Implications

Nil.

Attachments

Nil

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Item: 09.06

Subject: MONTHLY FINANCIAL REVIEW FOR MAY 2015

Presented by: Corporate & Organisational Services, 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 May 2015.

Executive Summary

This report details the monthly budget adjustments for May 2015. Following the April 2015 adjustments, the budget was in a surplus position of \$470,204. Adjustments incurred throughout May have increased this surplus position by \$486.

Discussion

Monthly Budget Adjustments as at 31 May 2015

Each month, Council's budgets are reviewed by Managers and Directors and any required adjustments are reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the adopted 2014-2015 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
December Review	Balanced	\$0
January Review	Deficit	(\$43,990)

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February Review	Balanced	\$0
March Review	Surplus	\$106,140
April Review	Balanced	\$0
May Review	Surplus	\$486
Forecast budget position for 30 June 2015	Surplus	\$470,690

May Adjustments

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

Adjustments	Surplus/ Deficit	Amount	Comment
Parks & Reserves Income	Surplus	\$986	This adjustment is in line with the actual income received.
Ostler Park - Facilities Upgrade	Deficit	(\$500)	This is to cover a minor over-expenditure on this project.
	Deficit	\$486	Adjustment to result

The following adjustments reflect grant and contribution receipts, transfers between accounts, reserve movements etc that have no impact on the budget position (for example grant receipts have an associated expenditure budget):

Description	Notes	Funding Source	Amount
Grant Funding	1	Grants	\$270,000
Over-expenditure reviews	5	Environment Levy/Revenue/S94	\$620,756
Contribution Funding	6	Contribution	\$13,894
Transfers between projects	7	Revenue	\$994,977

With reference to the May adjustments, the following is noted:.

- Council has received three additional grants:-
 - Pedestrian Improvements - High Street Wauchope - \$20,000
 - Cycleway - Beach to Beach Camden Haven to Dunbogan through Laurieton - \$200,000
 - Dunbogan Waste Depot Capping - \$50,000
- Executive have approved three over-expenditure reviews, including
 - Urban Bushland Reserves - Noxious Plants - \$60,000
 - The Ruins Way Roadworks(Lot 1 DP 856126 to Lot 5 DP 998125) - \$552,000
 - Water Supply Innes Peninsula, Boosted Zone 250mm - \$8,756
- Council has received \$13,894 in contributions towards memorial seating and this has been expended on the provision of those seats.

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4. \$994,977 has been transferred from the road maintenance reseal allocation to a capital allocation to allow for ease of capitalisation.

It should also be noted that:

- Any overspends greater than \$50,000 and 2% of the project budget have been reviewed and approved by the Executive Group, being their function to oversee operational activities and approve operational actions.
- There has been no deterioration in the current budget result from last month which remains in a surplus position.
- Any gains in interest income have not been taken into consideration into these calculations.

Options

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

Planning & Policy Implications

Nil.

Financial & Economic Implications

Attached to the report for information is each individual budget adjustment by Division and Section. The net budget movements for March increase the surplus position.

Responsible Accounting Officer Statement

The approved budget surplus for 2014-2015 following the April monthly financial review was \$470,204. The adjustments included in this report will increase this surplus by \$486 to \$470,690. The surplus position is considered a satisfactory result for the year.

Attachments

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

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Item: 09.07

Subject: INVESTMENTS - MAY 2015

Presented by: Corporate & Organisational Services, 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 May 2015.

Executive Summary

- Total restricted funds invested as at 31 May 2015 equals \$190,887,012.83
- Year-to-date investment income of \$6,363,492 is 144.02% of the total annual budget.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.
- All funds are allocated and/or held for specific purposes. Funds are either required to be spent in accordance with legislation, grant agreement or developer contribution plan specifications; or are held for delivery of specific projects or for specific purposes.

Discussion

This report provides details of and certifies that all funds that Council has invested under Section 625 of the Local Government Act 1993, as at 31 May 2015, with all investments made in accordance with the Act, Regulations and Council's Investment Policy.

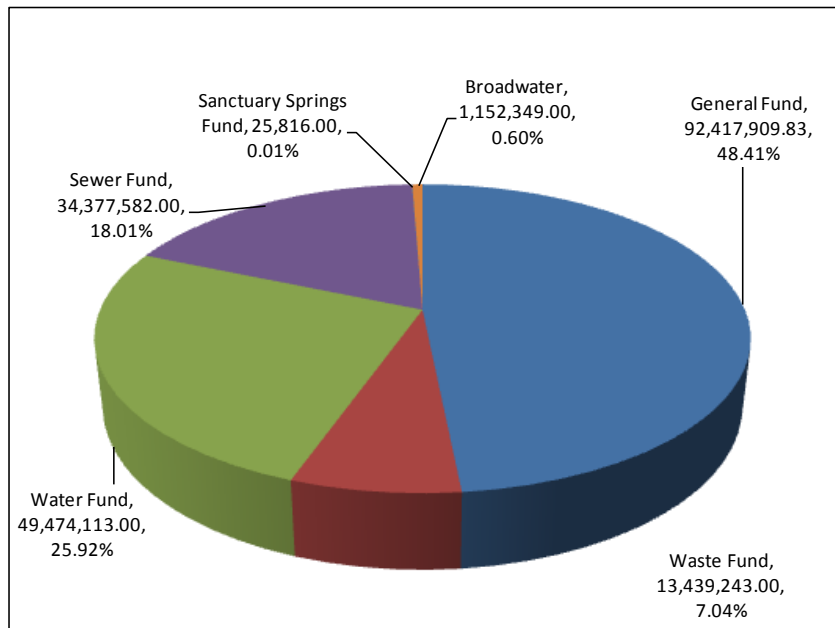
As at 31 May 2015, the investments held by Council totalled \$190,887,012.83 and is attributed to the following funds:

General Fund	92,417,909.83
Waste Fund	13,439,243.00
Water Fund	49,474,113.00
Sewer Fund	34,377,582.00
Sanctuary Springs Fund	25,816.00
Broadwater	1,152,349.00
	<u>190,887,012.83</u>

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These are predominantly restricted funds from loans, s94 contributions and other avenues which are committed for future works. These funds may be spent in the shorter or longer term depending on whether they are allocated to specific projects or held to accumulate to allow for larger works. The totals will fluctuate dependent on the status of individual projects. With regard to determining the total quantum of unrestricted funds, this cannot be accurately determined until financial year end. As at 30 June 2014, Council held only \$4.063m in unrestricted cash. These funds are essentially working capital, and were assigned to bridge the shortfall between outstanding debtors and creditors at financial year end.

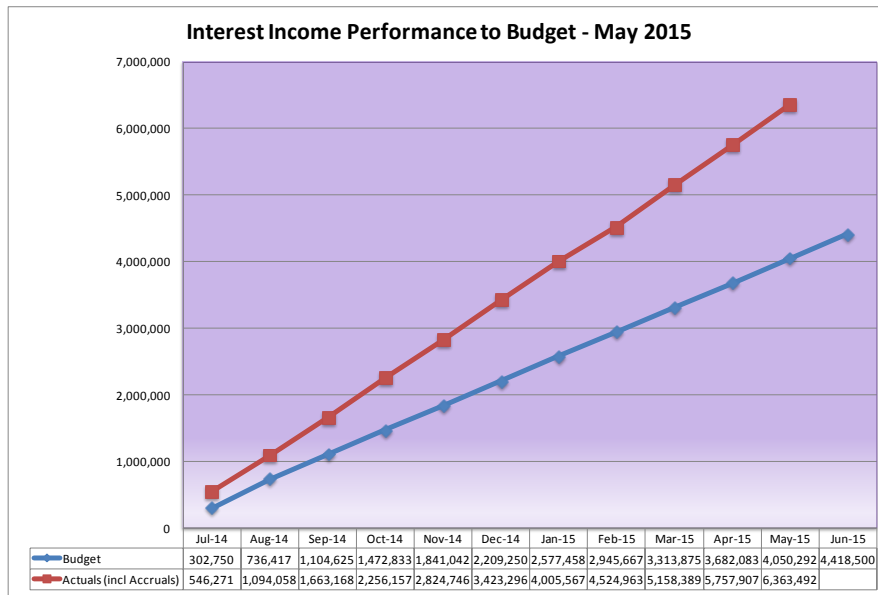
Investments by Fund - as at 31 May 2015



Portfolio Performance

- Council's total investment portfolio performance for May 2015 was 1.56% above the benchmark (3.81% against 2.25%). Benchmark being the Bank Bill reference rate as quoted at month end in the Australian Financial Review.
- The total year-to-date investment income of \$6,363,492 is 144.02% of the total annual budget of \$4,418,500.

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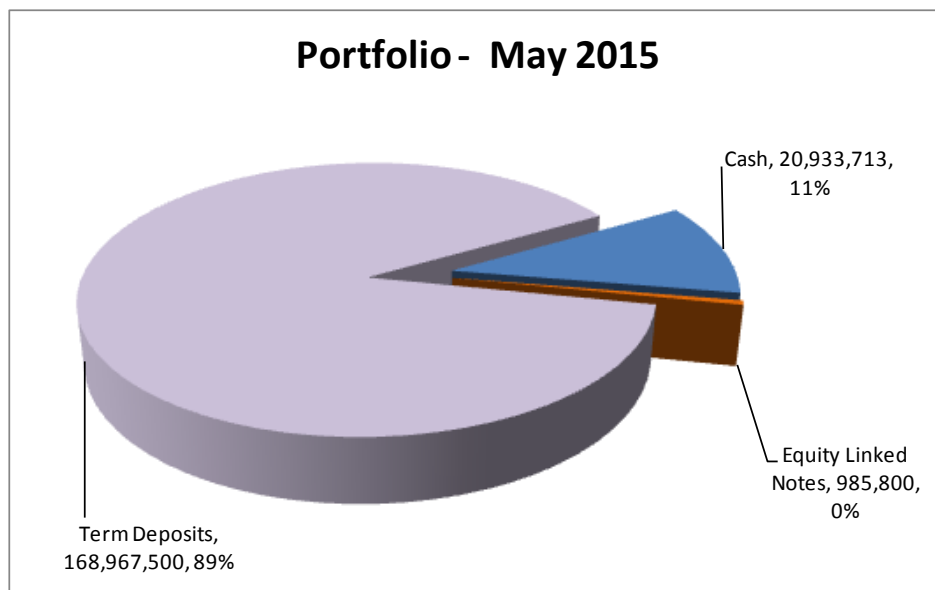


These year-to-date and actuals are not a cash only position, but rather reflect cash and internal accruals at month end.

Investment Portfolio Mix

Council's current portfolio is represented by term deposits and a Capital Protected Equity Linked Note. The total term deposits represent 89% of the total investment portfolio.

As at 31 May 2015, the total investment portfolio was \$190,887,012.83 from \$186,040,369.54 as at the end of April 2015.



Term Deposits


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

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

Table 1 - Term to Maturity

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

Term to Maturity 	Balance \$	% Held	Policy Min	Policy Max
0 - 12 months	\$89,967,500	53.25%	40.00%	100.00%
1 - 3 years	\$69,000,000	40.84%	0.00%	60.00%
3 - 5 years	\$10,000,000	5.91%	0.00%	30.00%
5+ years		0.00%	0.00%	15.00%
Grand Total	\$168,967,500	100.00%		

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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	33,192,500	19.64%	60.00%	40.36%
AA	116,775,000	69.11%	100.00%	30.89%
BBB	19,000,000	11.24%	15.00%	3.76%
Below BBB		0.00%	0.00%	0.00%
Unrated/ADI	0	0.00%	10.00%	10.00%
Grand Total	168,967,500	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 currently has no such investments with the only investment of this nature redeemed in March 2015.

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 the time of writing the report, the May report had not been received.

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 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.

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Investment Portfolio by Maturity Date - as at 31 May 2015

Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value	
Westpac Banking Corporation	TD	20-Jun-13	22-Jun-15	4.30%	3,000,000	
Westpac Banking Corporation	TD	28-Mar-14	28-Jun-15	3.89%	2,000,000	
Westpac Banking Corporation	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 Banking Corporation	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) Limit	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 Banking Corporation	TD	23-Oct-14	23-Oct-15	3.83%	3,000,000	
Westpac Banking Corporation	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	17-Dec-14	17-Dec-15	3.60%	2,000,000	
National Australia Bank	TD	17-Dec-14	17-Dec-15	3.60%	3,000,000	
National Australia Bank	TD	16-Sep-14	19-Jan-16	3.68%	3,000,000	
National Australia Bank	TD	23-Feb-15	22-Feb-16	3.18%	5,000,000	
Westpac Banking Corporation	TD	23-Oct-14	23-Feb-16	3.94%	4,000,000	
National Australia Bank	TD	9-Mar-15	9-Mar-16	3.15%	8,000,000	
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 Banking Corporation	TD	20-Aug-14	11-Apr-16	3.74%	4,000,000	
Bank of Queensland	TD	17-Apr-15	17-Apr-16	3.10%	3,000,000	
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	
Newcastle Permanent	TD	13-May-15	13-May-16	3.00%	\$4,000,000	
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 Banking Corporation	TD	20-Jun-13	20-Jun-16	4.51%	3,000,000	
National Australia Bank	TD	9-Mar-15	11-Jul-16	3.15%	6,000,000	
Bank of Queensland	TD	13-Sep-13	13-Sep-16	4.55%	3,000,000	
Westpac Banking Corporation	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 Banking Corporation	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	
National Australia Bank	TD	17-Dec-14	19-Dec-16	3.65%	2,000,000	
National Australia Bank	TD	17-Dec-14	19-Dec-16	3.65%	3,000,000	
ING Bank (Australia) Limited	TD	20-Dec-11	20-Dec-16	6.16%	3,000,000	
National Australia Bank	TD	23-Feb-15	23-Feb-17	3.18%	4,000,000	
Bank of Queensland	TD	9-Mar-15	9-Mar-17	3.15%	6,000,000	
Westpac Banking Corporation	TD	12-Mar-14	12-Mar-17	4.38%	3,000,000	
Bank of Queensland	TD	17-Apr-15	17-Apr-17	3.10%	2,000,000	
National Australia Bank	TD	12-May-15	12-May-17	3.08%	\$4,000,000	
Newcastle Permanent	TD	13-May-15	12-May-17	3.10%	\$4,000,000	
Westpac Banking Corporation	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 Banking Corporation	TD	4-Sep-14	4-Sep-18	4.22%	4,000,000	
Rabobank	TD	20-Jan-15	20-Jan-19	3.90%	\$2,000,000	
Total TD's					\$168,967,500	
Cash Fund						
Westpac Business Cash						
Reserve Account	CASH			2.70%	\$20,933,713	
Capital Protected Equity		Purchase Date	Maturity Date			Comment /
Linked Notes	Rating	Date	Date	Valuation	Face Value	Protection
Emu Note	A-	26-Oct-05	30-Oct-15	98.580	\$1,000,000	\$985,800 Commerzbank
Total Cap Protected Notes					\$1,000,000	\$985,800
Total Portfolio					\$190,901,213	\$190,887,013

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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 level of liquidity through the cash component total of \$20,933,713 and the Capital Protected investment. Council invested \$12m of funds during the month of May with further funds due to be invested in June. With the end of financial year closing, it is anticipated that cash levels will stay at a higher than normal level to accommodate anticipated end of financial year accounts, noting the 31 day notice required for withdrawals due to the introduction of the Basel III rules.

It should be noted that funds currently within the Westpac Business Cash Reserve Account are attracting an interest rate of 2.7% being the current cash rate plus 0.7% (based on the cash rate drop on 5 May 2015).

The largest sector of the portfolio is the term deposit allocation of \$168,967,500 (last month \$161,967,500) or 89% of the total.

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.

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 is determined.

Council's total investment portfolio performance for May 2015 was 1.56% above the benchmark (3.81% against 2.25%) and year-to-date income has reached 144.02% 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.

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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 \$18,221.41 will be monitored and advised monthly.

Certification

I hereby certify that the investments listed within this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

Monika Bretmaisser
Responsible Accounting Officer

Attachments

Nil

Ensuring Good Governance

Item: 09.08

Subject: 2015-2016 OPERATIONAL PLAN, REVENUE POLICY, SCHEDULE OF FEES AND CHARGES AND RATING MAPS

Presented by: Community & Economic Growth, Tricia Bulic

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Adopt the One Year Operational Plan 2015-2016, as attached which reflects the changes outlined in the report.**
2. **Note the budget position of an \$850,000 shortfall which will be reported on monthly during the financial year**
3. **Adopt the Revenue Policy 2015-2016 as attached.**
4. **Adopt the Schedule of Fees and Charges 2015-2016, including the rates and annual charges as attached, incorporate changes outlined in this report.**
5. **Set the interest rate on overdue rates and charges at 8.5% from July 1, 2015 in accordance with the Office of Local Government directive.**
6. **Enter into total borrowings of \$3.5 million as outlined in the Financial Implications section of the report.**
7. **Adopt the 2015-2016 Rating Maps as attached.**

Executive Summary

On 19 June 2013 Council adopted the Delivery Program (DP) 2013-2017, which details the priorities of the Council during their term of office in accordance with the legislative requirements of the Integrated Planning and Reporting Framework.

For each year of the Four Year Delivery Program, Council is required to develop a One Year Operational Plan which outlines the actions Council will undertake during the financial year and the budget required in order to meet the Delivery Program objectives.

The draft One Year Operational Plan 2015-2016, draft Fees and Charges 2015-2016, Draft 2015-2016 Rating Maps and Draft 2015-2016 Revenue Policy were endorsed by Council to be placed on public exhibition from 23 March to 1 May 2015.

The purpose of this report is to consider the community feedback received during the public exhibition and evaluate the changes and alterations proposed by staff in order to finalise the planning documents prior to the start of the new financial year.

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The public exhibition resulted in significant levels of community participation, primarily concerning the issues of proposed changes to the fees and charges for the North Shore ferry service and requests for funding of works on Lighthouse Road (east) and in the Tacking Point Lighthouse reserve.

In implementing the Integrated Planning and Reporting Framework Council have committed to the engagement principle “We Asked, You Said, We Delivered.” The strength in linking the steps between ‘asking the community’ and ‘delivering the plan’ were displayed in a workshop with Councillors and senior staff at the conclusion of the public exhibition period where the exhibition process and all submissions were reviewed, with a view to identifying changes required to the draft plans.

Changes recommended to the documents are outlined in detail in the body of this report, including changes to the fees and charges relating to the ferry service.

There was very little comment from the community in regard to the Revenue Policy and overall budget position. Due to finalisation of works projects, grant opportunities and a further detailed review by Councillors the budget position has altered between March and June.

The budget statement now indicates a shortfall position of \$850,000 at the start of the 2015-2016 financial year. During the draft budget compilation process, it was identified that Stormwater maintenance continues to be an area which is underfunded resulting in an allocation of \$500,000. It was further identified that Lake Road continues to be constrained by traffic at peak times and while additional joint funded works are underway it is prudent to undertake detailed investigation work into Lake Road more broadly during the 2015/2016 year and therefore \$350,000 has been allocated.

Whilst this represents a shortfall of \$850,000 for the 2015/2016 financial year as a one-off, it is considered representative of key priorities across the LGA. Ongoing financial diligence will occur and be reported to Council to address this position over the coming financial year.

Documents to be endorsed are:

- One Year Operational Plan 2015-2016
- Revenue Policy 2015-2016
- Schedule of Fees and Charges 2015-2016
- Rating Maps 2015-2016

Discussion

At the ordinary Council meeting on 18 March 2015 Council resolved to place the suite of Integrated Planning and Reporting documents for 2015-2016, listed above on public exhibition.

Also endorsed at this meeting was the community engagement plan that outlined Council’s proactive communication that would encourage community feedback on the documents.

Ensuring Good Governance

The Integrated Planning and Reporting framework, adopted by NSW Government in 2009, outlines the important relationship between Council's funding priorities, service levels and community expectations.

The Delivery Program 2013-2017 (adopted in June 2013) and the Resourcing Strategy 2013-2017 including the Long Term Financial Plan (adopted in June 2013) outline the strategic objectives that this Council will operate under to meet the objectives of the Towards 2030 Community Strategic Plan.

The Operational Plan, Revenue Policy and Fees and Charges are all elements of the framework that require annual review, updating and approval. This review and adjustment process ensures that the specific operations of Council within the financial year successfully contribute to achieving the overall objectives of the Delivery Program.

2015-2016 One Year Operational Plan

The 2015-2016 One Year Operational Plan incorporates all actions that Council will undertake in the financial year, the section of Council responsible and how delivery will be measured. The capital works program has now been summarised as part of the budget overview as well as represented as individual line items within each focus area which will be reported on against the performance measures indicated.

Post Exhibition Amendments to Operational Plan

During the exhibition period the Executive, Group Managers and Integrated Planning and Reporting staff reviewed the draft One Year Operational Plan 2015-2016 in detail to ensure that the actions were accurate and the performance measures aligned with the criteria of using SMART performance indicators, i.e. specific, measurable, achievable, realistic and timely.

This process has resulted in a number of alterations throughout the document which have not changed the intent of the action but will allow performance measures to be more meaningful, capturing available data at appropriate times. Particular attention has been paid to finalising performance measures for actions conducted by Strategic Land Use Planning and Economic Development sections, both of which were not finalised at draft stage.

A number of Council resolutions in the intervening months since the draft Operational Plan was prepared have resulted in additional action items being incorporated into the final Operational Plan 2015-2016 including:

- Updating the Councillor portfolios - resolved Ordinary Council meeting April 2015
- Flynn's Beach Seawall deferred from 2014-2015 and included in 2015-2016 capital works program - resolved Ordinary Council meeting March 2015
- Actively seek grant funding to support works on Lighthouse Road (east) - resolved Ordinary Council meeting March 2015
- Actions from the Recreation Needs Study Action Plan included as measureable, reportable line items in the Operational Plan 2015-2016 - resolved Ordinary Council meeting April 2015

Ensuring Good Governance

Detailed proof reading of the document has also resulted in a number of changes throughout such as removal of acronyms, consistent use of tense and grammatical corrections. Each of these changes contribute positively to the document readability and addresses a general theme identified from community feedback.

Post Exhibition Amendments to the Works Program

The works program incorporated in the One Year Operational Plan 2015-2016 that was placed on public exhibition was valued at \$105 million.

In the intervening weeks there have been a number of changes to the Works program as a result of grant funding being ratified, master plans being finalised, further review of priority works particularly concerning design for Lake Road and road safety and pedestrian investigations.

Changes to the works program have also been made to reflect a more measurable program where activity dependant on developer milestones has not been forward projected into the program, in favour of being deferred. Also deferred from the program is significant funding for construction of the Ocean Drive dual carriageway between Matthew Flinders Drive and Greenmeadows, along with a proportion of funding for construction of the Kew Waste Transfer Station. Budget allocations for both projects have been adjusted down to more accurately reflect the quantum of work that will be achieved in 2015-2016.

As a result of these intervening negotiations the works program outlined in the Operational Plan 2015-2016 is now \$92m, a significant reduction from the draft.

Options

It is a statutory requirement to adopt the Operational Plan (including the budget) and Fees and Charges by 30 June 2015. Not adopting the documents cited in the resolution would jeopardise compliance with this legislation and therefore require explanation to the Office of Local Government.

Council could seek additional information.

Community Engagement & Internal Consultation

The draft documents were placed on public exhibition from 23 March to 1 May 2015. During this time the actions outlined in the endorsed community engagement plan were carried out in order to generate widespread community feedback.

Exhibition Promotion:

- Advertised in Council Matters, posters in all offices and libraries and rural notice boards
- Fliers distributed to Council facilities and through Councillors
- Direct mail to community groups including fliers and offering briefing
- Editorial media exposure through print articles, TV news
- Mayoral promotion through radio spot and Mayors Column
- Article in Community Connect mailed to all households
- Enews article sent to all subscribers

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- E News story and reminder to PMHC Listening database and HBEN database
- Document copies direct mailed to all MP's and Chambers of Commerce
- CRG workshop promoted to all members

Exhibition Participation:

- Of the 12 CRM members who accepted invitations five attended the April 20 workshop discussing the OP and Fit for the Future
- More than 100 people attended an information session on the North Shore specifically to answer questions on the ferry fees and advise on making a submission
- PMHC Listening Data
 - 692 people visited the site
 - From that 68% or 419 are informed, they have taken some action to learn more about it, such as downloaded a document, read a news article
 - From that 23 people have engaged and contributed with submissions
 - 379 people visited the document library with the Draft Operational Plan being access 246 times, the Draft Fees and Charges 92, the Ferry Fees Fact Sheet downloaded 72 times and the OP Fact Sheet downloaded 94 times.
- Submissions:
- Correspondence received from 107 authors (some making multiple submissions)
- Key submissions topics included ferry fees and charges (76); Lighthouse Road (east) and Lighthouse Reserve Master Plan (16) with a petition of 315 signatures; Operational Plan with multiple topics (5)

Outcomes of Engagement

Briefings on the level of community participation and emerging themes were provided to the Executive throughout the public exhibition period. A workshop was held with senior staff and Councillors on 27 May 2015 to individually consider all the submissions.

Agreement was reached at this workshop on a number of overarching objectives and specific actions that address issues raised in the submissions;

Ferry Fees and Charges

- The primary issue with the proposed ferry ticketing changes was removal of the weekly ticket. Staff presented a revised approach which included the reintroduction of the weekly ferry ticket at a flat rate of \$10.00. This will meet many of the requirements of the community but still serve in reducing transaction time and increasing operational efficiency of the service. Monthly tickets are still being recommended at a cheaper rate than four weekly tickets.
- Transferable concession stickers was another central issue. In reviewing the submissions and operational data staff reaffirmed the recommendation that concessions stickers and annual passes will not be transferable and must be affixed to the car. That concessions sticker is used to purchase multi use tickets such as weekly, monthly but the use of those tickets is not dependant on the vehicle having the concession sticker. So in effect Port Macquarie-Hastings residents, and in particular those on the North Shore can purchase weekly or monthly tickets with their concession sticker and give those tickets to visiting family and friends, thus subsidising travel beyond casual use.

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Lighthouse Road (east) / Lighthouse Reserve Master Plan

- While recognising the significant level of community feedback requesting upgrades to Lighthouse Road (east) Councillors reaffirmed commitment to the road hierarchy and priorities allocation that determines the maintenance funding priorities for roads throughout the LGA.
- Briefing documents tabled at the Councillor workshop identified that Lighthouse Road is ranked 45 on the road hierarchy which is lower than rehabilitation requests for other key roads with higher traffic volume including Lord Street (Kennedy Drive to Gordon Street), Lake Road (Savoy St to Ocean Drive) and Beechwood Road (Rosewood Rd to Riverbreeze Rd).
- Rehabilitation of Lighthouse Road (east) has been costed in April 2015 at \$909,000 which included road improvements and construction of a footpath / pedestrian walkway.
- In light of the hierarchy position and cost removing \$1m of activity from the works program in favour of Lighthouse Road is not supported.
- A further action item has been added to the Operational Plan to increase accountability on the Council resolution of March 2015 to actively seek grant funding for the road works.
- Through continuing to pursue grant funding and working alongside Sunrise Rotary, Council aims to facilitate ongoing implementation of the Lighthouse Reserve Master Plan which includes uncosted designs for ramp access to the Lighthouse.

Other issues

- Feedback on specific footpath requests will be further considered under approval of the footpath program allocated at \$375,000 in the works program.
- Finalisation of the works program has included planning for pedestrian refuges on Ocean Drive in Bonny Hills and Lake Cathie
- A request was made for additional funding of \$50,000 for Gaol Point Reserve project (stage 2), with the remainder funded from community and sponsorship contributions through joint Lions Club activity. A separate report to Council on this project is included in this meeting agenda.
- Prior to Council placing the adopted Operational Plan 2015-2016 on the website and printing reference copies for staff, Councillors, Council offices and libraries a final proof will be conducted to ensure correction of any grammatical errors or compilation anomalies.

Submissions Received and Response Summary

A full hard copy of all submissions received was provided to the Councillors as part of the review workshop. Due to the volume of submissions and supporting documentation received it is impractical to include hardcopies with the attachments to this report, the table below instead summarises the submissions and Council's response. Multiple reference numbers in the table below indicate multiple submissions and Customer Response logs.

Attachments to this report include Issues Response Summaries for the common issues raised in the ferry fees submissions and under separate cover, an issues response paper for Lighthouse Road. These documents will be provided to submissions authors as part of the response to their submission upon final adoption of the 2015-2016 Operational Plan and associated documents.

Ensuring Good Governance

Ferry Fees Submissions: Common issues and questions have been responded to in the attached Issues Response Summary, or where relevant in the Council response in this table.

Ref. No	Submission Author Name	Submission summary
9398	Petina Alexander	Ferries Fees and Charges: Request to keep weekly tickets. Questions on timing and payment methods for monthly passes. Request to use an e-tag system.
8285	Bill Amy	Ferries Fees and Charges: General support for proposed changes, however, concerned over increased cost to family and friends visiting from outside of the LGA. Request for a Visitor Pass issued only to North Shore residents which would allow for concessions for their visitors.
9357	John Armitage	Ferries Fees and Charges: Request for clarification about annual passes and if they are transferable between vehicles. All North Shore residents should be issued with one pass to drive any vehicle to be paid annually or quarterly with rates. Why does council persist in charging individual vehicles instead of North Shore residents?
9385	Suzanne Auswild	Ferries Fees and Charges: Request to keep weekly tickets. Have two cars, and if the ticket book is in the other car, will they be expected to pay \$5 each way?
9210	David Bigeni	Ferries Fees and Charges: Ferries are of concern to most residents, fees, waiting times and breakdowns. Concession fares should be transferable, available to pre-purchase for family and friends, weekly fares should remain. Request for fees to be built into rates and stickers provided, premium fares should apply for peak holiday periods. Why does the Hibbard Ferry fuel at 9.30 most times when it goes off at 10? With the ferry costing an extra \$350K to run, how effective is the contract, can it be run more efficiently? Does agree with the new changes, but the service needs to be improved, breakdowns could be less frequent with better maintenance. Can the Hibbard Ferry run more frequently?
9095 8943	Anne Brunyee	Ferries Fees and Charges: Request to keep the single fares of 80 cents and weekly tickets. Request for residents to be able to give a book of tickets to family and friends who are visiting to use while they are visiting. Request for more consultation with the community for the proposed changes.
PMHC List. 2	Peter Burgess	Ferries Fees and Charges: Request for non-resident visitors to have a concession, weekly tickets preferred, passes to be transferable.

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Ref. No	Submission Author Name	Submission summary
9025	Neil Butlin	Ferries Fees and Charges: Against the ferries fees and charges and feels as he owns two properties in the Hastings that he should not have to pay for use of ferries in any shape or form.
10086 8156 9342 9291	Denis Chard (3)	Ferries Fees and Charges: Request for concession passes to be transferable between vehicles, non-resident prices are too high, annual pass is too much to spend in one instance, tradespeople will pass on costs or not bother to come over, North Shore residents should get two free yearly tickets with rates per household, bridge should be built, and Council should approach the Govt for financial assistance. Second submission received specifically asking Council to consider seeking funding for a bridge. Third submission requesting taring of Maria Rover Road. Responded to below against similar requests.
9288	John Cornish	Ferries Fees and Charges: Supports the replacement of Weekly tickets with monthly and the book of concession tickets. Request for Council to re-think the 50% increase in casual rates, will result in people leaving their cars on the south side and travel across as non-paying passengers. Impact on tradesmen and North Shore community. Request to reduce the \$5 charge for casual users to \$2.50, thereby increasing the amount of users and generating more revenue, capped for three years.
7572	Leonie Criss	Ferries Fees and Charges: Request for North Shore residents' visitors to have a concession.
9418	Warren & Gail Crozier	Ferries Fees and Charges: Opposes the suggested increase in charges. Council staff at meetings had limited knowledge on the topic and only attended to lecture the community on how to submit a response. No response or feedback to community to date. The proposed increase is impacting North Shore rate payers with hardship and discrimination.
9563	John Foster	Ferries Fees and Charges: Opposes the casual ferry fee increase, will lead to social isolation. Tradespeople will pass on cost, no deliveries to north shore. What further increases will there be? Why not just increase the fees according to the CPI? North Shore residents pay rates but don't get pedestrian walkways, street guttering, and Maria River Rd is not properly maintained.
9400	Rosslyn Galbraith	Ferries Fees and Charges: Ferry is extension of road, other Councils do not charge ferry fees because they view it as part of their road system. The Council is discriminating against a specific group of ratepayers (North Shore residents) and it is conceivable that we could take Council to court. Request to abolish all ferry fees, by cutting out the middle man, consider applying for state and federal grants, include the cost in the rates for all rate payers.

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Ref. No	Submission Author Name	Submission summary
9037	Carrol Garnish	Ferries Fees and Charges: Request for rate payers on the North Shore to have free resident concession stickers with their rates notices. Monthly tickets too much to pay in one go. Request to keep weekly tickets - easier for low income earners and pensioners. Concerned that tradespeople will refuse to come over to North Shore and residents will carry the increased cost. Casual users will go elsewhere to fish, go to the beach etc. North Shore residents get little in return for their rates (no sewage, water, curb & guttering, footpaths, maintained drainage etc)
9353	John Gerrard	Ferries Fees and Charges: Objects to how the process was carried out. Request to keep weekly tickets, books of tickets should not replace single fare concession trips. Objects to casual fare increase of more than 50%. Annual pass is not attractive unless at a significantly discounted rate. Increased cost for larger vehicles only isolates residents more with deliveries. Residents of Maria River Rd area should be entitled to a concession pass. In times when the ferries are overwhelmed with traffic council should provide staff to help. Levy all of the residents in the Hastings with a small fee and make the ferries free for all.
PMHC List. 3	Alexandra Gonzalez	Ferries Fees and Charges: Objects to the increase for casual users to \$5, it is out of scale. Lives in the Goolawah co-op in Kempsey shire, travels to Uni of Newcastle in Port 4-5 times a week using the ferry (an increase of \$40-\$50 per week, huge impact on finances when on Austudy).
PMHC List. 5	David Gumbleton	Ferries Fees and Charges: Request to keep weekly tickets, in addition to all options suggested. And residents should be able to buy all options for visiting vehicles.
7187	Roger Harrison (3)	Ferries Fees and Charges: Concerned that the Annual Pass will be restricted to one particular vehicle only (owner of 15 classic cars costing \$57 to register, driven occasionally car club and community events). Believes the impact on residents who don't get a concession sticker (families and friends) is too severe. Residents suffer paying tradesmen ferry fees, many are elderly and require on trades for maintenance and rising ferry fees adds to the burden of managing property. Request Council consider: 1. Maintaining the current status of Annual Pass holders regarding driving any vehicle at one time . 2. Maintaining any increases in Annual Pass charges at no more than the annual increase in the CPI. 3. Maintaining the current non-concessional fee at the present rate with any increases being no more than the annual increase in the CPI. 4. Clarifying the position in regard to the fees applicable to

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Ref. No	Submission Author Name	Submission summary
		trailers from 1st. July, 2015, and maintaining them at the current rates with any increases being no more than the annual increase in the CPI.
7187	Ashley Hill	Ferries Fees and Charges: Request for clarification about expiry dates for 25 ticket book, why is there no senior's discount, infrequent users price is too high, monthly tickets are no good for seniors who only do a couple of trips a month.
PMHC List. 6	Ashley & Gloria Hill (2)	Ferries Fees and Charges: Will the ferry ticket books have a use by date? Why is there not a seniors discount? Increase of casual fares is exorbitant, tradesmen will need to be reimbursed by residents. Monthly tickets are good, but not useful for retired folk who only do a couple of trips a week.
9298	Tim Hitchins (2)	Ferries Fees and Charges: Attended meeting on 21/4/14 to discuss ferry fees and operation prior to new contract being awarded. Community was told they would be kept up to date via email addresses left on the night, but no further communication was ever received. Major issues: weekly ticket very successful this year with the ability to transfer between cars - request to keep weekly tickets, concession tickets should be available for purchase from the ferry, free travel for community volunteers with identification, ensure fire fighters are given priority access during times of emergency for community safety.
9206	Belinda Hitchins	Ferries Fees and Charges: Request to keep weekly tickets, keep single fare concession trips, pass holders shouldn't be made to buy a book of 25 tickets to take their trailer, boat or caravan occasionally over the ferry. Child safety issues - family and friends will balk at dropping a child home for \$10 and will drop children at ferry to be passengers and picked up on the other side. Annual passes should be at a more significantly discounted rate. Increased charges for larger vehicles isolates North Shore residents more as it will increase cost of essential services. Residents on Maria Road (outside LGA) who work or have children attending school in Port Macquarie should be entitled to a concession. Keep charges at a reasonable level, consult with the community before formulating a plan to increase the cost of living on the North Shore, when the ferry is overwhelmed with traffic as a problem on the highway, Council should provide traffic control staff to assist ferry operators. Suggest to levy all ratepayers to make the ferries free for all.
PMHC List. 7	Klive Hood	Ferries Fees and Charges: Request to freeze ferry fares due to on costing by tradespeople, impact on low income earners and pensioners. The annual fee of \$53 plus 80

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Ref. No	Submission Author Name	Submission summary
		cents per trip is more than enough to provide the service. Will the new charges be set for a period or will there be an annual increase? Request for Council and local member to seek funding to build a bridge and do away with the ferries and associated costs. During times of flood the ferries can be grounded and the alternative route via Maria River Road can also be inaccessible. The community should be consulted as to where a bridge should be located.
9258	Stella Hughes (2)	Ferries Fees and Charges: Second submission to request charging cyclists to use ferries. Claims that cyclists have caused damage to her car three times, cyclists gave false addresses and Council took no responsibility.
9360 7365	Denise Huntley (2)	Ferries Fees and Charges: Request for infrequent users outside of the LGA to have a concession, or North Shore resident annual pass holders have visitor passes for their guests. Second submission adds comment about keeping the weekly tickets.
6941	Rod Husman	Ferries Fees and Charges: Request for clarification about whether monthly/annual tickets are transferrable between multiple family vehicles, the need for concession tickets for infrequent users, and passes to be transferable between vehicles.
9282	Pamela Jackson	Ferries Fees and Charges: Supporting the North Shore Progress Association's concerns which are being discussed on 2 May 2015.
9364	John Jeayes	Ferries Fees and Charges: Opposes the increase in casual ferry fares. Request to bring back the weekly tickets. Tradespeople will charge more. What do we pay rates for? Unsatisfactory levels of grading on Maria River Rd and Plomer Rd. Rate payers money is pumped into the tourism industry (glasshouse, hello koalas, ironman etc).
8451	Wanda Jones	Ferries Fees and Charges: Objects to the \$5 fee for non-residents, visitors and residents of Crescent Head that use the ferry.
PMHC List.8	Julica Jungehuelsing	Ferries Fees and Charges: Resident of Crescent Head that comes to Port Macquarie once a week for supplies and will now consider going Kempsey instead. Requesting a concession for the Goolawah Co-operative residents.
9349	Mark & Esther Kelly	Ferries Fees and Charges: Do Concession sticker holders have to pay extra to carry a caravan, boat trailer or box trailer across the ferry? There must be a concession for this use and they shouldn't have to pay for a book of tickets. Single trip tickets must still be available for concession sticker holders at a concession price. Weekly tickets should still be available. Casual rates are overpriced.

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Ref. No	Submission Author Name	Submission summary
7700	Celia Kershaw	Ferries Fees and Charges: Request for retention of weekly ticket, with more of a discount for monthly tickets, passes to be transferable between vehicles in families, further reduction to annual pass cost, pro-rata option for annual pass, introduction of a resident family sticker for visitors, ticketing system sounds challenging for older residents. Consider option for free ferry services.
8630	Susan Langford	Ferries Fees and Charges: Wants to know if there will be a toll on the new Stingray Creek Bridge. Concerned over the increase in costs for the ferry charges and especially for friends and family who live outside the area.
9564	Loris Lawson	Ferries Fees and Charges: Opposes the increases, issues were discussed at the previous meetings, notes that Council have in their possession.
9286	Robin Lovett	Ferries Fees and Charges: Request for Council to allow passes to be shared between vehicles in households. Request to include a levy in the rates of the North Shore residents and issue residents that pay the levy with a Ferry Pass card. Barcorde passes and the use of card readers at the ferry would streamline the boarding process. Eligible households could be issued with multiple cards but limited to a collective number of trips (one return trip per day), so they can share the card to suit travel requirements. Option to purchase additional travel passes. Non-North Shore residents can purchase the card or pay casual rate eliminating the need to collect any money from frequent ferry users.
9368	Dave Maitland	Ferries Fees and Charges: Monthly ticket would not work as they spend some time away. Request to bring back the weekly ticket, most of the senior residents would agree. Ok with the ticket books if they don't expire but they should be reasonably priced.
PMHC List. 9	Greg Mallin	Ferries Fees and Charges: Opposes the casual fare increase, and the withdrawing of the weekly tickets. Recommends the continuation of weekly tickets, and would prefer the weekly tickets instead of booklets, but both options would be also good.
6937	Ronald McCleery	Ferries Fees and Charges: Request for bicycle riders and handicap scooters to pay a fee to use the ferry. Roads: Shoreline Drive to Hibbard Ferry is narrow forcing vehicles to move onto the grass edge if passing other vehicles, and cars tend to speed up to catch the ferry. One section of this road holds water along the edge after rain for some days causing vehicles to move to the centre of the road forcing oncoming vehicles to move closer to the river edge.
9215 6853	Jessica McKern (2)	Ferries Fees and Charges: Questions including: if you buy an annual pass, do you physically get a concession sticker? If no, why not? The person may have a trailer. If

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Ref. No	Submission Author Name	Submission summary
		you have an annual pass for your car, do you have to pay \$5 each way for your trailer? You should be able to have a concession for your trailer as well. Is the annual pass transferable between vehicles? Tradespeople, services etc should be entitled to a concession regardless of address. Maria River Road and Goolawah residents should be entitled to concession. Any regular ferry users should be able to buy concession tickets. The Hibbard ferry should run 24 hours and there is nowhere to park on the North Shore side. Why is there a middleman contractor? The ferry should be free and there is no all weather road to leave the North Shore. Request for Council to have weekly tickets and single trip concession fares, and alternative paying methods at the ferry instead of just cash only. Concerned about longer ferry loading times with ticket books, and with whole dollar fees that will increase the need to carry notes (cash) and poses a potential security issue for ferry drivers. Concerned about holiday rentals having to pay \$70 per week as non-residents. Cash only accepted, no ATM at ferry or North Shore. Concerned that tradespeople may start a "no North Shore Policy" because of the increase in fees. Concerned that infrequent travellers will decrease, house prices will drop and lifestyle will potentially be affected due to isolation.
8465	Josine Mill (2)	Ferries Fees and Charges: opposes the ferry charge increases and financial burden on North Shore residents.
9257	Jo Morgan	Ferries Fees and Charges: Opposes the casual fare increase, and would like the weekly tickets back. Provided background into ferries situation since 1984, including a promise to build a bridge, and to seal Mundays Lane and Maria River Road. Feels that North Shore residents are being discriminated against.
9094 8551	Richard O'Callaghan (2)	Ferries Fees and Charges: Objects to proposed charges, and that family and friends have to pay \$10 to visit. Request for pensioners to receive a free annual pass, tradespeople or parcel delivery services to receive a free annual pass, request for resident pass holders get priority to ferry service when traffic is diverted to ferry due to an accident, resident passholders should not be charged to bring a trailer. A ferry levy should be passed on to each rate payer and a free pass given to each household, then \$2-3 fee for visitors. Yearly pass should be for all cars in household. Noted also that not one elected official attended the meeting on 20 April.
9285	Jenny & Doug Piper	Ferries Fees and Charges: request for stickers to be given to North Shore residents for their family and friends to use. Request to bring back weekly tickets (annual tickets too much upfront to pay for pensioners), increased ferry costs

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Ref. No	Submission Author Name	Submission summary
		will increase costs for deliveries, tradesmen etc, there should be a concession system for students, pensioners & seniors. The cost is more than tolls on NSW motorways, and there are no other tolls on bridges in the LGA.
9280	Rob & Laurel Pracy	Ferries Fees and Charges: Against getting rid of weekly tickets. A yearly payment of \$350 as long as there is no other payments that year and is all inclusive. Against visitors to pay \$5 each way. Against ticket books and thinks that the rates are dear enough without having to pay for the ferry at all.
7192	Stephanie Ramm	Ferries Fees and Charges: Request for infrequent users outside of LGA to have a concession, clarification of expiry date for ticket book, reduction in annual pass rates for residents, and re-introduction of weekly tickets.
9401	Penny & Tony Richmond	Ferries Fees and Charges: Annual Passes, are these transferable to other cars? What happens if you have a monthly ticket and you are called out of town unexpectedly, is it tough luck? Opposes the \$5 casual fees as it is prejudicial and socially destructive to North Shore residents. Request for immediate family members of north shore residents can purchase a resident concession sticker for say \$20 and they pay 80 cents per trip. What does Council have planned for the future - will there be a bridge eventually? State Govt and RMS need to get involved and come up with a solution.
9096 8947	Brenda Rosser	Ferries Fees and Charges: Commends Council for the community consultation about this, supports the introduction of annual pass, the booklet and monthly passes should only be available to buy from Council as this would improve efficiency with ferry loading. Supports an increase to fees for infrequent users, however does not support the increase of over 50% in fees. Request for levies to increase funds to cover the cost of the ferries - perhaps free council services should operate on a cost recovery basis (library, beach patrols, charging cyclists for ferry, specific levies for residents in areas that have a particular project i.e. North Haven for the bridge, Dunbogan for the flood access road, etc). Suggests that RMS should have responsibility for providing or contributing to the ferry as the road connects from Port Macquarie to Crescent Head.
9536	Ron Rosser	Ferries Fees and Charges: Request for Leslie Williams to contact the roads and transport minister and ask him to take back operations of the ferries. Believes that Council is discriminating against the residents of the North Shore with the ferry price increases.
PMHC List.12	Vivianne Searle	Ferries Fees and Charges: Request for the ferries at Settlement Point and Hibbard to be free for North Shore

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Ref. No	Submission Author Name	Submission summary
		residents. If a tax must be imposed, it should be included in our rates, that way pensioners would get a discount and it would be spread out over 4 instalments. A car sticker could be issued with the 1st rates notice negating the need to buy the sticker. This would be a fair and equitable solution to the current problem.
9350	Mark Shaw	Ferries Fees and Charges: Requests Council to defer the ferry fee changes for 6 months to allow for further community consultation and investigation of options. Second submission: Rejects the proposed ferries fees and charges due to failure to consult, nor approach the subject in an open, honest and inclusive manner. Request to keep weekly tickets. Unreasonable increase for casual users. Insufficient savings on annual pass (if you are away for a number of week during this time). Failure to consider alternatives/different approaches. Imposition of significant fee changes is discriminatory and inequitable.
8365	Caroline Swan-Webber	Ferries Fees and Charges: Concerned about the hike in single trip fares, especially for friends and families that live outside of the area. Request for one concession sticker per household, regardless of how many cars. Request for more care and consideration about costs to North Shore residents.
9358	Laila Tvedsborg	Ferries Fees and Charges: Request to keep the fares as is, including the single concession tickets. Single mum with an asthmatic daughter and won't be able to afford to take her to hospital.
7607	Dianna Upcroft	Ferries Fees and Charges: Can the annual pass be used by more than one car that has paid the concession or it is only limited to the one car? When a new car is bought is the annual pass transferable? Request for pensioner rebates for permanent residents (similar to rates). Do the ticket books have an expiry date? Are monthly tickets per calendar month or valid for 4 weeks? Will there be a discount for tradespeople and can residents doing volunteer or charity work be compensated?
9279	Kim Wall	Ferries Fees and Charges: supports reducing the annual pass rate for residents and introducing a monthly option. However, passes should be transferable, and weekly concession tickets should remain. Casual users rate is an unreasonable increase and Council should consider a stepped increase over a few years instead.
9323 9289	Julie Walmsley	Ferries Fees and Charges: Opposes increase in casual user fees and tradespeople and service providers won't come to the North Shore. Monthly tickets and ticket books are not feasible and will not speed up the service. Request to keep the weekly ticket. Inconvenient to buy the concession ticket books from Council. Ferry prices and lack of service to North Shore has a detrimental effect on

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Ref. No	Submission Author Name	Submission summary
		property value. Rate payers who don't live in the Hastings are not entitled to a concession ticket. Request to keep things as they currently are, weekly and single trip tickets. Other alternative build a bridge with a toll until it is paid for.
9214	David Walmsley	Ferries Fees and Charges: Request to keep current system as is (single, weekly, annual). Deliveries and service calls are near impossible and adds to more trips to town and more expense. Family and friends visiting will have to spend their spare money on ferry fares and instead of contributing to local business with trips to town. Suggest to levy the ferry running costs with monies collected in Council rates, build a bridge and charge a reasonable toll.
9352	Angela Walsh	Ferries Fees and Charges: Lack of Community Consultation. Unreasonable single trip tickets for casual users. Risks to North Shore community include social isolation, increase risk of ill health, financial disadvantage, marginalisation of young people on North Shore by limiting their access to employment and health and wellbeing services. Request to bring back weekly tickets. Cost of annual passes is too high providing little benefit for such a huge upfront payment.
9209 7753	Lesley & Greg Ware (3)	Ferries Fees and Charges: Request for non-resident visitors to have a concession, concessions for tradespeople and services, too expensive for tourists to visit and residents with trucks or trailers. The government should pay for the ferries and not the Council. Third submission requests that the operation of the ferries be returned to RMS, or every household in region needs to pay through their rates to provide a free ferry. Request to pass on tickets from ticket books to family and friends, allow weekly passes to continue, allow passes to be transferable.
PMHC List. 14	Neryl Wilson (2)	Ferries Fees and Charges: Objects to the increase in casual fees to \$5 - this will lead to isolation as family and friends won't visit. Suggests that Council introduce Visitor tickets to residents of the North Shore, Riverside, Corilla & Maria River. These visitor tickets would be sold with the \$55 concession sticker and available in a book of 20 (\$45, \$2 per trip). Council should give special consideration to people who live just outside the border of the LGA for work or volunteering or medical treatment.
9571	Northside Progress Association	Ferries Fees and Charges: Calls on Council to conduct an independent review on the impact of the fee changes. Request for weekly tickets to be maintained, subsidised fees for low income earners, Centrelink Card holders and those residents on Maria River Rd in the Kempsey area who use the services for educational or medical purposes. The ferry service should be treated as a road and should

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Ref. No	Submission Author Name	Submission summary
		be free. Council must find alternative ways of funding, a levy on all Hastings residents, a grant from the NSW Govt, expenditure from investments which total over \$190M.
	Council Response	See attached Ferry Issues Response Summary
9356	Francis Dennis	Ferries Fees and Charges: Formal request to obtain a legal opinion and independent economic/financial assessment by an independent auditor and present to the community before proceeding with any further consideration of the fees and charges structure and before any changes be implemented.
	Council Response	The Operational Plan and the associated budget and fees and charges are compiled according to the legislative requirements of the Local Government Act and the Local Government Regulation. This regulation states that Council must exhibit the proposed rates, fees and charges for a minimum of 28 days. Reference ferry issues summary
8651	Richard & June Dunne	Ferries Fees and Charges: Opposes increase in fees, and requests that the service should be free. Roads: Maria River Road and Plomer Roads are neglected by the Council.
	Council Response	Reference ferry issues summary Maria River Road and Plomer Road (south) are managed in accordance with Council's unsealed road maintenance grading program. This program manages over 460km of unsealed roads. Council has a high priority unsealed roads maintenance program where those roads of higher importance receive maintenance every 6 months - Maria River Road is one of the roads on this list. There are currently no plans to undertake works beyond what is achievable within the current budget allocations for unsealed road maintenance.
9535	Mark Dunne	Ferries Fees and Charges: Request to build a bridge with infrastructure funding, and bitumen seal Maria River Rd.
	Council Response	Reference ferry issues summary Expectation of building a bridge is unrealistic given an estimated cost beyond \$30M. Similarly sealing Maria River Road is outside the available funding when consideration given to current usage and safety standard able to be maintained as part of the rural grading program.
7701	Paul Doyle	Ferries Fees and Charges: Request for non-resident visitors to have a concession, and to bring back weekly tickets. Maria River Road: when is the road going to be improved. Airport Services: when are we going to be provided with better interstate airline services.

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Ref. No	Submission Author Name	Submission summary
	Council Response	Reference ferry issues summary. Maria River Road is managed in accordance with our unsealed road maintenance grading program. This program manages over 460km of unsealed roads. Council has a high priority unsealed roads maintenance program where those roads of higher importance receive maintenance every 6 months - Maria River Road is one of the roads on this list. There are currently no plans to undertake works beyond what is achievable within the current budget allocations for unsealed road maintenance. 3. Council is committed to promoting further growth in airline services and ensuring the ongoing development of the Airport to support our growing region as detailed in the Port Macquarie Airport Master Plan. This aim includes growth in existing services to Sydney and Brisbane and the establishment of new interstate routes such as Port Macquarie - Melbourne. Council's work involves detailed research, analysis and the presentation of robust business cases to airlines to support the development of both existing and potential new routes. Ultimately however the decision to operate a new service is a commercial decision for the airlines which is dependent on a range of factors.
PMHC List.10	Peter O'Hara	Ferries Fees and Charges: Opposes the 50% increase of the casual fare. Lives in the Goolawah Co-operative just in the Kempsey Shire. Would reduce his visits to Port and instead go to Kempsey for shopping, medical, entertainment etc. Request for concessions for Goolawah Co-operative members.
8761	Ralph Erthel	Ferries Fees and Charges: Request for Goolawah residents to receive concession passes.
	Council Response	Goolawah Reserve is outside of the Port Macquarie-Hastings Local Government Area boundary and therefore residents are not eligible for concession pricing. Reference ferry issues summary.
8557	Steven Flett	Ferries Fees and Charges: Request for Council to revisit the consultation process and address the equity of service delivery. Proposes a levy to rates of approximately 80 cents per week to cover costs.
	Council Response	Council's consultation process was conducted in accordance with the Integrated Planning and Reporting legislation governing the development of the annual Operational Plan. Reference ferry issues summary in context of the gap between North Shore rating income and cost of ferry services.

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Ref. No	Submission Author Name	Submission summary
9281	David Frost	Ferries Fees and Charges: Strongly objects to any increase in ferry fees not only to residents but to all NSW residents and visitors. The majority of NSW ferries are operated by State Govt and are free of charge, why is Council operating ours? Fees and charges have risen way out of proportion to the service being offered. Fees will incur hardship on many including young families (kids parties), seniors with medical conditions. When there is an accident on the highway people are directed to the ferries resulting in long lines and disrupted service for residents. Also written to Leslie Williams MP. Tourists to Point Plomer will decline and tradespersons will cost more. State Government should take back operating of the ferries and thus reduce cost to Council.
	Council Response	Reference ferry issues summary. Reference to free vehicle ferries run by RMS should be noted in context of consideration that RMS have a \$6 billion budget therefore in comparison the impact of five or six \$1m ferry services is relatively minor. In NSW there are also a number of Council run ferry services that are all supplemented by charging for the service.
9430	Kellie Hitchings	Ferries Fees and Charges: Request to keep Weekly tickets. Increase in casual rates will disadvantage residents with health issues that require home visits from health professionals or family and friends. Tradespeople cost increases. What are the planned price increases for the future? Most NSW ferries are operated by RMS at no cost to residents - will Council apply to the RMS to bring the ferry in line with the rest of the state?
	Council Response	Reference ferry issues summary Reference to free vehicle ferries run by RMS should be noted in context of consideration that RMS have a \$6 billion budget therefore in comparison the impact of five or six \$1m ferry services is relatively minor. In NSW there are also a number of Council run ferry services that are all supplemented by charging for the service.
8044	Stella Hughes	Ferries Fees and Charges: Request for concession ticket booklets and concerns about tradespeople not taking ferries due to increased cost, visitors will decrease. Road signage: Settlement Point Ferry, there is a "Giveaway" sign and "No Stopping" sign within 2 metres of each other and may cause confusion for traffic.
	Council Response	Reference ferry issues summary. Council has been in ongoing discussions with this resident about the signage and are looking at ways to improve the layout of this area and this will include reviewing "Give Way" and "No Stopping" issues raised. It should be noted, however, that the road in this location is constrained and there is no easy solution to the various issues that have

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Ref. No	Submission Author Name	Submission summary
		been identified.

Lighthouse Road (east) and Lighthouse Reserve Masterplan: Common issues and questions have been responded to in the attached Issues Response Summary, or where relevant in the Council response in this table.

9369	Peter Aitchison	Lighthouse Road: Concerned about how dangerous it is. Strongly supports making Lighthouse Road safer for pedestrians, cyclists and drivers.
7689 7058	Anne Barker	Lighthouse Road: Request for safe footpaths and road improvements to Lighthouse Road.
9538	Dr Robert Clarke Rotary Club of Port Macquarie Sunrise Inc	Lighthouse Road funding: requests Council to reconsider its priorities for infrastructure funding and allocate funds to the upgrading of Lighthouse Road. If resource limitations prevent upgrading the full road, then strongly recommend the section from Davis Crescent to the Lighthouse. Request additional car parking space on the Lighthouse headland - the construction of the bottom car park opposite the newly constructed boardwalk. Designated car parking spaces will also help both on top and in the new car park. If roadworks are not completed on Lighthouse rd, then they won't be able to proceed with the restoration work of the Lighthouse Keepers Cottage.
7623 7429	Tony & Cynthia Curtis	Lighthouse Road (East): Request for safe footpaths and road improvements to Lighthouse Road.
9569	Paul Dirago	Lighthouse Road (East): Request for a safe footpath and upgrade to road from Davis Crescent to Tacking Point Lighthouse.
Email	Matthew & Angela Dirago	Lighthouse Road (East): Request for safe footpaths for pedestrians and cyclists and road improvements to Lighthouse Road.
9208	Margaret Dirago	Lighthouse Road (East): Request to provide funds for a safe footpath from Davis Cres to Lighthouse.
9372	Margaret Dirago (2)	Lighthouse Road and Ramp for disabled: Request for ramp for disabled and older people to access Lighthouse.
9075	Rosemary Fitzpatrick	Lighthouse Road (East): Request for improvements to Lighthouse Road East from Davis Crescent to the Lighthouse.
9539	Paul Dirago	Lighthouse Road: Petition of 315 resident signatures requesting improvements to Lighthouse Road (east) and the Lighthouse precinct, particularly a footpath and disabled access ramp.

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Ref. No	Submission Author Name	Submission summary
9099	John McDonald	Lighthouse Road (East): Request for Council to allocate funds to improve Lighthouse Road East from Davis Crescent to the Lighthouse, including the provision of pathways for pedestrians and cyclists. Request for a ramp for disabled access to the Lighthouse as per the Tacking Point Master Plan. The recently completed pathway and boardwalk is inadequate and a boardwalk separate from the roadway constructed along the south banks would be much safer and user friendly and would also allow for maximum widening of the road. Request to prohibit cars from driving up to the Lighthouse (from East of Davis Crescent).
9371	Elizabeth Oliver	Lighthouse Road: Request for a raised pedestrian path would make Lighthouse Road much safer.
9290	Laurie Smith	Lighthouse Road (East): request to provide funds for a safe conditions for all users of Lighthouse Road (East), particularly a safe footpath.
9348	Helen Triffit	Lighthouse Road (East): Concerned about safety of pedestrians and bike riders on Lighthouse Road - road improvements in the area need to be considered or only matter of time until a serious accident occurs.
7444	Michael Wilkins	Lighthouse Road (East): Request for safe footpaths, safety barriers and road improvements to Lighthouse Road.
	Council Response	See attached Lighthouse Road Issues Response Summary

Note: A submission was received to the Mayor on 28 May 2015 from Greater Port Macquarie Tourism Association, supporting the request for improvements to Lighthouse Road. This submission has been noted but was received after the formal Councillor submissions review workshop.

Additional Issues and Responses

Email	Colin Campbell	Water Supply: requesting that water supply should be the most pressing issue for Council.
	Council Response	Water Security is a serious issue for Council and one that is the subject of the Draft Water Supply Policy that has been placed on public exhibition from 27 May to 24 June 2015.
Email	Hanley Carolynn	Queens Lake Walking Trail: request for routine maintenance to the Queens Lake Walking Trail, and request for Council to include funding to maintain the trail and bring it up to an acceptable level.
	Council Response	Queens Lake walking trail approximately 4.7Km in length is Crown Land for which Council is appointed as Trust Manager. As Trust Manager council responsibility involves bushfire risk management adjacent to assets (residential

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Ref. No	Submission Author Name	Submission summary
		properties, commercial assets, etc) and strategic fuel management at a landscape scale. Bushfire Management is addressed under Action items 2.1.2.2 and 2.1.2.3. Specific maintenance works raised in this correspondence with the Mayor have now been addressed.
8156 9342 9291	Denis Chard (3)	Works Program for Maria River Road: Request to tar seal road and for Council to look at this as they have a dust problem and is a health issue.
	Council Response	Maria River Road is managed in accordance with our unsealed road maintenance grading program. This program manages over 460km of unsealed roads. Council has a high priority unsealed roads maintenance program where those roads of higher importance receive maintenance every 6 months - Maria River Road is one of the roads on this list. There are currently no plans to seal this road due to assessments of usage versus available budget. Further works are also not viable within the current budget of the unsealed road maintenance program.
Letter	Chris Wallace	Beautification of Beechwood: Sketch of parking and alterations to main street.
	Council Response	For consideration under Place Making projects.
8828 8804	Paul Dirago	Tacking Point Master Plan - request to implement the adopted Tacking Point Master Plan in 2015/16 including funding for the construction of the ramp to allow access for disabled people to the Lighthouse.
	Council Response	At present implementation of the Tacking Point Masterplan remains unfunded. In accordance with the Council resolution of March 2015 staff continue to work with Sunrise Rotary to identify the range of grant funding opportunities that may be available. These will include but not be limited to Community Building Partnerships, Heritage Grants and a range of programs that Sunrise but not council will apply for.
1578	Karl Reiger	Footpath request: Marbuk Avenue footpath to be considered in works program.
	Council Response	Council allocates funds for the provision of civil infrastructure as part of its annual budget allocations and determines the funding priorities having regard to a range of factors that include benefits, costs, equity and risk. Given the competing priorities between the various infrastructure works it is not always possible to fund footpath works in a short to medium time frame whilst ensuring equity in the provision of all infrastructure services for the entire Local Government Area. Transport Stormwater Network staff advise it is unlikely that Marbuk Avenue is going to rank highly for funding priority as this is a residential area with low pedestrian traffic and low

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Ref. No	Submission Author Name	Submission summary
		vehicle traffic. Council's \$375,000 footpath program will prioritise footpaths in the vicinity of shopping centres, hospitals and aged care facilities with high pedestrian traffic.
PMHC List. 11	Mike	Better Boating Program: 2012/13 program allocated funds for "Boat ramp repairs, reconstruction of revetment wall and installation of a fixed pontoon at Dunbogan Reserve", estimated cost \$92,500, funding grant \$46,250 - why has this not been completed?
	Council Response	The Dunbogan Boat ramp upgrade has been the subject of considerable focus during the 2014-2015 financial year, including negotiation with the RMS. Council have completed the final design for the upgrade, however the estimated construction cost exceeds the available funding by over \$100K. A bid for additional funding remains pending with the RMS. The construction of this project has not been scheduled pending the resolution of the additional funding.
PMHC List. 13	Stuart Walsh	Roads works program: Beechwood Road from Crosslands to Wauchope in poor condition
	Council Response	Works on this section of road are currently in the pre-construction (design) phase and form part of the wider Beechwood Rd program which has seen works from Pembroke Road to Rosewood Rd recently completed. Following completion of the designs and finalisation of a cost estimate for the works, this project will then be considered in the allocation of capital works budgets in coming years.
Email	Bill	Free Camping: Against Council's stance on free camping.
	Council Response	In March 2015 Council adopted the draft Port Macquarie-Hastings Free Camping Position Statement and resolved that staff will continue to monitor and engage with the free camping environment as per the Position Statement and report back to Council in February 2016. This issue and Council's stance will be further assessed in line with this resolution.
8989	Stuart Aston John Howley Tacking Point and Port Macquarie Lions Clubs	Gaol Point Development: Request for \$50,000 of Council funds to be allocated to Stage 2, the balcony area of the development of Gaol Point (designs have been done by Council already). Stage 1 and Stage 3 are funded by Lions Club, community funding, grants and corporate sponsorship. Total for proposed development is \$350,000, with only \$50,000 of this total being requested to be contributed by Council.
	Council Response	Councillors indicated support to include funding to the value of \$50k to conduct Stage 2.

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Ref. No	Submission Author Name	Submission summary
PMHC List. 1	Greg Bell	Operational Plan: Questions where are the true moves towards a sustainable future in this plan? More roads, more sewerage, more development, more business-as-usual. Consideration requested for future planning and actions that accounts for impact of resource constraints and climate change. Suggestions for cheaper simple transport, local production and greater community connections.
	Council Response	Acknowledge long term consideration requirements in short term planning and encourage participation in upcoming community engagement looking at planning and Council services.
8828 8804	Paul Dirago	<p>FFF & Operational Issues:</p> <ol style="list-style-type: none"> 1. Consultation feedback, and request for inclusion of full submissions in the Business Paper/Report after the Budget is decided, and prompt notification to individuals of the outcomes of their particular representations. Request for Council to publish a review that shows whether any significant changes did occur as a result of the process. 2. Road maintenance query: look for ways to be more helpful to interested residents who make an enquiry. Example of site visit at Lighthouse Road. 3. Performance Management & Staff Development: 48% of PM reviews have been completed and the same figure is reported to Council without any revision or additional comment - suggest that all PM reviews be done by 31 July 2015. 4. In March 2015 Council resolved to seek grant funding for the Lighthouse Road East of Davis Crescent - this should be reported separately in Council's Quarterly OP reports. 5. Definition for Place Making is too broad to be useful. Raises questions about the performance measures, timeframes and potential cost/savings of the function - is it a priority? Request to review whether some functions need to be undertaken at all or at a reduced level of expense.
	Council Response	<ol style="list-style-type: none"> 1. Submissions are in excess of 1 ream of paper thick above the required attachments of final Integrated Planning and Reporting documents. General Manager advised hard copy provision to Councillors under separate cover meets requirements in addition to submissions summary. Notification has been provided to submission authors with further correspondence post adoption which will highlight submissions outcomes 2. Noted. 3. Performance Management is an operational priority and will continue to be addressed under HR practices. 2015-2016 HR reported internally referencing the Equal

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Ref. No	Submission Author Name	Submission summary
		<p>Employment Management Plan in the OP.</p> <p>4. An action capturing this resolution has been incorporated into the Operational Plan.</p> <p>5. Place Making action revised to confirm that a strategy and actions are to be adopted in 2015-2016. This area will be included in community engagement regarding priorities and service levels later in 2015.</p>
9315	Diane Gilbert	<p>Works Program: Wauchope Community Heated Indoor Pool - concerned that the Wauchope Pool will only have maintenance done to it and not a full upgrade as in Stage 1 of the 4 Stages of Wauchope Aquatic Centre. Concerns over the spending of the Timbertown sale funds. What happened to the \$4,685,000 allocated in the 2012-2013 Works & Services program? Objects to the Council spending Timbertown funds in this manner.</p>
	Council Response	<p>It has been incorrectly reported that in 2010-2012 during the period of Council being under Administration, that an amount of \$4.65 million was allocated to the upgrade of the existing Olympic Pool and the construction of a new indoor heated pool.</p> <p>This amount was a statement of council's 'wish list' only and not formally included in council's budget.</p> <p>Money from the sale of Timbertown, also a decision made under Administration, was dedicated for Wauchope projects, not specifically the Wauchope Pool. The draft 2015-2016 OP includes an allocation of \$2,295,000 for the upgrade of the 50M pool as per Council's resolution</p>
PMHC List. 4	Tony Green	<p>Roads Projects - questions the priority of the duplication of Ocean Dr - what is the justification of this other than minor delays at peak times? How will the intersections of Jonas Absalom & Dahlsford Dr be treated to accommodate traffic entering Ocean Dr from these roads where opportunities to enter the Ocean Dr stream of traffic is very limited in peak times? What is the rationale for spending large amounts on duplication of arterial roads for little benefit while other existing roads are deteriorating?</p>
	Council Response	<p>Council have evaluated this priority based on reassessment of the capital works program and budget position and have not allocated the projected \$8m to the construction. Design work will continue as a carryover from the 2014-2015 program. Further consideration will be given noting the duplication of Ocean Drive is a part of Council's long term traffic management plan. In late 2013 Council has received a \$10M grant from the NSW state government to complete the design and begin construction of the outstanding section of road yet to be duplicated, approximately 3km between Greenmeadows Drive (south) and Matthew Flinders Drive / Emerald Drive. The grant will not fund the entire construction of the duplication works</p>

Ensuring Good Governance

Ref. No	Submission Author Name	Submission summary
		and therefore the project will be staged over multiple years. The Dahlsford and Jonas Absalom intersections are major intersections in the project and will potentially include traffic lights and treatments to drainage and pedestrian structures, pending final designs.
9340	Grace Macpherson	Bicycle Infrastructure: Request for meaningful investment in developing bike riding across the LGA. \$375,000 is insufficient for the area of this size. Recommends spending \$10 per head on bicycle infrastructure over the next 12 months. Many benefits to improving bike access, including reducing traffic congestion, a tourist drawcard, increase physical activity.
	Council Response	Council's bicycle infrastructure is assessed alongside the Pedestrian Access and Mobility Plan (PAMP) and specifically for 2015-2016 relates to the footpath / shared cycleway program of which \$325,000 has been allocated in 2015-2016. A further \$100,000 has been allocated to Wrights Creek Road cycleway link and finalisation of the Googik track off road walkway / cycleway.
9355	Andrew McCoubrie	Operational Plan: Beach to Beach Riverwalk: Seeking clarification regarding: 4.8.1.3 Dunbogan Flood Access Stage 1B & 1C - confirm that a 2.4m wide footpath/cycle path from the Bridge to the Tip Road is included in the scope of works and if yes on the river side of the Boulevard? 5.1.1.4 (d) - Confirm if any of these are in the Beach to Beach route? 5.1.1.4 (m): Supportive of the Schools to Schools initiative, but believe the B2B route will gain greater community usage. Request equivalent council financial commitment to the Beach to Beach concept. 5.3.1.2 (t): Dunbogan residents believe the highest priority is construction of a safe pathway. This would supersede a new set of playground equipment - can these funds be put towards the pathways instead and the playground deferred? 5.3.1.2 (u) Again as per previous, can these funds be used for the pathway and tidal baths deferred?
	Council Response	Further specific clarification to be provided to author. 1. Clarification sought on finalisation of detailed designs for Tip Road construction. 2. Footpath program (\$325,000) to be finalised and presented to Council. 3. Council will support seeking further grant funding and consideration of matching as appropriate, but further allocations aren't made in 2015-2016 budget. 4 / 5. Further consideration being given to these requests and need for engagement. Tidal baths have an adopted

Ensuring Good Governance

Ref. No	Submission Author Name	Submission summary
		plan of management that dictates works required and playground has been identified as requiring replacement due to equipment lifespan. Further specific community consultation will be considered.
9367	Rick Sharp	<p>Operational Plan - The community was not involved in any of the decisions in the draft plan. People can make submissions, but nothing changes. Council's website should be changed to "PMHC Asking" instead of "PMHC Listening" and ask the community what money should be spent on.</p> <p>Council should advise what its debt is.</p> <p>Disclose any planned increases in prices and that includes the CPI and these need to be justified.</p> <p>Projected deficit of \$500K, this is noted in a modified Cash Basis financial statement, yet in the 'facts' summary it states with cost saving the year will end with a balanced budget.</p>
	Council Response	<p>The draft Operational Plan is compiled using the Delivery Program and Community Strategic Plan as overarching guidance. Also factored in is the consultation from previous years plans and ongoing consultation at a project level. Council will undertake a major community engagement process in the later half of 2015 to ascertain community priorities which will factor into forward planning in subsequent years Operational Plans.</p> <p>While adopting a budget shortfall Council publicly states that all efforts will be made to achieve a balanced budget by financial year end. This is through project management and seeking ongoing savings.</p> <p>Council's level of debt is reported quarterly and the audited financial figures. Consideration will be given to making these references more clear in future Operational Plans.</p>
9566	Bonny Hills Progress Association (BHPA)	<p>Operational Plan:</p> <p>5.1.1.3 (b) & (c): Strongly support the allocation although we note that large sections of Houston Mitchell Drive will remain unsatisfactory.</p> <p>5.1.1.4 (d): Lack of footpath on Ocean Dr between Rodley St and Beach St (south) has been the subject of many meetings and a large volume of correspondence over recent years. The BHPA urges Council to allocate funds to rectify the dangerous situation immediately.</p> <p>5.2.1.3: Intersection of Ocean Dr and Bonny View Dr needs the installation of a street light.</p> <p>5.3.1.2 (a): Inadequate signage on the Reserves, many are outdated and contradictory and some difficult to interpret. Signage needs to be addressed on a regular basis in Lake Cathie & Bonny Hills. Signage is needed at Rainbow Beach Reserve to stop parking on the grassed areas outside peak times, and advise Surf Club & Fat Fish</p>

Ensuring Good Governance

Ref. No	Submission Author Name	Submission summary
		<p>customers that it is reserved for people with physical disabilities.</p> <p>5.1.1.4 (d) Funding should be in addition to the footpath on Rodley St to the Top Shop. Also, safe access must be provide to Lake Cathie Public School, especially from the housing estates at the northern end of Bonny Hills.</p> <p>5.1.2.5 Areas of concern is Ocean Dr near the Tavern and Nursery - funds need to be allocated to ensure that this section is properly maintained with the refuge clearly marked and traffic lanes clearly defined.</p> <p>5.3.1.2 (l): Supports the upgrade to the existing facility, and undertakes to work with Council to obtain grant funding for some of the remaining projects from the Masterplan including the playground.</p> <p>5.5.1.2 (b) Suggest to investigate including a walk/cycle way above the Southern Arm truck main.</p> <p>PAMP also submitted</p> <p>Draft review of the Bonny Hills LATM also submitted.</p>
	Council Response	<ol style="list-style-type: none"> 1. Note comments on Houston Mitchell Drive and commit to further correspondence clarifying detailed designs. 2. Consideration to be given to this footpath as part of \$375,000 footpath program allocation expected in August. 3. Clarification to be sought on street lights included in this program 4. Signage program and best practice are allocated actions to Recreation and Buildings and further detail to be provided. 5. Clarification provided on adoption of footpath program 6. Request noted and design detail will be identified and provided 7. Support of program noted and continued partnership anticipated in Rainbow Beach Masterplan works 8. Clarification to be referenced regarding previous request for cycleway on Southern Arm Trunk Main.
9557	Bob English	<p>Operational Issues:</p> <ol style="list-style-type: none"> 1. Offenders should be required to do community service with Council 2. Street Cleaning be extended to Ocean Drive. Specific issues at Greenmeadows to Clearwater with rubbish. 3. Flags at Wayne Richards Park. Greater Police presence at WRP 4. Improved customer service from Council staff in the field when dealing with enquiries such as Ocean Dr issue.
	Council Response	<p>Author to be advised on taking some requests to Police particularly community service and WRP presence. Flags at Wayne Richards Park is a long term issue of significant correspondence between Council and this customer with status to be followed-up. Customer action request created</p>

Ensuring Good Governance

Ref. No	Submission Author Name	Submission summary
		re: Ocean Drive clean up.

Internal Consultation

The following levels of staff have reviewed, assessed and considered the draft documents throughout the public exhibition period;

- Executive
- Group Managers
- Integrated Planning and Reporting Development Officer

Planning & Policy Implications

This report is aligned with Council's legislative obligations under the requirements of the NSW Integrated Planning and Reporting Framework.

Financial & Economic Implications

The 2015 - 2016 Budget

Within the One year Operational Plan is an overview of how the proposed activities included in the plan will be funded, including the budget statement and capital works program.

The 2015 - 2016 budget forecasts a budget shortfall (excluding depreciation and loss on disposal of assets) of \$850,000. This compares to a balanced budget in the previous (2014-2015) budget.

During the draft budget compilation process, it was identified that Stormwater maintenance continues to be an area which is underfunded. As a result, an additional allocation of \$500,000 was made for this purpose. During consideration of the final budget compilation, it was also identified that Lake Road continues to be constrained by traffic at peak times. A separate report to Council in this agenda addresses some additional funding for the Blackbutt Road/Lake Road Intersection, however there was also a desire to undertake some detailed investigation work into Lake Road more broadly during the 2015/2016 year. Hence, an additional allocation of \$350,000 has been included to undertake this work.

Whilst this represents a shortfall of \$850,000 for the 2015/2016 financial year as a one-off, it is considered that investment into both Lake Road and Stormwater are worthwhile. Ongoing financial diligence will occur to address this position over the coming financial year.

Ensuring Good Governance

Budget Summary

	2015-2016 Budget \$'000
Operating Budget	
Operating Revenue	164,106
Operating Expenses (excluding depreciation and loss on the disposal of assets)	(100,872)
Net Operating Revenue	63,234
Capital Items	
Net transfers from reserves	34,249
New Loans	3,500
Purchase of Assets	(92,066)
Loan Principal Repayments	(9,767)
Net Capital Result	(64,084)
Budget Result surplus/(shortfall)	(850)

The total expenditure in 2015-2016 will be \$202.7m which includes the following breakdown.

Expenditure

	\$'000
Ongoing operational costs (excluding depreciation, interest on loans and asset write offs)	95,221
Capital Works Projects	92,066
Debt Servicing Costs	15,418
	202,705

Council's projected income for 2015-2016 is forecast at \$164.1m, broken down as below.

Income

	\$'000
Rates and annual charges	83,584
User charges and fees, for services such as water, waste management, building and planning, animal registration, crematorium, airport and library	28,898
Interest Income	4,652
Grants and contributions made up primarily of state and federal government grants and developer contributions.	42,549
Other revenue such waste management income, rental of Council facilities and fines.	4,424
	164,106

Ensuring Good Governance

Loans and Borrowing

To provide for the future needs of our community, Council borrows money to fund infrastructure and community assets which cannot be funded out of normal revenue sources.

Total borrowings for 2015-2016 will be \$3.5 million. This includes proposed new borrowings as shown below:

New Borrowings by Project	Amount
Cairncross Waste Depot - Facility Construction Continuation	1,500,000
Kew Waste Transfer Station Construction	1,000,000
Upgrade of parks and gardens facilities	800,000
Stormwater remediation	200,000
	3,500,000

Rates, Fees and Charges

A full listing of rates, fees and charges, relevant statutory regulations and the proposed income is provided in the attached Revenue Policy and Schedule of Fees and Charges. Once adopted all of these documents remain publicly available from Council's website, libraries and offices.

The allowable increase for general rates in the 2015-2016 financial year has been set at 2.4% by the Minister of Local Government and this has been applied in full to the proposed income calculations.

Attachments

- 1 [View](#). Issues Response Summary Ferry Fees
- 2 [View](#). Issues Response Summary Lighthouse Road
- 3 [View](#). One Year Operational Plan 2015-2016
- 4 [View](#). Revenue Policy 2015-2016
- 5 [View](#). Schedule of Fees and Charges 2015-2016
- 6 [View](#). Rating Maps 2015-2016

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: NOTICE OF MOTION - PLACEMENT OF WRITTEN MATERIAL ON PUBLIC PROPERTY

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

RECOMMENDATION

That the General Manager bring a report to the August 2015 Meeting of Council dealing with:

1. An explanation of the legal framework as to the prohibition (or otherwise) of the placement of politically motivated signage/posters and/or other written material on public property including roadways, footpaths, public reserves and the structures thereon.
2. Any Council Policy or Policies dealing with the prohibition (or otherwise) of the placement of politically motivated signage/posters and/or other written material on public property including roadways, footpaths, public reserves and the structures thereon.
3. The options open to Council to remove or cause such items to be removed.
4. Legal remedies open to Council to recover costs and/or damages as a consequence of the placement of the material, its removal and rectification of damage caused to public property.
5. Whether Council actively polices instances as to the placement of such material on Public Property (if so – how, if not – why not?).
6. A proactive Policy to objectively enforce the law in this regard.

Comments by Councillor (if provided)

I recently walked along the Port Macquarie Breakwall and through the Town Beach precinct to the Sea Rescue Kiosk/Public Facilities building. I noticed numerous public waste receptacles lining the walkway.

I also noticed that on each public waste receptacle (on both sides to be visible in either direction) was an adhesive poster (approximately 30cm x 48cm) dealing with an issue as to the 2015 NSW State Election.

The poster was stuck directly to each bin and a Stanley Knife (or similar) was used in a criss cross pattern across the whole of each poster to make the removal of the poster quite difficult as each individual “piece” would need to be removed. The use of the knife physically damaged each bin surface.

The posters remain and are gradually being degraded by natural forces. They are, on the whole, unsightly.

Looking After Our People

Each poster contains details of the person who authorised the poster and the organisation promoting the concept set out in the poster including contact details.

Council spends significant public resources in developing attractive public facilities.

I understand that there are laws in place prohibiting/restricting the placement of politically motivated material (regardless of the politics concerned) upon public property under the control of Council.

Council needs to be vigilant and proactive in sending a clear message to the community that it takes such laws protecting public property seriously.

Attachments

Nil

Looking After Our People

Item: 10.02

**Subject: 25TH ANNIVERSARY OF THE PORT MACQUARIE-HASTINGS
HANDA CITY COUNCIL'S SISTER CITY AGREEMENT -
REPRESENTATION BY COUNCIL**

Presented by: Community & Economic Growth, Tricia Bulic

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information in this report.

Executive Summary

The year 2015 marks the 25th Anniversary of the Sister City relationship between Port Macquarie-Hastings Council (PMHC) and Handa City, Japan.

To celebrate this milestone event, the Mayor of Handa City Council extended an invitation to the Mayor of Port Macquarie-Hastings to visit Handa, Japan to participate in their celebratory activities from April 9 - 13 inclusive.

In addition to the Mayor - Councillor Peter Besseling, Deputy Mayor - Councillor Justin Levido, Economic Development Steering Group Committee member Councillor Trevor Sargeant and Handa Sister City Sub-Committee member Jenny Mead, the delegates were joined by Charles Sturt University Pro-Vice Chancellor (International Education and Partnerships) Professor Heather Cavanagh.

Whilst the itinerary for the visit was quite compact and the visit only brief, our hosts were very welcoming and accommodating in every way. An official translator was provided to bridge the language divide and the skills of the translator proved to be essential to the clear understanding of discussions that took place.

Discussion

In an effort to build on the strength of the existing Sister City relationship, this trip was seen as a possible opportunity to move beyond the successful cultural exchanges, and strengthen the trade, educational and economic development relations between our two regions.

The inclusion of Professor Heather Cavanagh in the official party and trade delegation provided a clear focus on elements of trade possibilities in education between the Port Macquarie-Hastings and Handa. Education has been acknowledged by Council's Economic Development Steering Group as an area of

Looking After Our People

growth and great potential, so exploration of international links is a natural step to take with our sister city partner.

With the assistance of Handa City Council, a series of meetings at educational establishments, alongside the cultural and official visits already scheduled for the PMHC delegates, were arranged and held with:

- The Principal and key senior staff of the Handa Tokoname Nursing College and the Director of Handa City Hospital (Friday 10 April 2015)
- The Dean and key senior staff of the Nihon Fukushi University, and a representative of the International Office of the University (Friday 10 April 2015)
- The Principal and key senior staff of Handa Higashi Senior High School, and the Parent & Teachers Association President (Monday 13 April 2015)

The short term outcomes of the meetings with both the Nursing School and the Nihon Fukushi University are that both faculties currently have no existing agreements in placement with any Australian university but are interested in exploring what opportunities are available to develop such an agreement. Key personnel at both the Nursing School and Nihon University were provided with a prospectus and information pack on Charles Sturt University and North Coast TAFE by Professor Cavanagh during the onsite meetings. Since returning to Australia Professor Cavanagh is continuing discussions with representatives from both the Nursing School and University and will keep PMHC informed on the progress and outcomes of these discussions.

It was revealed during the visit to Handa Higashi Senior High School that, since the signing of the sister city agreement in 1990, over 300 students have participated in the Study Tours to Port Macquarie. It was also revealed that 80% of students from Handa Higashi Senior High School go onto study at university.

The visits to all the educational facilities proved very fruitful and essential to any future partnerships being formed with local education providers. An undertaking by an official delegation to visit Port Macquarie-Hastings has been secured and will be supported by up to 16 local businessmen looking to explore further trade exchange opportunities off the back of the sister city relationship.

Options

As a result of the successful meetings and discussions held to date with representatives from both the Tokoname Nursing School and the Nihon Fukushi University, it is hoped that a partnership can be formed with both these educational establishments with a view to opening up opportunities for international students, to travel to Australia and study through Charles Stuart University.

With the recently signed trade agreement between Australia and Japan and the recent discussions with the Mayor and Handa City Council Official's, now is seen as a great opportunity for Council to explore how the existing sister city relationship can be leveraged to assist with the "opening of more doors" for future economic opportunities for local businesses within our two regions to trade. The challenge for Port Macquarie-Hastings Council is to find a realistically relevant role for the Sister City relationship, consider what structure would need to be put in place and then

Looking After Our People

nurtured. The role would need to cover the continuation of the High School exchange and Band exchanges but extend to a deeper financial/economic level. In the belief that an economic relationship with Handa City should be mutually beneficial and complementary rather than competitive, it is proposed that the following 'opportunities' are worthwhile exploring further. The economic opportunities arising from the Sister City relationship are potentially broad ranging from:

- Tourism
- Trade - Dairy, Honey, fruits, nuts, vegetables, Seafood, Meat
- Wine and Beer
- Wood engineered products
- Environmental, engineering design and architectural services
- Best-practice in professional services including nursing and health care
- Education - Foreign student placements/study opportunities
- Access to business supporting organisations and associations
- Establishing business contacts
- Collaborative research
- Knowledge and technology sharing
- Cultural and sporting exchanges

Community Engagement & Internal Consultation

Internal Consultation

- General Manager
- Director, Community and Economic Growth
- Group Manager, Community Place

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:

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 local community.

Financial & Economic Implications

In a report presented to the Ordinary Meeting of Council held on 17 December 2014 outlined "*that 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*".

That expenses pertaining to the trip to Handa for the attending Councillors be funded from the 2014-2015 budget allocation for expenses pertaining to conferences and out-of-pocket expenses for Councillors, for the necessary journal transfers to be undertaken.

Attachments

Nil

Looking After Our People

Item: 10.03

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

Presented by: Community & Economic Growth, Tricia Bulic

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:

1. Mr Liam Magennis in the amount of \$400.00 to assist with the expenses he would have incurred travelling to and competing in the National U19 road selection races held in Mersey Valley, Sheffield Tasmania from 1 - 3 May 2015 inclusive.
2. Ms Emily Lester in the amount of \$350.00 to assist with the expenses she will incur travelling to and competing as a member of the NSWCHS NSW State Volley Ball Team to compete in the Trans Pacific Volleyball Championships to be held in Sydney from 22 - 25 June 2015 inclusive.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 28 May 2015, reached consensus on Item 09 (attached) and now submits the above recommendation for Council consideration.

Attachments

1 [View](#). 2015 Extract Item 09 - May MSF Meeting

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: TELECOMMUNICATIONS TOWERS

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

4.2.1 Incorporate efficiency and environmental impact mitigation into project planning processes .

RECOMMENDATION

That Council delegate to the General Manager the authority to provide owners consent for Telecommunications Facilities on Council owned land subject to:

- 1. Facilities being in accordance with State Environmental Planning Policy (Infrastructure) 2007 Schedule 3A - Exempt and Complying development in relation to telecommunications facilities.**
- 2. Maintaining the current and future needs of Council's operational requirements for its own telecommunications infrastructure.**
- 3. Facilities not penetrating the Obstacle Limitation Surface for the Port Macquarie Airport.**

Executive Summary

This report seeks Council's consideration as a landowner of the potential sighting of telecommunications towers and infrastructure on Council land.

Discussion

Telecommunications companies routinely approach landowners, including Council for approval to located mobile phone towers and facilities on land as part of the expansion and/or upgrade of telecommunications facilities in the area.

At the present time, Council has no policy position that establishes when Council may agree to the installation of these facilities on Council land. This has recently been highlighted by an approach from a company acting on behalf of Optus for the establishment of two mobile base station facilities for the Optus network. In this case, "in-principle" approval is sought from Council for the proposed installation, maintenance and operation of equipment and facilities in two proposed locations on Council land.

Council should carefully consider its position on whether it allows its land to be use for telecommunications facilities for a number of reasons including:

Helping Our Community Prosper

- The differing views within the community about the location of telecommunication facilities.
- The need for contemporary and effective telecommunication networks to facilitate business outcomes and cater for social needs.
- The need to manage amenity impacts in sensitive locations.

A decision making framework that allows for clarity on the circumstances where Council would permit the use of Council land for telecommunications facilities is recommended.

Suitable criteria are already adopted within the State Environmental Planning Policy (Infrastructure) 2007. Specifically, Schedule 3A - Exempt and complying development in relation to telecommunications facilities provides robust criteria that are applied across the State in relation to these facilities (attached).

In addition, Council staff propose the following additional criteria be used to guide decision making in supporting or declining an application for such proposals:

- Maintaining the current and future needs of Council's operational requirements for its own telecommunications infrastructure
- Facilities not penetrating the Obstacle Limitation Surface for the Port Macquarie Airport

Anything outside of these criteria would need to be the subject of a case by case report to Council.

Options

Council has complete discretion to determine whether or how it allows for the location of telecommunications facilities on public land. Council could opt to:

1. Not allow any telecommunications facilities on public land
2. Adopt a set of criteria to guide where it will allow telecommunications facilities on public land
3. Consider all requests for location of telecommunications facilities on public land on a case by case basis

Community Engagement & Internal Consultation

Community engagement has not been carried out at this stage. However, should Council agree to the establishment of a policy position in relation to this matter, community engagement of the policy would need to be carried out in accordance with Council's Community Participation Policy.

Planning & Policy Implications

This report deals with the need for a policy position in relation to the location or otherwise of telecommunications facilities on Council land.

State Environmental Planning Policy (Infrastructure) 2007 specifies the circumstances where telecommunications facilities are exempt from approval. Facilities not specified by the SEPP require development consent. Council would

Helping Our Community Prosper

apply its policy, Development Applications – Conflict of Interest Policy, when considering any proposal for telecommunications facilities that require consent on Council land.

Financial & Economic Implications

Allowing telecommunications facilities on public land is unlikely to have an significant financial or economic implication for council or the community.

Improved telecommunications infrastructure will support business and therefore have a positive economic impact. Leasing of potential sites for telecommunication facilities would be able to be negotiated by Council on commercial terms and would therefore provide a revenue stream for Council.

Attachments

1 [View](#). SEPP Provisions Schedule 3A

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: DA2014 - 0123 - DEMOLITION OF UNITS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING (13 UNITS), INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, AND STRATA SUBDIVISION AT LOT 101 DP1122606 NO. 3 CLARENCE STREET, PORT MACQUARIE

Report Author: Matt Rogers

Property: Lot 101 DP 1122606, No. 3 Clarence Street, Port Macquarie
Applicant: Hopkins Consultants Pty Ltd
Owner: A G Hunziker and N G Reid
Application Date: 26 February 2014
Estimated Cost: \$4,789,015
Location: Port Macquarie
File no: DA2014 - 123.1
Parcel no: 55244

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014 - 0123 for Demolition of Units and Construction of a Residential Flat Building (13 units), Including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011, and Strata Subdivision at Lot 101, DP 1122606, No. 3 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application (DA) for demolition of units and construction of a residential flat building (13 units), including clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011, and strata subdivision at the subject site.

The Department of Planning and Infrastructure circular PS08-014 reminds councils of their assumed concurrence role in relation to SEPP 1 and Clause 4.6 LEP variations.

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As the variations sought in this application are greater than 10%, the application is required to be determined by Council. The Department's circular PS 08-003 provides for the Director General's assumed concurrence for variations of the nature sought.

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

Following exhibition of the application, 29 submissions have been received.

The proposal was considered by Council's Development Assessment Panel on 27 May 2015. An extract of the relevant section of the Minutes of the meeting are included below.

The Chair moved the following motion:

That it be recommended to Council that DA2014/123 be refused for the following reasons:

- 1. Non compliance with the Port Macquarie-Hastings Development Control Plan 2013 with respect to building side setbacks and landscaping.*
- 2. The proposal represents an overdevelopment of the site.*

The Chair did not have a seconder.

The Chair put the recommendation contained in the assessment report to the Panel. The Panel supported the recommendation unanimously.

CONSENSUS:

That it be recommended to Council that DA 2014 - 0123 for Demolition of Units and Construction of a Residential Flat Building (13 units), Including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environment Plan 2011, and Strata Subdivision at Lot 101, DP 1122606, No. 3 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Additional Planning Advice for the Information of Council

Following consideration of the application by the Development Assessment Panel, further advice has been sought from Council's lawyers regarding the implications of Amendment No 31 to the Port Macquarie-Hastings Local Environment Plan 2011 (LEP), which was publicly exhibited and commenced during the development application assessment process.

Amendment No 31 has the following implications for the development site at 3 Clarence Street:

- Reduction in the maximum permitted Height of Buildings for part of the site from 19m to 14.5m; and
- An increase in the maximum permitted Floor Space Ratio from 1:1 to 1.5:1.

This report is based upon the report as presented to the Development Assessment Panel which considered that Amendment 31 was not relevant to the assessment of the Development Application as the application had been lodged prior to the exhibition and commencement of the amendment. However, legal advice confirms

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that because the amending LEP did not include a specific savings provision for existing Development Applications, Council must consider the (amended) LEP provisions that are applicable at the date of determination.

The below assessment does not include consideration of the amended LEP provisions and therefore does not satisfy Council's obligations under section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*. A determination made relying on this assessment would leave Council open to a third party legal appeal.

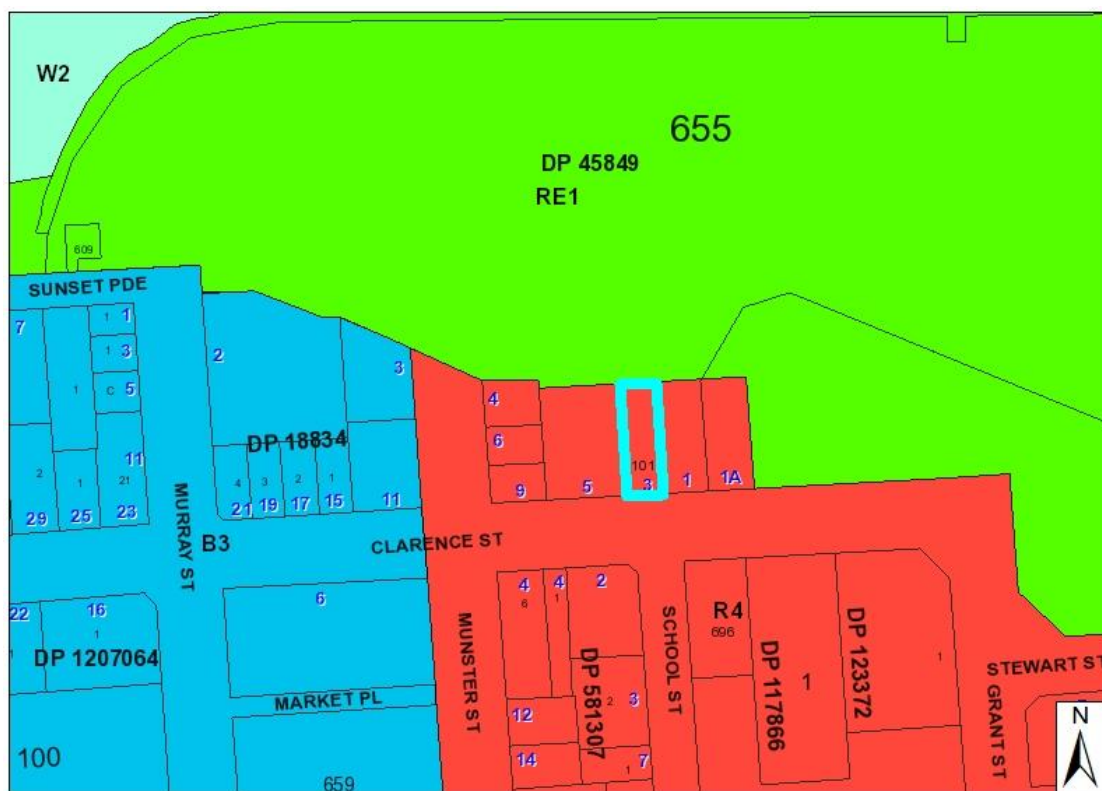
Therefore, it would be prudent in light of the subsequent legal advice received, to reassess this development application. This approach will also provide the Applicant with an opportunity to amend the application.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 750.8m².

The site is zoned R4 High Density Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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

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2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of 1 x 3 bedroom unit and 3 x 1 bedroom units.
- Construction of an 8 storey residential flat building including basement car parking (17 spaces), 5 x 3 bedroom apartments, 3 x 2 bedroom apartments, 5 x 1 bedroom apartments and common areas.
- Diversion of Council stormwater drainage current draining through the western side of the site.
- Strata subdivision of the 13 apartments.

Refer to attachments at the end of this report.

Application Chronology

- 26 February 2014 - Application lodged.
- 17 March 2014 to 31 March 2014 - Application publicly notified.
- 20 March 2014 - Proposal considered by SEPP 65 Design Review Panel.
- 26 March 2014 - Comments from Design Review Panel received.
- 1 April 2014 - Additional information requested from applicant.
- 16 April 2014 - Comments received from the Heritage Council (part of NSW Office of Environment and Heritage) in relation to potential archaeology at the site.
- 27 October 2014 - Additional information received from the applicant.
- 4 November 2014 to 17 November 2014 - Amended plans and additional documentation re-notified to the public.

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- December 2014 - Various apartments in Focus building at 2 Clarence Street inspected by assessing officer and existing views photographed.
- 25 February 2015 - Revised archaeological assessment received from the Applicant.
- 26 February 2015 - Revised archaeological assessment forwarded to Heritage Council for further consideration and comment.
- 17 April 2015 - Comments received from Heritage Office in relation to the revised report.
- 1 May 2015 - Additional information submitted by applicant in relation to vehicle access ramp.
- 6 May 2015 - Full revised plan set including view analysis submitted by the Applicant.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy 62 - Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing aquaculture industries within the Hastings River approximately 170m from the site.

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development

The applicant attended a pre-lodgement meeting with Council and the Design Review Panel (DRP) on 18 September 2013. Some amendments were made to the design in response to the initial feedback from the DRP prior to lodgement of the DA.

In accordance with clause 30, the submitted DA was referred to the DRP to seek further advice. The DRP met on 20 March 2014 to review the design of the proposal. In summary the following advice and recommendations were made by the panel:

- The proposal's overall planning was supported.
- The DRP generally supports the apartment layouts though they are considered very large.
- Landscaping shown, though no habitat planting.
- Access to external communal space via fire stairs and could be made more appealing.
- No internal communal space indicated.
- Access cores could be more refined to promote more use of stairs by residents with more natural light and air.

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- Entry needs redesign to conform with Premises Standards.
- Overall elevation treatment requires refinement.

The following table provides the detailed advice provided by the panel and comments and in response by Council staff. It should be noted that the comments provided by the DRP have been made with regard to the Residential Flat Design Code (RFDC):

DRP comment	Comments in response
1. Relationship to the context of the proposal	
The site is a narrow site with an existing weatherboard house and mid 20th Century holiday flats to the rear accessed down a side driveway. The site slopes steeply away from the street to the north with great views over the Hastings River. A face brick mid 20thC flat building is on the higher ground to the east with a more recent large squat flat building lower to the west with flats/windows facing the side boundary.	Noted.
The DRP noted that the controls call for a 1:1 development which does not correlate to the potential height controls and in discussion with Council a possible 2:1 FSR may be permitted.	See comments below under LEP regarding proposed variation to maximum FSR.
The DRP noted that the narrow and steep site has put severe constraints on the design and has lead to some of the issues to be discussed below.	Noted.
The DRP notes the heritage report and potential for archaeology on the site. As the building work is clearly within the relic zone, the design intent could go beyond strict statutory compliance.	The proposal has not been amended to include design elements that relate to the site's early history. However, it is not considered that this suggestion could be enforced where there is no statutory basis. It is noted that the NSW Heritage Council have not made any recommendations of this nature.
2. The scale of the proposal	
The proposal is split into two main sections to front and rear of the site linked by an access core. This strategy is supported, however this requires a narrow and steep driveway to the west abutting the western neighbour (note no clear elevation indicating the impact of this structure on the neighbours presented) and a narrow ramped walkway to the eastern side down to the central entry.	<p>The western driveway would result in a wall built to the western property boundary. The wall is located adjacent to the swimming pool of the Flightdeck apartments, but would not impact on the amenity of any of the apartments as it is located south of any living area windows or private open space areas.</p> <p>The narrow walkway to the central building entry has been improved through the provision of a partially open communal space adjacent to the walkway.</p>

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The proposal is within Council height controls though is excavated deep into the site.	The proposal does not fully comply with the LEP Height of Building controls. See comments under LEP section in this regard.
The DRP noted that the units shown are about 20% larger than generally in the market and notes that this was indicated as a point of difference by the developers, however it has lead to some of the design issues that have arisen in the proposal.	Re-design of the proposal has resulted in a reduction of the floor area of some units. Other design issues are discussed in this table.
Access to the communal garden at the northern end of the site via the fire stairs is not ideal.	The development has been amended to include communal areas on Level 2 and Level 3 of the building that are conveniently accessible from the entry foyer.
The DRP supports the deep soil zones indicated.	Noted. The deep soil zone also complies with the minimum DCP requirements.
3. The built form of the proposal	
Use of panellised construction with a FC cladding suggests a painted finish that will require regular and expensive maintenance. The DRP suggests that these systems are OK for internal walls but inappropriate on the external walls for future maintenance especially in this project with some ownership being retained by the developer.	The construction methods and maintenance costs have been reviewed by the developer and they have indicated that the submitted proposal is their preferred option. Ongoing maintenance would be managed through the Owners Corporation.
As noted above, the panelised system tends to dictate proportions and opening sizes.	Building proportions and opening sizes acceptable and provide for symmetry in design.
The panellised system also reduces the scope for variation of materials and texture to the elevation.	Having regard to the narrow width of the building, significant variation in materials and textures is not considered necessary to break down the bulk of the building.
The DRP noted the street and northern elevations could be more articulated and refined. The large northern balconies could be more enclosed to give better privacy to neighbours and residents and provide more potential protection from wind, especially the strong summer afternoon NE sea breeze that can make the use of exposed balconies at this time almost impossible.	The design has been amended to include enclosure of the sides of the northern balconies for better wind protection and building articulation.
The street frontage has been redesigned to relocate the hydrant, however the entry is otherwise unacknowledged at the street other than by the letterbox structure.	Entry has been improved with introduction of cover and communal open space adjacent to the entry. Centrally located entry gate at street frontage provides a defined point of

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	access to the building.
The tight fit of the building has lead to an inadequate entry to the central core which will unlikely comply with the access code and lead to unsatisfactory juxtaposition of bedroom and public space.	<p>The Applicant has obtained advice from a BCA consultant and is satisfied that the re-designed entry can comply with the BCA and Access to Premises Standards.</p> <p>The design of Unit 3B has been amended move the bedroom away from public space.</p>
Car park access needs expert advice as the DRP believed that there are both opportunities and problems with the design. It may be possible to narrow the entry on the street but the gradients may need to be adjusted to allow better sight lines to pedestrians. Panel believes that the solution is inadequate.	<p>The Applicant has obtained advice from a traffic consultant regarding the basement car parking and access.</p> <p>Council's Development Engineers have also reviewed the design and this issue is discussed in detail later in the report.</p>
4. The proposed density	
The DRP notes that the proposed density is 1.9:1 with up to 2:1 permitted through negotiation with Council, however the DRP noted above that the unit sizes seemed to be excessive.	See comments below under LEP regarding proposed variation to maximum FSR. Re-design of the proposal has resulted in a reduction of the floor area of some units. The development includes a good mix of 1, 2 and 3 bedroom apartments.
5. Resource and energy use and water efficiency	
The DRP notes and supports that all units have good through ventilation with all kitchens and bathrooms having natural light and ventilation.	Noted.
The DRP notes that the access cores are lit by slit windows that may not be permitted to open due to proximity to private open space and entries therefore precluding natural ventilation. Panel recommends a BCA report be provided by applicant before DA approval to confirm that this aspect of the RFDC can be achieved.	The slit windows will have obscure glazing where there is a potential impact upon privacy of the adjacent space. The Applicant has obtained advice from a BCA consultant and is satisfied that the development can provide appropriate natural light ventilation to the access core and satisfy the essential BCA requirements.
The DRP noted that full height bi-fold doors will not permit secure ventilation when the doors are closed and that highlight or side light windows could be incorporated into the balcony openings. The Panel believes that this is an important aspect of any flat design.	Whilst full height bi-fold doors have been shown, there is potential to change the configuration of doors. The Applicant has indicated that the design will be developed and options will be considered to ensure optimal ventilation at the Construction Certificate stage.
Solar panels indicated to lower roof, no mention of water reuse.	The Applicant has indicated that they will investigate options for water re-use. The submitted BASIX Certificate for the development does not require any commitments in this regard.

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Natural light and ventilation of common areas is a requirement of the RFDC. Refine / clarify the relationship and function of the window just south of the lift and the green wall.	The proposal has been amended to include additional light and ventilation to the central access core of the building. The proposed green wall has been offset from the windows south of the lift.
6. The proposed landscape	
Landscape plan provided with species indicated, however the Panel notes that none are habitat species and some may not be appropriate for a seaside location.	Noted. Can be addressed by condition requiring amended landscape plan prior to the issue of a Construction Certificate.
7. The amenity of the proposal for its users	
The DRP appreciated unit plans were very generous but could be tweaked and reduced to allow more articulation of the building.	Revised plans include some reduction in unit areas for lower levels.
The entry is not secure and mean with impacts on the level 3 southern flat being unacceptable. Premises Standards need to be confirmed by applicant to Council before DA approved.	Amended plans include changes to main building entry and introduction of a common area adjacent to the access pathway and entry foyer. Unit 3B has been separated from this area and is no longer adversely impacted. The amended plans demonstrate that the development is capable of complying with the BCA and accessibility standards.
The car park ramp is long and steep with sight line issues at the street crossing.	Council's Development Engineers have reviewed this issue and comments are provided later in the report.
No natural ventilation to the access core.	The proposal has been amended to include additional windows in the central access core of the building. Window types have not been specified in the DA drawings. It is considered acceptable for this detail to be provided with the Construction Certificate drawings.
No communal spaces indicated, the DRP noted that the very large storage area could have communal spaces on to a lower entry courtyard.	Amended plans include introduction of a common area adjacent to the access pathway and entry foyer on Level 3 and a gym/communal area on Level 2.
Main unit balconies do not show appropriate space for barbeques, etc.	Amended dimensions of the main balconies demonstrate they are capable of accommodating barbeques and furniture.
Garbage bins access to street is remote and more detail required how garbage removal will be achieved. Is it via the very steep ramp or via the lifts? Carpark will not allow for garbage vehicles.	A private garbage collection service is proposed. Condition recommended confirming this requirement.
As noted above, the ground floor	Limited solar access to southern deck

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apartment has extremely poor amenity with negligible outlook and access to sun, it is set well below street level, compromising the south deck, kitchen and bed1, and the main building entry compromises the privacy of study / bed 2.	of Unit 3B noted. However, amended plans have improved northern deck and configuration of living areas.
Window head heights are not consistently shown between elevations and sections, higher window heads are supported for light and brightness.	Noted.
Window sills of at least 1m seem unnecessarily high. Fixed glass below 1m helps apartments to feel brighter and more connected to the exterior.	The Applicant has noted this recommendation and chosen not to reduce the sill heights. This approach is not considered to compromise the merits of the proposal.
The operation of windows should be shown, i.e. fixed, sliding, hopper, operable top lights.	The Applicant proposes to provide this level of detail with the Construction Certificate plans.
8. The safety and security characteristics of the proposal	
Lack of definition and secure sight lines to the pedestrian entry.	Amended plans include changes to main building entry and introduction of a common area adjacent to the access pathway and entry foyer. Passive surveillance from the common area would improve pedestrian safety and building security.
Footpath crossing view for vehicles exiting not adequate.	See comments later in this report under Site Frontage and Access.
The pedestrian entry beside the boundary would require some type of boundary wall / retaining wall which needs to be shown. The path width as dimensioned should be retained or widened.	Pedestrian path retained for full width between building and side boundary. Levels have been altered in the amended plans to require minimal retaining adjacent to the pedestrian path.
9. Social issues	
As noted above, units seem large for the market and could either be reduced and allow more space for articulation of the building, or more smaller units incorporated.	The proposed development provides a good mix on unit sizes, including a significant number of 1 bedroom units compared to similar residential flat buildings in Port Macquarie.
10. The aesthetics of the proposal	
The DRP notes that the street and northern elevations could be improved with more articulation, protection from winds and privacy for residents and neighbours.	The design has been amended to include enclosure of the sides of the northern balconies for better wind protection, privacy, and building articulation.
The DRP notes that green walls can have maintenance and possibly fire issues.	The Applicant has obtained advice from a BCA consultant and is satisfied that the development can comply with BCA fire safety requirements.

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	A condition is recommended requiring the ongoing maintenance of the green wall in a safe and functional condition.
The DRP noted concern regarding bifold doors especially on the windy northern exposures and the space they take up on balconies.	Whilst full height bi-fold doors have been shown, there is potential to change the configuration of doors. The Applicant has indicated that the design will be developed and options will be considered to ensure optimal ventilation at the Construction Certificate stage.
The relationship of the elements to the street should be refined. Calm the relationships between letter boxes, fire services, screening, planter and driveway. Consider uniting the fire services and the letterboxes in proximity to bed 1 to make the south deck more usable and furnishable near the kitchen + dining.	Amended plans provide for usable/furnishable south deck of Unit 3B. Letterboxes have been satisfactorily incorporated into the front fence at the eastern side of the site frontage.
The proposed massing and material is in contrast to the richness of the site and its history. The three dimensional resolution, and materials of the street frontage is not distinguished or refined.	The design has been refined in its address to the street frontage.
The building materials and arrangements are likely to age and look shabby in a short time period, not appropriate to the sites location and outlook.	The construction methods and maintenance costs have been reviewed by the developer and they have indicated that the submitted proposal is their preferred option. Ongoing maintenance would be managed through the Owners Corporation.

It is considered that the information provided by the applicant following the DRP meeting has satisfactorily addressed the issues raised.

In accordance with clause 30(2), the proposal has adequately addressed the design principles contained in the Residential Flat Design Code. The following table provides an assessment against the design quality principles:

Requirement	Proposed	Complies
Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a	The proposal is for a 6 storey residential flat building with basement car parking. The area is characterised by a mixture of low rise and high rise developments. A number of larger flat buildings exist in the immediate area, with some including ground floor commercial	Yes. The proposed building design is compatible with existing development and the desired future character of the area as stated in the relevant planning and design policies. It is considered the building will contribute to the quality and identity of the

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transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	<p>activities. Encouraging higher density in proximity to the CBD is desirable for the area.</p> <p>The design responds to the site's slope and steps down in height to the north of the site. The design also provides for the majority of apartments to benefit from significant water views to the north.</p>	area.
<p>Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The proposal incorporates a variation to the LEP controls for building height and floor space ratio (FSR). Refer to clause 4.6 of LEP comments for consideration of the proposed variations.</p> <p>The Design Review Panel have considered the height and bulk of the proposed building to be acceptable in the streetscape.</p>	<p>The height and scale of the building is considered to be appropriate having regard to the desired future character of the area. The height and scale is considered to be and compatible with existing buildings in the locality.</p>
<p>Built form</p> <p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The building incorporates a ground floor 3m front setback to Clarence Street, which is consistent with the desired character for the area. Satisfactory articulation and variation in building colours and materials are proposed.</p> <p>The site is visible from public space on the Hastings River foreshore and would provide a satisfactory contribution to the existing vista from this location.</p> <p>Impacts on existing views from nearby properties are considered in detail later in</p>	<p>The building is considered to achieve an appropriate built form and incorporates interesting building elements and treatments that will compliment the streetscape.</p> <p>The proposed internal unit layouts provide for internal amenity. The orientation of the block takes advantage of the northern outlook.</p>

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	this report under 'View Sharing'.	
<p>Density</p> <p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The proposal is for a floor space ratio (FSR) of 1.88:1, which exceeds the maximum 1:1 FSR adopted in the LEP. The proposed variation is considered in detail under clause 4.6 of the LEP, later in this report.</p> <p>The adopted FSR for the site is inconsistent with the objectives of the R4 High Density Residential zone and the height of buildings envisaged for the area.</p> <p>Having regard to existing densities in the locality, the adjoining Flightdeck apartments at 5 Clarence Street have a FSR of 1.8:1, and the adjacent Focus apartments at 2 Clarence Street have an FSR of 2.3:1. The proposed development is considered to be consistent with these densities.</p> <p>The proposed density is also considered to be sustainable having regard to availability of infrastructure, and public transport, proximity to services and community facilities and the environmental quality of the area.</p>	<p>It is considered that the design has adopted an appropriate density that is sustainable and consistent with surrounding densities.</p>
<p>Resource, energy and water efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability</p>	<p>The north - south orientation of the block has been utilised. All units contain north facing balconies and opportunities for natural</p>	<p>BASIX certificate has been provided demonstrating that the design satisfies acceptable energy and water efficiency</p>

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is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	ventilation.	measures. Suitable waste management conditions recommended for demolition. Noted solar panels incorporated into roof top design. Ground flood landscaping and green walls are proposed.
Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by coordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours'	A landscaping plan has been submitted with the application, including substantial landscaping of the rear deep soil zone and green walls on the eastern and western building elevations.	Potential issues have been identified with the suitability of some of the species proposed in the rear deep soil zone and their long-term survival in the coastal environment. Also, maintenance of the landscaping in the proposed green walls may become an issue for fire safety and building construction. The overall landscaping proposal is considered satisfactory for the purposes of the DA. It is recommended that the above issues be addressed in an amended landscape plan prior to the issue of a Construction Certificate.

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amenity, and provide for practical establishment and long term management.		
Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	The design incorporates generous unit layouts which optimise the northern orientation. Adequate storage and outdoor space provided.	The layout of the units has taken advantage of the northern orientation with an emphasis of natural sunlight and ventilation via extensive north facing glazing and balconies. The design and layout will provide a good level of amenity. All units are accessible and available from the ground floor via lifts. Building depth is satisfactory. All units include a sufficient amount of private open space. Communal space is available at ground level at the rear of the site, and also within the building.
Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting	South facing balconies, kitchen and dining room windows will provide an outlook to Clarence Street and improve passive surveillance of public areas. Northern balconies of the rear units would also provide outlook to communal space. Access to the site (with the exception of Unit 3B) is controlled to a common entry point from Clarence Street and electronic access control is also proposed for the building.	The proposal adequately addresses the principles of Crime Prevention Through Environmental Design.

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appropriate to the location and desired activities, and clear definition between public and private spaces.	The interface between public and private/communal space is clearly defined at the site frontage.	
Social dimensions and housing affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.	The proposal includes a good mix of 1, 2 and 3 bedroom apartments to suit a variety of budgets and housing needs.	The proposal adequately addresses social dimensions and housing affordability.
Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	The sample board provides examples of the colours, textures and finishes.	The colours and materials provided on the sample board/palette indicate a contemporary high quality design and finish. It is considered that the aesthetics of the building will respond appropriately to the surrounding environment and context of the existing and desired character of the locality.

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State Environmental Planning Policy 71 – Coastal Protection

The site is located within a coastal zone noting clause 4 of the SEPP.

In accordance with clause 5, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard for clauses 2, 8 and 12 to 16 of the SEPP and clause 5.5 of the PMH LEP 2011, the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the foreshore
- b) any adverse amenity impacts along the foreshore and on the scenic qualities of the coast;
- c) any adverse impacts on flora and fauna;
- d) the development being subject to any adverse coastal processes or hazards;
- e) any significant conflict between water and land based users of the area;
- f) any adverse impacts on any items of archaeological/heritage;
- g) reduction in the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts on the environment;
- i) a form of development that is unsustainable in water and energy demands;
- j) development relying on flexible zone provisions.

The site is zoned for high density residential purposes.

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

A BASIX certificate (number 583159M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned R4 High Density Residential. In accordance with clause 2.3(1) and the R4 zone landuse table, the proposed development for a 13 unit residential flat building is a permissible landuse with consent.

The objectives of the R4 zone are as follows:

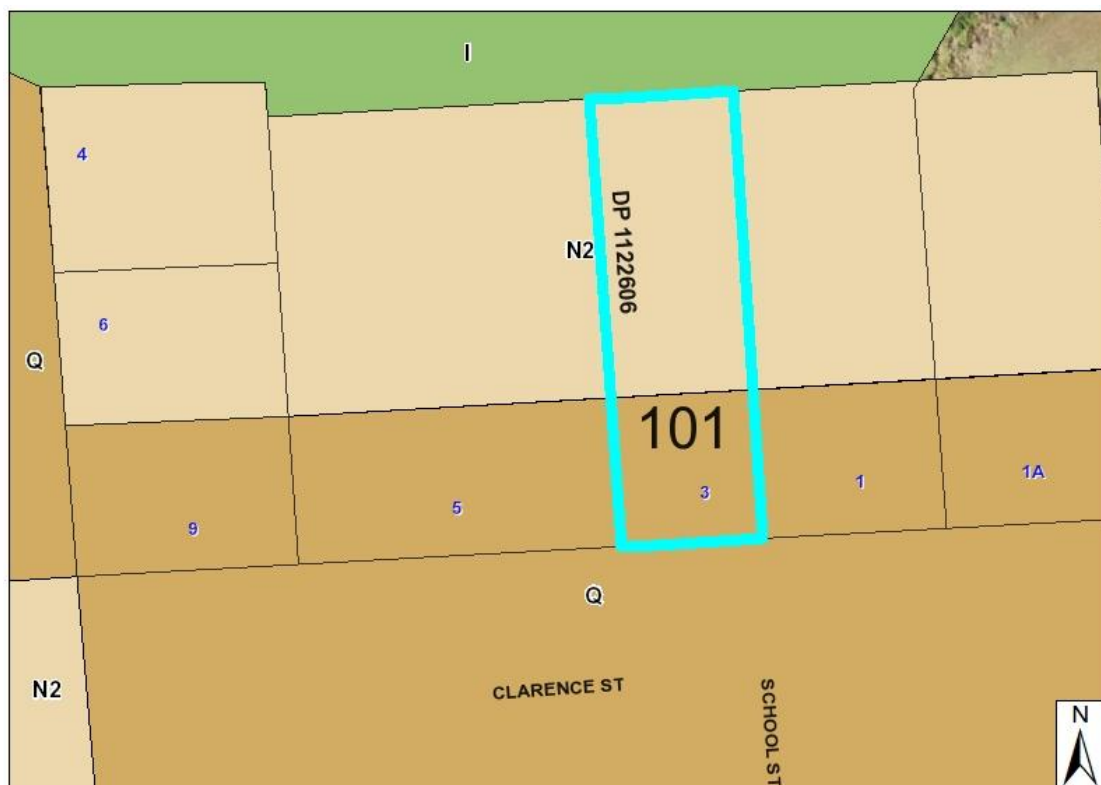
- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for tourist and visitor accommodation in key tourist precincts of urban areas of the Council area, while also encouraging increased population levels.*
- *To encourage development that has regard to the desired future character of streets and supports active and safe uses at pedestrian level.*

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

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- The proposal is a permissible landuse;
 - The development would provide high density residential apartments to meet the housing needs of the community;
 - The proposal has regard to the desired character of the street and supports safe use at the pedestrian level.
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development) 2008.
 - Clause 4.3 - This clause establishes the maximum “height of a building” (or building height) that a building may be built to on any parcel of land. The term “building height (or height of building)” is defined in the LEP to mean “*the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like*”. The term “ground level (existing)” is also defined in the LEP to mean “*the existing level of a site at any point*”.

The maximum overall height of the building above ground level (existing) is identified on the Height of Buildings Map and varies across the site. The first 17.5m of the site measured from the Clarence Street frontage has a maximum height of 19.0m (Q) and the remainder of the site to the north has a maximum height of 14.5m (N2), as shown on the map extract below:



The part of the building located within the 19.0m height limit would have a maximum height ranging between 18.3m and 19.0m, which complies with the development standard.

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However, the part of the building located at the rear of the site, where the Height of Buildings Map specifies a maximum height of 14.5m, would have a height ranging between 13.5m and 19.3m. This exceeds the maximum permitted height by up to 4.8m (33% of the development standard). The main encroachment into the height limit is the part of the building containing the lift, lift lobby, stairwell, and balconies of Units 7B and 8B.

It is noted that photovoltaic panels on the northern roof of the building would also project above the 14.5m height limit. However the LEP definition of building height excludes '*communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*' While photovoltaic panels are not specifically included in the definition, it is considered that they are of the like and therefore should not be included in the building height.

The objectives of Clause 4.3 of the LEP are as follows:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

Comment:

The proposed building height varies from 13.5m to 19.3m.

The locality is characterised by a number of other residential flat buildings ranging in height from three to six storeys above ground level. To the west of Munster Street a number of other flat buildings higher than six storeys exist. The subject site currently contains single storey units.

The proposed height, bulk and scale of the development are considered compatible with the character of the locality in this regard.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Comment:

The visual impact of the building is considered satisfactory and has been reviewed by the Design Review Panel. See comments earlier under SEPP 65. It is also noted that the part of the building exceeding the relevant height limit is located behind and below the highest part of the building at the site frontage to Clarence Street. This part of the building would not be visually dominant.

View impacts and solar access are considered in detail later in this report under 'View Sharing' and 'Overshadowing'.

Potential privacy impacts are considered under the relevant DCP provisions below and have been satisfactorily addressed in the building design.

(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,

Comment:

The subject site is an archaeological item listed in Schedule 5 of the Port Macquarie-Hastings Local Environmental Plan 2011. The proposed variation to the height of the building would not impact on archaeology. There are no buildings of heritage significance located adjacent to the site.

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(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.

Comment:

The nominated building heights for the site and adjoining property provide for a transition from a higher built form at the street frontage (19m) to a lower one at the rear of the site (14.5m). The proposed development achieves a transition in built form through the site, although exceeding the maximum height for part of the front 'tower'.

The land use intensity, being high density residential, is consistent to the east, west and south of the site and there is no intention for the building height to provide a transition. Land to the north of the site is zoned for public recreation and the adopted height controls provide a step down in the building height at this interface. The proposal is consistent with the desired building heights to achieve this transition.

The applicant has lodged written request in accordance with Clause 4.6 of the LEP objecting to the 14.5m building height standard applying to the site which is established under Clause 4.3 (see comments below).

- Clause 4.4 - The floor space ratio (FSR) of the proposal is 1.88:1 which exceeds the maximum 1:1 floor space ratio applying to the site by 0.88:1 (88% of the development standard).

The objectives of Clause 4.4 of the LEP are as follows:

(a) to regulate density of development and generation of vehicular and pedestrian traffic,

Comment:

The development density is higher than would be expected for the adopted 1:1 FSR and the additional apartments would be expected to generate additional vehicular and pedestrian traffic.

(b) to encourage increased building height and site amalgamation at key locations,

Comment:

The proposal provides for increased building height in a location close to the CBD and public open space. Site amalgamation is unlikely to be feasible in this instance as adjoining properties to the east and west contain existing strata developments.

(c) to provide sufficient floor space for high quality development for the foreseeable future,

Comment:

The adopted 1:1 FSR is not considered to provide sufficient floor space for high quality development of a high density nature and having regard to the adopted height controls for the site. A FSR of 1:1 is typically applicable for 2-3 storey development in low and medium density residential areas. An FSR of 1:1 is not

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considered to be sufficient to achieve a higher density residential environment and make efficient use of land and infrastructure.

A review of the adopted height and density controls in the vicinity of the site suggests that a floor space ratio of between 1.5:1 and 2.5:1 is more appropriate to achieve high density residential development.

(d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

Comment:

The locality is characterised by a number of other residential flat building ranging in height from three storeys to six storeys above ground level. To the west of Munster Street a number of other flat buildings higher than six storeys exist. The subject site currently contains single storey units.

The proposed height, bulk and scale of the development are considered compatible with the character of the locality.

The applicant has lodged written request in accordance with Clause 4.6 of the LEP objecting to the 1:1 FSR applying to the site which is established under Clause 4.4 (see comments below).

- Clause 4.6 – Development consent must not be granted for development that contravenes a development standard unless the Council is satisfied that the applicant's written request has adequately addressed the following matters:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard

Additionally, the proposed development must be shown to be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

As detailed above under clauses 4.3 and 4.4, the proposed development would satisfactorily achieve the objectives of the Height of Buildings and FSR standards and it is therefore considered that compliance with the development standard is unnecessary in the circumstances of the case.

The adopted FSR for the site is also considered to be unreasonable in the circumstances of the case for the following reasons:

- The adopted FSR of 1:1 is inappropriate for the site as it would not provide a high density residential environment and make efficient use of land and infrastructure. Council has progressed strategic planning work to review the FSR since the lodgement of the application.
- There have been significant variations to the adopted FSR controls for other development in the locality. The Flightdeck apartments were approved with a floor space ratio 0.5:1 higher than the adopted standard, and the Focus apartments were approved with a floor space ratio 0.8:1

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higher than the adopted standard. These previous variations have contributed to undermining the integrity of the FSR standard.

There is sufficient justification on environmental planning grounds for the development as follows:

Building Height:

- The subject site slopes steeply away from Clarence Street. There is approximately 7m change in level along the length of the site.
- The proposal is consistent with the Residential Flat Design Code. Figure 01.54 recommends that for steeply sloping sites the height plane is modified along the street edge to facilitate appropriate building forms.
- The part of the building exceeding the relevant height limit is located behind and below the highest part of the building at the site frontage to Clarence Street. This part of the building would not be visually dominant.
- The part of the building exceeding the relevant height limit would not result in significant loss of views or solar access to adjoining property.

Floor Space Ratio:

- FSR is a control on building bulk and development density. The site is located in a high density residential zone and the proposed development is considered to be consistent with the intentions for the area. In respect to the bulk of the building, the site has a narrow frontage to Clarence Street and the proposed building includes sufficient articulation to break up the bulk of the facade.
 - Setback controls are considered sufficient to address building bulk and separation in the context of the narrow site.
 - There is public interest in the efficient use of land within proximity to existing services and infrastructure. Such development encourages walking, cycling and use of public transport and decreases ongoing maintenance costs for public infrastructure compared to lower density residential development.
- Clause 5.5 - Development within the coastal zone - Relevant objectives of this clause are addressed by SEPP 71 section (see above). Climate Change & Coastal Hazard implications are not applicable to the development.
 - Clause 5.9 - No listed trees in Development Control Plan 2013 are proposed to be removed.
 - Clause 5.10 – Heritage. The site is listed in Schedule 5, Part 3 of the LEP as archaeological item A111 - archaeology of early European settlement.

The site is identified as part of a former lumber yard, prisoner's barracks and asylum belonging to the penal settlement of Port Macquarie between 1821 and 1831.

The Applicant has submitted a Historical and Archaeological Assessment prepared by Edward Higginbotham & Associates Pty Ltd dated 25 February 2015. A previous report by the same author dated March 2013 was submitted with the original application, but was required to be updated in accordance with the recommendations of the Heritage Council.

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In accordance with clause 5.10(7), the proposal was forwarded to the Heritage Council (part of the NSW Office of Environment and Heritage) for comment on 12 March 2014. A response was received from the Heritage Council on 11 April 2014. The Heritage Council considered the initial archaeological assessment to be inadequate and recommended that the report be revised to include adequate research, referencing and analysis of the findings from adjacent and contemporary archaeological sites in order that the impact of the proposal on the archaeology of the site can be determined as part of the assessment of the Development Application.

The Applicant submitted a revised report prepared by Edward Higginbotham & Associates Pty Ltd dated 25 February 2015, which was forwarded to the Heritage Council for consideration on 26 February 2015. A response to the revised archaeological assessment was received on 17 April 2015, which included the following recommendations:

1. Test excavations should be undertaken on site prior to any development to determine the extent and intactness of any potential archaeology.
2. An approval will be required for this test excavation and any subsequent archaeological excavation in accordance with the *Heritage Act 1977*.
3. Should test excavations reveal substantially intact State significant archaeology on the site, it must be kept *in situ* and the development redesigned around it.

Conditions are recommended to ensure that the development is carried out in accordance with the above recommendations.

- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

It is noted that a Planning Proposal (PP2011 - 5.2 Amendment No. 31 to the Port Macquarie-Hastings Local Environmental Plan 2011) which affected the subject site was publicly exhibited between 22 September 2014 and 27 October 2014.

As this draft instrument had not been publicly exhibited at the date the Development Application was lodged, it is not a relevant consideration in the assessment of this proposal.

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Residential Flat Development, Tourist and Visitor Accommodation and Mixed Use Development</i>			
DCP Objective	Development Provisions	Proposed	Complies
3.3.2.2	Satisfactory site analysis plan submitted.	Relevant information shown on submitted	Yes

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		documentation.	
3.3.2.3	Statement addressing site attributes and constraints submitted.	Submitted.	Yes
3.3.2.4	Streetscape and front setback: <ul style="list-style-type: none"> • Within 20% of the average setback of the adjoining buildings. • 3m setback to all frontages if no adjoining development. • 2m setback to secondary frontages. • Max. 9m setback for tourist development to allow for swimming pool. 	3m front setback. The average setback of the two adjoining buildings is 13.3m.	No*
3.3.2.5	Balconies and building extrusions can encroach up to 600mm into setback.	No proposed encroachments.	n/a
	Buildings generally aligned to street boundary.	Yes	Yes
	Primary openings aligned to street boundary or rear of site.	Yes	Yes
3.3.2.6	Side setbacks comply with Figure 3.3-1: <ul style="list-style-type: none"> • Min. Side setback 1.5m for 75% of building depth. • Windows on side walls min. 3m from side boundary. • 3m minimum where adjacent to existing strata titled building. 	Nil setback along part of western boundary, which is consistent with party wall provisions (see 3.3.2.7 below). Eastern boundary setbacks minimum 1.5m (adjoining strata titled building).	No*
	Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	Building articulation satisfactory. Windows of adjoining buildings have been offset to protect privacy.	Yes
	Min. 6m rear setback (including sub basements)	6m.	Yes
3.3.2.7	A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.	Party wall proposed on western boundary for levels 1-4. However, high density development existing on adjoining land and it is unlikely that there would be future	n/a

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		development on the other side of the party wall.	
3.3.2.8	Exposed party walls should be finished in a quality comparable to front facade finishes.	Submitted plans show similar finish to front facade.	Yes
3.3.2.11	Buildings should be sited across the frontage of the site (not down the length of the site). Refer to Figure 3.3-3.	Development design incorporating two towers linked by a centre access core is considered to be a satisfactory response for a narrow, deep lot with limited potential for consolidation.	Yes
3.3.2.12	Deep soil zones: <ul style="list-style-type: none"> Extend the width of the site and have minimum depth of 6m. Are contiguous across sites and within sites (see Fig 3.3-4). 	6m wide deep soil zone contiguous within the site and extends to join with the deep soil zone at the rear of 1 Clarence Street.	Yes
3.3.2.13	Deep soil zones accommodate existing advanced trees, and allow for advanced tree planting.	No existing advanced trees. Deep soil zones would allow for advanced tree planting.	Yes
3.3.2.14	Deep soil zones integrated with stormwater management measures.	Details to be provided at Construction Certificate stage.	Yes
3.3.2.15	Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22.	See comments later in this report under Overshadowing.	Yes
	Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.	See comments later in this report under Overshadowing.	Yes
3.3.2.16	Internal clothes drying space provided (not mechanical).	Sufficient area provided for clothes drying.	Yes
	Ceiling fans provided in preference to air conditioning.	Condition recommended requiring ceiling fans for each apartment.	No
	Solar hot water systems (or equivalent technology) provided.	Yes	Yes
	Photovoltaic arrays installed	Yes	Yes

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	where practical.		
3.3.2.17	<p>Landscape plan provided including:</p> <ul style="list-style-type: none"> • 35% soft landscaping with minimum width of 3m. • Existing vegetation and proposed treatment. • Details of hard landscaping. • Location of communal recreational facilities. • Species not to obscure doors, paths, etc. • Street trees in accordance with Council's list. 	<p>12% soft landscaping with minimum width 3m.</p> <p>Landscaping concept submitted including details of communal open space, hard landscaping and tree species.</p>	No*
3.3.2.19	Landscape plan to demonstrate how trees and vegetation contribute to energy efficiency and prevent winter shading on neighbouring properties.	Landscaping concept plan includes use of some deciduous trees in northern communal open space for summer shade and winter solar access.	Yes
3.3.2.20	Street trees in accordance with Council's list.	Not proposed in submitted documentation.	n/a
3.3.2.21	All dwellings at ground floor level have minimum 35m ² of private open space, including one area 4m x 4m at maximum grade of 5% and directly accessible from living area.	<p>Unit 2A - 35.15m² including 4m x 4m area at less than 5% grade accessible from living area.</p> <p>Unit 3B - Approx 36.22m² including 4m x 4m area at less than 5% grade accessible from living area.</p>	Yes
	Dwellings not at ground level have balconies with minimum area 8m ² and minimum dimension 2m.	All apartments above ground level include a minimum of 8m ² of balconies including at least one balcony with minimum dimension 2m.	Yes
3.3.2.23	Fencing or landscaping defines public/communal and private open space.	Privacy screen and mail box structure at southern boundary defines public and private space in Clarence Street.	Yes
3.3.2.24	<p>Solid fences should be:</p> <ul style="list-style-type: none"> • Max. 1.2m high, • Setback 1m, • Suitably landscaped, • Provide 3m x 3m splay. 	Front fence is open style timber slats.	n/a

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3.3.2.25	Fencing materials consistent with or complimentary to existing fencing in the street.	No established fencing style in street. Proposed fencing considered complimentary.	Yes
3.3.2.27	Building to be designed so that: <ul style="list-style-type: none"> • Busy, noisy areas face the street. • Quiet areas face the side or rear of the lot. • Bedrooms have line of site separation of at least 3m from parking areas, streets and shared driveways. 	Several units have bedrooms (quiet areas) facing the street. However, the site has a northern orientation to the rear of the site and it is practical to locate living areas on the northern side of the building. The majority of bedrooms on the southern elevation are located above ground level, where they would be less affected by traffic and pedestrian activity in Clarence Street.	No, but acceptable.
	Openings of adjacent dwellings separated by at least 3m.	Yes	Yes
3.3.2.28	Building designed so noise transmission between apartments is minimised.	Units generally separated by lobby/lift/stairwell.	Yes
	Uses are to be coupled internally and between apartments i.e. noisy internal and noisy external spaces should be placed together. (See Figure 3.3-6).	Communal open space adjacent to living areas. Units 4/5B and 4/5C share common internal walls.	Yes
3.3.2.29	Development complies with AS/NZS2107:2000 <i>Acoustic – Recommended design sound levels and reverberation times for building interiors for residential development</i> .	Details to be provided at CC stage.	n/a
3.3.2.30	Impact of noise from key public places to be considered.	Site located in proximity to Town Beach reserve. This space is used for events on an infrequent basis and is unlikely to cause regular disruption to residents of the development.	Yes
3.3.2.31	Direct views between living room windows to be screened where: <ul style="list-style-type: none"> • Ground floor windows are within 9m of 	No un-screened east or west facing living room windows. North facing windows screened along sides of balconies.	Yes

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	<p>windows in an adjoining dwelling.</p> <ul style="list-style-type: none"> • Other floors are within a 12m radius. • Living room windows are within 12m radius of the principal area of private open space of other dwellings. 		
	Direct views may be screened with either a 1.8m high fence or wall, or screening that has maximum 25% openings.	West facing kitchen windows have aluminium louvers.	Yes
	Windows in habitable rooms screened if >1m above ground level and wall set back <3m.	Yes	Yes
	Balconies, decks, etc screened if <3m from boundary and floor area >3m ² and floor level >1m above ground level.	<p>Decks adjacent to eastern boundary noted on plans to have privacy screens.</p> <p>The western side of the north and south decks of Units 4B, 5B, 6B, 7B and 8B are located within 3m of the side boundary and require privacy screens. Condition recommended to address this issue.</p>	Yes, subject to condition.
3.3.2.32	Developments to be designed in accordance with AS 1428.	Development capable of complying. Details will be required at Construction Certificate stage.	Yes
3.3.2.33	Barrier free access to at least 20% of dwellings provided.	Yes	Yes
3.3.2.34	Developments located close to open space, recreation, entertainment and employment.	Yes	Yes
	Where LEP permits FSR > 1:1, FSR not less than 1:1 should be achieved.	FSR 1.88:1.	Yes
3.3.2.35	Variety of types - studio, 1, 2, 3 and 3+ bedroom apartments	No studio apartments, but mix of 1, 2 and 3 bedroom apartments.	Yes
	Studio and 1 bedroom apartments not > 20% of total number of apartments.	30% 1 bedroom apartments. Development includes 5 x 3 bedroom dwellings, 3 x 2 bedroom dwellings, and 5 x 1	No, but acceptable.

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		bedroom dwellings.	
		Apartment mix considered satisfactory.	
	Mix of 1 and 3 bedroom apartments at ground level.	1 bedroom and 3 bedroom units at ground level.	Yes
3.3.2.37	Lift over-runs and plant integrated within roof structures.	Lift over-run incorporated into roof form.	Yes
	Roof design to generate interesting skyline.	Split level 3 degree pitch roof.	Yes
3.3.2.38	Facade composition should: <ul style="list-style-type: none"> • Have balance of horizontal and vertical elements. • Respond to environmental and energy needs. • Incorporate wind mitigation. • Reflect uses within the buildings. • Include combination of building elements. 	Yes	Yes
3.3.2.39	Building elements, materials and colours consistent or complimentary to those existing in the street.	Sample board for development provided. Proposed colours and materials considered satisfactory.	Yes
3.3.2.40	Entrances clearly identifiable from street level.	A central gate in the front fence provides pedestrian access to the main pedestrian access on the eastern side of the building.	Yes
	Entries provide clear transition between public street and shared private circulation spaces/apartments.	Yes	Yes
	Entries avoid ambiguous and publicly accessible small spaces in entry areas.	Yes	Yes
	Entries sheltered and well lit.	Entry sheltered by balcony above.	Yes
	Entries and circulation spaces sized for movement of furniture.	Lift lobbies on each floor of the building provide adequate circulation space for movement of furniture.	Yes
	Corridors minimum 2.5m wide and 3.0m high.	Yes	Yes
	Corridor lengths minimised	Yes	Yes

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	and avoid tight corners.		
3.3.2.41	Minimum 1 balcony per apartment.	At least 1 balcony per apartment.	Yes
	Main balcony accessible from living area.	Yes	Yes
	Balconies take advantage of favourable climatic conditions.	Mostly north facing.	Yes
	Balconies and balustrades balance privacy and views.	Glass balustrades. Ground floor southern deck screened by timber fence for privacy.	Yes
3.3.2.42	Balconies include sunscreens, pergolas, shutters and operable walls.	Yes	Yes
	Balconies recessed to create shadowing to facade.	Yes	Yes
	Solid balustrades discouraged.	Glass balustrades.	Yes
	Air conditioning units not visible from the street.	No visible air conditioning identified on plans.	Yes
3.3.2.43	Secure open air clothes drying facilities that are: <ul style="list-style-type: none"> easily accessible, screened from public domain and communal spaces, located with high degree of solar access. 	Sufficient area available on apartment balconies for clothes drying.	Yes
3.3.2.44	Mailboxes integrated into building design and sighted to ensure accessibility and security.	Yes	Yes
3.3.2.45	Public and private space clearly defined.	Private and public space appropriately defined.	Yes
	Entrances: <ul style="list-style-type: none"> oriented to public street, provide direct and well lit access between car parks, lift lobbies and unit entrances, optimise security by grouping clusters (max. 8) around a common lobby 	Main building entrance is not visible from street. However, central access gate visible from street and includes surveillance from adjoining units. Building entrance is adjacent to a communal space, which would also improve supervision and surveillance of the space. Direct internal access available between car park, lift lobbies and unit entrances.	Yes
	Surveillance facilitated by:	Casual surveillance of	Yes

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	<ul style="list-style-type: none"> views over public space from living areas, casual views of common internal areas, provision of windows and balconies, separate entries to ground level apartments. 	<p>communal open space and public street available from apartments.</p> <p>Separate ground level entrance to Unit 3B proposed.</p>	
	<p>Concealment avoided by:</p> <ul style="list-style-type: none"> preventing dark or blind alcoves, providing lighting in all common areas, providing graded car parking illumination (greater at entrances). 	Building design limits concealment opportunities.	Yes
	Access to all parts of the building to be controlled.	Yes	Yes
3.3.2.46	Accessible storage provided for tenants in basement car park or garages.	Storage area provided on Level 2 of the building.	Yes
	One bike stowage space per dwelling provided.	Bicycle stowage area provided on Level 2 of the building.	Yes
	<p>Communal bulk waste required where:</p> <ul style="list-style-type: none"> > 6 dwellings, or Number of bins wouldn't fit in street frontage, or Topography would make street collection difficult. 	Bin storage area identified in basement car park.	Yes
	<p>Communal bulk waste facilities integrated into development and located at ground or sub-basement level.</p> <ul style="list-style-type: none"> Not visible from street, Easily accessible, Can be serviced by collection vehicles, Not adjoining private or communal space, windows or clothes drying areas, Has water and drainage facilities for cleaning, 	Bin storage area identified in basement car park.	Yes

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	<ul style="list-style-type: none"> Maintained free of pests. 		
	Evidence provided that site can be serviced by waste collection service.	Condition recommended requiring private waste collection service for the development.	Yes
3.3.2.48	Common trenching of utility services where possible.	Can be conditioned. Details at CC stage.	Yes
	Above ground utility infrastructure integrated with building design.	Hydrant booster cabinet adjacent to driveway integrated into design.	Yes
	Site and individual units numbered.	Can be conditioned.	Yes
	Common aerials and satellite dishes provided.	Can be conditioned.	Yes

DCP 2013: General Provisions

DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations 	Casual surveillance of communal open space available from apartments. Private and public space appropriately defined. Casual surveillance of street and communal space available from apartments.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut >1m, but generally contained within external walls of the building. Some retaining walls <1m high to the west of proposed Unit 3A.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	None proposed.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Access to local road.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Single driveway 3.6m wide. No loss of existing street parking.	Yes

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2.5.3.3	Off-street parking in accordance with Table 2.5.1: <ul style="list-style-type: none"> 1 per 1 or 2 bed unit, 1.5 per 3-4 bed unit + 1 visitor per 4 units 	<u>Required:</u> 8 x 1 & 2 bedroom units = 8 spaces. 5 x 3 bedroom units = 7.5 spaces. Visitor parking 13/4 = 3.25 spaces. Total required = 18.75 spaces. <u>Proposed:</u> 17 spaces to be provided on site. Shortfall in car parking can be addressed through contribution to CBD car parking in accordance with Council's Section 94 Contributions Plan.	Yes
2.5.3.5	On-street parking permitted subject to justification	Not considered appropriate as existing angled street parking in site frontage in Clarence Street.	n/a
2.5.3.7	Visitor parking to be easily accessible	One space in basement, plus on street parking. Condition recommended require signage to advise visitors of the availability of off-street parking.	Yes
	Parking in accordance with AS 2890.1	See comments later in this report under Parking and Manoeuvring.	
2.5.3.10	Parking concessions possible for conservation of heritage items	No concession sought on this basis.	n/a
2.5.3.14	Sealed driveway surfaces unless justified	Concrete.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade.	See comments later in this report under Parking and Manoeuvring.	
2.5.3.16	Transitional grades min. 2m length	See comments later in this report under Parking and Manoeuvring.	
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Basement car park would not generate stormwater runoff.	Yes
	No direct discharge to K&G or swale drain	Connection to stormwater system.	Yes

DCP 2011: Town Beach Precinct

Precinct	Existing Character	Desired Future Character	Complies
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CBD Fringe	The character of this precinct is influenced by the adjacent CBD. The range of building types includes a number of high rise holiday apartments. There is some ground floor retail.	<p>Retain a mix of both tourist and permanent residential apartment and hotel/motel buildings. Address to, and activity along William Street, is to be improved to achieve an excellent pedestrian connection between the CBD and the Town Beach Activity Area.</p> <p>Retail activity is discouraged elsewhere, so that there is a clear distinction between the Port Macquarie Town Centre and the Town Beach Activity Centre, with each having their own discrete character.</p>	Yes
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The proposal seeks to vary Development Provision 3.3.2.4 in relation to the minimum required front setback. This provision requires the front setback to be within 20% of the average setback of the two adjoining buildings. In this case the average setback of the two adjoining buildings is 13.3m, and the development would need to achieve a minimum 10.64m setback to meet the development provision. A 3m front setback has been proposed.

The relevant objectives are:

- *Front setbacks are to provide adequate open space for landscaping, visual and acoustic privacy.*
- *To provide a streetscape that is consistent and complimentary to existing development.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The development provides adequate open space and landscaping. The site orientation makes it most practical to locate the main open space area and deep soil zone at the rear (north) of the site. A reduced front setback provides more usable space at the rear.
- Adequate visual and acoustic privacy are achieved.
- The proposed front setback is generally consistent with the existing building proposed to be demolished at the site.
- There is significant variation in front setback in the locality and a consistent streetscape would not be achieved even if the front setback were comparable to the two directly adjoining developments.

The proposal seeks to vary Development Provision 3.3.2.6 in relation to the minimum required side setback of 3m where the development adjoins a strata building. The development proposes a minimum 1.5m setback to the eastern boundary.

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The relevant objectives are:

- *To allow flexibility in the siting of buildings while limiting the extent to which any building overshadows or overlooks adjacent properties.*
- *To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.*
- *To provide acoustic and visual privacy.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The development achieves a minimum 6.4m separation between the buildings, which is greater than the minimum permissible separation of 6m (3m setback either side of the boundary) under these controls.
- The development would not cause unreasonable overshadowing of adjoining properties having regard to the DCP provisions. See detailed assessment later in this report under 'Overshadowing'.
- Adequate privacy has been proposed through the building design, with living areas oriented to the north and windows in the side wall minimised.

The proposal seeks to vary Development Provision 3.3.2.17 in relation to the minimum permitted proportion of soft landscaping for the site (35%). The development proposes approximately 12% soft landscaping with minimum width of 3m at ground level.

The relevant objective is:

- *To encourage usable and attractive open space that enhances the appearance and amenity of the development when viewed from public open space areas, especially from street frontages.*

Having regard for the development provisions and relevant objective, the variation is considered acceptable for the following reasons:

- The development includes attractive and usable open space at the rear of the site, which takes advantage of the northern orientation and is integrated with the deep soil zone.
- The development proposes 3 full height green walls to enhance the appearance and amenity of the building. The eastern green wall of the southern tower would be particularly visible when viewed from Clarence Street.

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

No planning agreement has been offered or entered into relating to the site.

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

The proposed development is consistent with the objectives and strategic actions of this policy. See Clause 5.5 of LEP 2011 for assessment against Coastal Policy Objectives.

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Demolition of buildings AS 2601 - Clause 92

Demolition of the existing buildings on the site is capable of compliance with this Australian Standard and is recommended to be conditioned.

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

No Coastal Zone Management Plan applies to the subject site.

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

Context & Setting

The site has a general southerly street frontage orientation to Clarence Street. Adjoining the site to the north is the Sundowner Tourist Park, containing single storey tourist accommodation.

Adjoining the site to the east is the Headland apartment building, being four storeys above ground level at the Clarence Street frontage and five storeys at the rear of the site. The top of the building is identified as having a height of 29.86m AHD.

Adjoining the site to the south are Clarence Street and School Street. On the southern side of Clarence Street adjacent to the site is the Focus apartment building, being six to seven storeys above ground level at the site frontage.

Adjoining the site to the west is the Flightdeck apartment building, being five storeys above ground level. The top of the building is identified as having a height of 28.13m AHD.

Other residential apartment buildings and holiday accommodation exist in the on Clarence Street between Munster Street and Grant Street, with building heights ranging from two storeys to four storeys.

View Sharing

The public exhibition of the proposal resulted in concerns being raised in relation to loss of views from a number of nearby apartments. Eight residents of the Focus apartment building at 2 Clarence Street, and one resident of the Headland apartments at 1 Clarence Street have raised this issue.

The affected properties have been inspected and photographs of the existing views are included in the attachments to this report. It is noted that the photographs represent the views from a fixed vantage point and the impacts would vary, particularly moving to the eastern or western ends of the balconies. The photographs generally represent a central location on the balconies and in the rooms of the various apartments.

An inspection of 18/2 Clarence Street was not able to be arranged, however, the written submission from the owners included a photograph of the existing view from the balcony, which is considered suitable for assessing view impacts.

The owners of 5/1 Clarence Street, who made a submission regarding view impacts, have subsequently sold the property and access was not able to be obtained.

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The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Using the planning principles of NSW Land and Environment Court in *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in regard to the view impacts using the 4 step process to establish whether the view sharing is acceptable.

Step 1

Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comments: The below table summarises the extent of existing views from the affected properties.

Property	Hastings River	Ocean & North Beach	Point Plomer and Queens Head	Breakwall	Hinterland
15/2 Clarence Street	Yes	Yes	Yes	Yes	Yes
18/2 Clarence Street	Yes	Yes	Yes	Yes	Yes
9/2 Clarence Street	Yes	Yes	Yes	Yes	Yes
12/2 Clarence Street	Yes	Yes	No	Yes	Yes
14/2 Clarence Street	Yes	Yes	Yes	Yes	Yes
13/2 Clarence Street	Yes	Yes	Yes	Yes	Yes
5/2 Clarence Street	Yes	Yes	Yes	Yes	No
11/2 Clarence Street	Yes	Yes	Yes	Yes	Yes

The above views include the interface between land and water. Point Plomer and Queens Head is also considered to be iconic in the local context. The affected views are therefore considered to be of high value and in some cases iconic.

Step 2

Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comments: The above views are generally obtained from living areas, kitchens and principal areas of private open space. Views from 5/2 Clarence Street are only available from a balcony. All other views are obtained from both the sitting and standing position in living areas, kitchens and/or balconies.

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Views from 5/1 Clarence Street are obtained from a secondary balcony and kitchen window and part of the view is across a side boundary. The expectation for the part of the view that is obtained across the side boundary to be retained is unrealistic in this instance.

Step 3

Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comments: The below table summarises the extent of the impact in terms of the views that would wholly or partially be lost as a result of the development and those that would be retained.

Property	Hastings River	Ocean & North Beach	Point Plomer and Queens Head	Breakwall	Hinterland
15/2 Clarence Street	Partially Lost	Retained	Retained	Partially Lost	Retained
18/2 Clarence Street	Partially Lost	Retained	Retained	Partially Lost	Retained
9/2 Clarence Street	Partially Lost	Lost	Lost	Lost	Retained
12/2 Clarence Street	Partially Lost	Partially Lost	n/a	Lost	Retained
14/2 Clarence Street	Partially Lost	Partially Lost	Lost	Partially Lost	Retained
13/2 Clarence Street	Partially Lost	Partially Lost (ocean only)	Partially Lost	Partially Lost	Retained
5/2 Clarence Street	Lost	Partially Lost	Retained	Lost	n/a
11/2 Clarence Street	Partially Lost	Partially Lost (ocean only)	Partially Lost	Lost	Retained

The impacts on views from the more elevated apartments (15/2 and 18/2 Clarence Street) are considered negligible. The development would impact on a small part of the existing view of the Hastings River, breakwall and ocean to the north-east. Both apartments would retain broad panoramic views including the major features identified above.

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Apartments on the mid levels of the Focus building (11/2, 12/2, 13/2 and 14/2 Clarence Street) would experience moderate to severe impacts including partial or total loss of views to Point Plomer and North Beach. These apartments would retain views of the Hastings River and hinterland to the north-west of the site, and in some cases views to the ocean to the north-east of the development site.

Lower level apartments (5/2 and 9/2 Clarence Street) would experience severe to devastating impacts with loss of views to the ocean, Point Plomer, North Beach and the breakwall. 9/2 Clarence Street would retain views of the Hastings River and hinterland to the north-west of the site.

A view corridor to the north from the western balcony of 5/1 Clarence Street would be retained between the buildings. Views to the north-west across the development site would be lost. The impact on views from 5/1 Clarence Street is considered to be moderate.

Step 4

Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comments: The proposal includes a variation to the adopted planning controls for the height of buildings and floor spaces ratio under the Port Macquarie-Hastings Local Environmental Plan 2011. The extent of variation and justification are discussed earlier in this report.

In relation to the non-compliance with height controls, the main encroachment into the height limit is the part of the building containing the lift, lift lobby, stairwell, and part of the north balconies of Units 7B and 8B. The Applicant's computer modelled visual analysis indicates that the part of the building exceeding the height controls would not be visible from the angle at which views from the Focus apartments are currently obtained. Therefore, the impacts on existing views do not arise as a result of non-compliance with the height controls.

In relation to the non-compliance with Floor Space Ratio (FSR) controls, there is an argument that the additional floor space proposed in the application contributes to the overall height of the building, which in turn has a negative impact on existing views. However, it should be noted that if only the southern tower of the development were built on the site it would comply with the current FSR controls and still have the same impact on views from the Focus apartments. It has also considered that the 1:1 FSR adopted for the site in the LEP is not appropriate having regard to the zoning and height controls in the area.

It is therefore difficult to attribute any direct view impacts to the non-compliant FSR.

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The only relevant DCP variations are in relation to the front setback and the eastern side setback. The reduced front setback would largely have a positive impact on view loss. The most significant views are behind the front (southern) tower to Point Plomer and North Beach. Setting the tallest part of the building further back on the site would have significantly greater impacts.

The reduced eastern side setback would have negligible impact on view loss as no development exists on the opposite side of Clarence Street that could take advantage of a view corridor.

Overall, the proposed development is considered to be reasonable having regard to the planning controls.

It is acknowledged that the development would have significant impacts on existing views. This is particularly the case for owners/residents in the Focus apartments at 2 Clarence Street where the loss of views would be severe or devastating in the worst affected apartments. However, considering the reasonableness of the development discussed under 'Step 4' above, it is considered that there are not sufficient grounds for refusal of the application on this basis.

Overshadowing

The relevant standards for overshadowing adopted in Development Control Plan 2013 are:

- (a) Sunlight to the principal areas of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9am and 3pm on 22 June. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.
- (b) Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.

In this instance, the adjoining Flightdeck apartments to the west of the site and Headlands apartments to the east of the site would be impacted by the proposed development during the morning and afternoon periods on 22 June.

The Applicant has submitted three dimensional shadow modelling to assist in the assessment of overshadowing impacts. The shadow angles and lengths shown in the submitted plans have been reviewed and are considered to be accurate.

The expected overshadowing impacts of the proposed development on adjoining development on 22 June can be summarised as follows:

- 9.00am - Shadow over bedroom windows and balconies off bedrooms of the ground, first and second floors of the Flightdeck apartments. Partial shading of kitchen windows of the same three floors. No overshadowing of principal ground-level private open space.
- 10.00am - Partial shadow on ground floor bedroom windows and balconies off ground floor bedrooms in the Flightdeck apartment building. No overshadowing of principal ground-level private open space.
- 11.00am - No overshadowing of windows or private open space in adjoining development.
- 12.00pm - No overshadowing of windows or private open space in adjoining development.

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- 1.00pm - No overshadowing of windows or private open space in adjoining development.
- 2.00pm - Shadow over west-facing kitchen and bedroom windows of ground and first floor of the southern tower of the Headlands apartments. Shadow over western balcony of ground floor apartment.
- 3.00pm - Shadow over west-facing kitchen and bedroom windows of ground, first and second floor of the southern and northern towers of the Headlands apartments. Shadow over western balcony of ground floor apartment.

From the above analysis, it can be demonstrated that the proposed development would satisfy the provisions of Development Control Plan 2013 (DCP) in relation to overshadowing.

It is acknowledged that the development would result in loss of solar access to some living area (kitchen) windows in the adjoining Headlands apartments at 1 Clarence Street in the afternoons on 22 June. With the western orientation of these windows, they would only receive approximately 3 hours of sunlight between 9.00am and 3.00pm on 22 June prior to any development of the adjoining site. The development would result in the solar access being reduced to between 1 and 2 hours during this period.

However, the DCP only provides for retention of solar access to north-facing windows in adjoining/adjacent development, and the overshadowing of west-facing windows is considered acceptable.

Roads

The property fronts Clarence Street which has an approximate 11m wide trafficable lane width, with an additional 5 metres of pavement on both sides configured with angle parking and landscaping features. The road has an AUS-SPEC classification of 'Commercial' which reflects the high usage characterising the foreshore area. Kerb and gutter is of the 'upright' (SA) type.

As part of the development proposal, the parking lane will need to be reconfigured to be compatible with the new driveway, and at the same time on-street parking and landscaping will be renewed in accordance with Council's adopted Town Centre Master Plan. The details are to be submitted to Council under a Roads Act (s138) application prior to Construction Certificate issue.

Traffic

The RTA *Guide to Traffic Generating Developments* estimates the traffic generated by medium density units. Each dwelling (unit) is expected to generate 4-6.5 vehicle trips per day depending on the number of bedrooms. For the 13 units proposed, up to 85 vehicle trips are expected daily on average. Considering the existing three units and the house, the site is considered to generate around 28 trips per day presently. Thus the net increase resulting from this development is expected to be in the realm of 57 additional vehicle trips per day.

Council's existing public road network has sufficient capacity to cater to the development.

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Access

For higher density developments with a single driveway, it is critical that adequate width be provided within the private property for two cars to pass each other without a car being delayed within the public road reserve, potentially disrupting traffic and increasing the likelihood of an accident at this location. Retention of the existing driveway layback in this regard is therefore not supported. A new layback will have to be constructed to Council's ASD 202 'heavy duty' standard, with a minimum width of 5.5m. The difficult narrow frontage of the site, and desirable design outcomes for the apartments themselves, has resulted in less space being available for ideal vehicular access. Conditions of consent have been recommended to balance these issues without impacting road traffic. This will require the developer to reconfigure the on-street parking lane with kerb and 'blisters' or landscaping islands to shelter vehicles in a manner that is still consistent with the Town Centre Master Plan.

The single width driveway within the site presents similar challenges. The circulation aisle is characterised by steep grades and bends which obstruct driver line of sight. The construction details will need to implement a combination of systems and devices, such as mirrors, sensors and flashing lights, which alert drivers to oncoming vehicles or pedestrians and allow the driver to yield while they pass. This will need to be addressed both in the basement, and where the driveway meets the public footway in the street. It will be the developer's (and future strata members') responsibility to ensure traffic from the development yields to pedestrians in accordance with Australian road rules.

The steep ramp grades as they are proposed on the DA plans are not compliant with AS 2890 in their current form. Prior to DA consent, the applicant has been unable to provide certification for appropriate surface finishes that will guarantee the steeper grades do not result in unsafe conditions for users. However, as a design solution may exist, this is not considered grounds for refusal of the application on this basis. A condition is proposed to require the design to either achieve complying grades, or propose a combination of devices to achieve the intent of the standard and make the ramp safe, with an accredited certifier to certify that the condition has been satisfied before the Construction Certificate can be issued.

Parking and Manoeuvring

As is required for all similar multi-residential developments, the design of the parking spaces and circulation aisles will need to be independently certified as compliant with AS 2890 at both the design and post-construction stages.

Public submissions have highlighted concerns that the development will have inadequate onsite parking. The proposal has been assessed with regard to Council's Development Control Plan for parking numbers, and the shortfall can be offset by the developer paying parking contributions to Council for future parking facilities in the CBD.

Mechanical stacker parking spaces are proposed. A key concern for the public is that the stackers are maintained in an operable condition at all times, so the development does not suffer a reduction in on-site parking spaces which would result in a spill of parking demand onto Clarence Street. In this regard, the stacker systems will need to be regularly maintained, and have a backup power supply or manual mechanism to enable them to be used in the event of power failure. Additionally, each stacker space must be able to be used independently of each user (i.e. cars parked on top

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must not be required to wait for the car below to leave), unless both spaces are allocated to the same residence.

Pedestrians

The site currently has a 1.2m wide footpath along the Clarence Street frontage. Full width concrete paving is required to cater for foot traffic, achieve consistency with adjacent lots, and transition into the character of the Town Centre Master Plan area. Adequate width for on-road cycleway is also available, and the road frontage design will need to facilitate this use by cyclists.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

There is no public stormwater pipe running along Clarence Street at the site location. A stormwater pipe draining the public road runs through the development site and is proposed to be removed and replaced in another location. The existing easement to drain water should be extinguished in an application made to Council prior to Occupation Certificate.

A stormwater management plan is being developed by the applicant in liaison with Council's stormwater engineer. Conditions have been recommended that will require the developer to either:

- a) Provide a new public pipe network to serve the development and draining via Clarence Street to a suitable discharge point within the road reserve, i.e. a direct connection to existing stormwater pits down the street, or
- b) Relocation and upgrade of the inter-allotment drainage infrastructure draining to the rear of the site to comply with current standards and adequately service the road reserve as is currently the case.

If the existing inter-allotment easement is made redundant by pipes laid in a different alignment, the easement shall be extinguished prior to Occupation Certificate.

Refer to the relevant conditions of consent.

Water

Records indicate that there is a 20 mm metered water service from a 150 mm PVC water main on the opposite side of Clarence Street.

Final water service sizing for the proposed developments will need to be determined by a hydraulic consultant to suit the development site, as well as addressing fire service and backflow protection requirements. Each individual unit is to have its own 20mm water meter located adjacent to the unit in an easily accessible location (foyer) or arrangements made with Council for an electronic reading option.

Sewer Connection

Sewer is available in adjacent land owned by Sundowner Holiday Park. As the waste water discharge from the proposed development will exceed 2 equivalent tenements the sewer connection is to be from a new junction connected to an existing or new manhole.

An existing manhole is located close to the North East corner of the site and can be utilised for construction of a junction with sideline to vertical inspection shaft (VIS)

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within the subject property. The sewer drainage beyond the VIS is internal private pipe work.

Soils

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

Air & Micro-climate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora & Fauna

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

Waste

A common bin storage area has been identified in the basement car park. In relation to bin collection, the subject site has a narrow frontage to Clarence Street and there is angled street parking in the site frontage. It is not considered that bins for 13 units could be placed in the site frontage for kerb side collection without causing impacts on amenity and traffic and pedestrian safety. A condition is recommended requiring satisfactory arrangements for a private garbage collection service.

Standard precautionary site management condition recommended for construction phase of the project.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX and Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise & Vibration

No adverse impacts anticipated. Condition recommended restricting construction to standard construction hours.

Natural Hazards

No natural hazards identified that would impact on the proposed development.

Contamination Hazards

See comments earlier in this report under SEPP No. 55 - Remediation of Land.

Safety, Security & Crime Prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

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Social Impact in the Locality

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

Compliance or Otherwise with the DDA

The development is capable of achieving compliance with the Building Code of Australia and Access to Premises Standards. Details of compliance would be required at the Construction Certificate stage.

Economic Impact in the Locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site Design and Internal Design

See relevant comments earlier in this report under SEPP No. 65 regarding the building design.

Construction

The development includes significant excavation for basement car parking adjacent to existing multi storey buildings. Prescribed condition in accordance with clause 98E of the Environmental Planning and Assessment Regulation requires that the developer protect and support adjoining structures if excavation extends below the footings of the structure, building or work.

A condition is also recommended requiring dilapidation reports to be prepared for adjoining properties, to allow for monitoring and rectification works (if necessary) of any damage caused by construction activities.

Cumulative Impacts

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

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

No site constraints exist that would make the land unsuitable for the proposed development, subject to more detailed investigation of the potential archaeological significance of the site. If relics are found that are determined to be of State significance, advice from the Heritage Council (NSW Office of Environment and Heritage) is that they would need to be retained in situ and the building redesigned around it. This has the potential to make the current building design with significant excavation for basement levels unsuitable for the site.

However, this is unable to be confirmed at the DA stage and appropriate conditions have been recommended to account for this possibility.

The land is also located in an appropriate zone for high density residential development and is able to be provided with essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access.

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

29 written submissions have been received following public exhibition of the application.

Key issues raised in the submissions received and comments in response to these issues are provided as follows:

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Submission Issue/Summary	Planning Comment/Response
Building height is out of context with the existing streetscape - should be at similar height to existing developments to the east and west of the site.	<p>Buildings in the locality vary significantly in height from 1 storey to 7 storeys. There are numerous examples where buildings change height by two or more storeys on directly adjoining properties.</p> <p>The streetscape context is not established by just the two buildings directly adjoining the development site, and a broader consideration of the locality is required. Having regard to the buildings on Clarence Street in the block between Munster Street and Grant Street, the existing built form includes a mix of building heights. The proposed development is not considered to be inconsistent with its context in this regard.</p> <p>The relevant planning controls do not require that developments be at the same height as adjoining buildings.</p>
Loss of solar access to adjoining development.	See comments earlier in this report under 'Overshadowing'.
Width and grade of vehicular access would result in impacts on traffic and pedestrian safety and efficiency.	See comments earlier in this report under 'Access'.
Denial of holiday rental should be considered in an approval.	A condition is recommended preventing use of the apartments for short-term holiday accommodation.
No disabled parking proposed.	Disabled car parking is not required for Class 2 Buildings under the building Code of Australia.
Availability of visitor parking will not be apparent and is likely to result in overflow parking in Clarence Street.	<p>The development would require visitors to the site arriving by motor vehicle to use available public parking in the locality.</p> <p>The developer will be required to make a monetary contribution towards public car parking in the CBD area.</p>
An area for garbage collection will need to be allocated.	A common bin storage area has been identified in the basement car park. In relation to bin collection, the subject site has a narrow frontage to Clarence Street and there is angled street parking in the site frontage. It is not considered that bins for 13 units could be placed in the site frontage for kerb side collection without causing impacts on amenity and traffic and pedestrian safety. A condition is recommended requiring satisfactory arrangements for a private garbage collection service.
Loss of views. View sharing	See comments earlier in this report under 'View

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impacts are not consistent with the Land and Environment Court's planning principle.	Sharing'
Proposed development is inconsistent with Floor Space Ratio (FSR) adopted in the LEP.	The application seeks a variation to the adopted FSR controls under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011. See comments earlier in this report.
Narrow sloping site is not suitable for high density residential development.	The submitted design has demonstrated that the site can be made suitable for the proposed development.
Proposed clause 4.6 variation to Height of Buildings and Floor Space Ratio development standards is not well founded and is inconsistent with the Land and Environment Court's planning principle for (former) SEPP 1 objections.	See comments earlier in this report under Clauses 4.3, 4.4 and 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011.
The proposed off-street parking for the development is insufficient and there is limited street parking available in the locality.	Council has a Section 94 contributions plan for the area that provides for a monetary contribution towards public parking in the CBD area to be made by the developer in lieu of off-street parking. In this instance, the developer would be required to make a contribution for the shortfall in off-street parking of 1.75 spaces.
Loss of privacy for residents of Focus apartments.	There is approximately 35m separation between the closest part of the proposed development and the Focus apartments at 2 Clarence Street. In a high density residential context, this distance is considered sufficient to provide a reasonable level of privacy. Chapter 3.3 of Development Control Plan 2013 only requires privacy screening where living room windows and private open space areas of adjoining development are located within a 12m radius.
Development would detract from the coastal foreshore and the scenic qualities of the coast.	The subject site is located approximately 400m from Town Beach. While the development would be visible from some locations, it would largely be screened by existing buildings and vegetation and would not be prominent when viewed from the beach or offshore.
The 'future character of the locality' has already been defined due to the nature of existing strata titled building. Development of adjoining sites is	The relevant objective in Clause 4.3 of the LEP is: <i>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>

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not likely in the foreseeable future.	<p>The 'desired' future character for the area is defined by the relevant planning controls, including zoning, building height and setback controls.</p> <p>It is acknowledged that the strata schemes existing for adjoining buildings would reduce their potential for future redevelopment.</p>
It is unclear how the height of building is interpreted under the LEP.	This is defined in the LEP. See comments earlier in this report under Clause 4.3 of the LEP.
Encroachment of solar panels into height limit.	See comments earlier in this report under Clause 4.3 of the LEP.
Potential glare from solar panels - recommend they be located at ground level at the rear of the site or on the rear tower of the building.	The Applicant has amended the plans to locate the solar panels on the rear (northern) tower of the building.
Future works by Council as part of Town Centre Master Plan may reduce existing street parking in Clarence Street.	The availability of street parking is a matter for Council to consider as part of any future works in Clarence Street, and is not relevant to consideration of this proposal.
Oppose the interference or removal of any archaeology from the site.	<p>The proposal has been referred to the Heritage Council for consideration in relation to the potential impacts on archaeology at the site.</p> <p>See detailed comments earlier in this report under Clause 5.10 of the LEP.</p>
The western wall of the building, as seen from the Flightdeck apartments, is tall, plain, and lacking in architectural features.	<p>The western wall of the rear (northern) tower, which is located adjacent to the Flightdeck apartments, is broken up to some extent with recessed windows and privacy screening. The longest section of unarticulated wall is approximately 9m long. The lack of openings in the western elevation is predominantly to protect the privacy of residents in the Flightdeck apartments.</p> <p>It is noted that windows in the living areas of the Flightdeck apartments are oriented to the north and north-east and would not face directly towards the western wall of the proposed development.</p>
Potential cumulative impact of approving tall buildings - not the desired image for Port Macquarie.	Building height controls for Port Macquarie have been considered by Council in consultation with the community as part of the adoption of the Port Macquarie-Hastings Local Environmental Plan 2011 and its subsequent amendments. The adopted controls set the desired character for development.
Development yield and feasibility	Agreed. The assessment under Clause 4.6 of

Looking After Our Environment

are not an appropriate justification to vary development standards.	the LEP has not considered these to be relevant factors.
Loss of natural ventilation to units in the Headlands apartment building.	The nearest part of the proposed development to the adjoining Headlands building at 1 Clarence Street is approximately 6.4m. While there may be some changes to the characteristics of prevailing winds to the existing apartments in the western side of the Headlands building, it is not considered that the proposed separation between the buildings would prevent opportunities for satisfactory natural ventilation.
Object to demolition of the existing cottage at the front of the site.	The building is not identified as being of heritage significance and no planning controls exist that require the retention of the building.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, CBD car parking, open space, community cultural services, emergency services and administration buildings.

5. CONCLUSION

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

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

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

Attachments

- 1 [View](#). DA2014 - 0123 Plans
- 2 [View](#). DA2014 - 0123 Photographs of Existing Views
- 3 [View](#). DA2014 - 0123 Recommended Conditions

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- 4[View](#). DA2014 - 0123 Submission - Brown 04112014
- 5[View](#). DA2014 - 0123 Submission - Brown 26032014
- 6[View](#). DA2014 - 0123 Submission - Cohen
- 7[View](#). DA2014 - 0123 Submission - Davis 17112014
- 8[View](#). DA2014 - 0123 Submission - Davis 27032014
- 9[View](#). DA2014 - 0123 Submission - Deem & Gagen
- 10[View](#). DA2014 - 0123 Submission - DeVos
- 11[View](#). DA2014 - 0123 Submission - Hill 17112014
- 12[View](#). DA2014 - 0123 Submission - Hill 31032014
- 13[View](#). DA2014 - 0123 Submission - Hollis 16112014
- 14[View](#). DA2014 - 0123 Submission - Hollis 31032014
- 15[View](#). DA2014 - 0123 Submission - Hume
- 16[View](#). DA2014 - 0123 Submission - Innes
- 17[View](#). DA2014 - 0123 Submission - Innes & Maguire
- 18[View](#). DA2014 - 0123 Submission - Marsh
- 19[View](#). DA2014 - 0123 Submission - Mike George Planning for Owners
SP78063 13112014
- 20[View](#). DA2014 - 0123 Submission - Mike George Planning for Owners
SP78063 25032014
- 21[View](#). DA2014 - 0123 Submission - Moore
- 22[View](#). DA2014 - 0123 Submission - Partridge
- 23[View](#). DA2014 - 0123 Submission - Philip
- 24[View](#). DA2014 - 0123 Submission - Robertson & Green
- 25[View](#). DA2014 - 0123 Submission - Schwarz
- 26[View](#). DA2014 - 0123 Submission - Steen
- 27[View](#). DA2014 - 0123 Submission - Subbiah
- 28[View](#). DA2014 - 0123 Submission - Thompson
- 29[View](#). DA2014 - 0123 Submission - Walters
- 30[View](#). DA2014 - 0123 Submission - Williams

Looking After Our Environment

Item: 12.02

Subject: DA2015 - 0075 - 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 29 DP 31035, 14 ARAKOOON AVENUE, PORT MACQUARIE

Report Author: Matt Rogers

Property: Lot 29 DP 31035, 14 Arakoon Avenue, Port Macquarie
Applicant: J & E Miller (Builder) Pty Ltd
Owner: J B Naldrett
Application Date: 14 April 2015
Estimated Cost: \$188,000
Location: Port Macquarie
File no: DA2015 - 0075
Parcel no: 642

Alignment with Delivery Program

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

RECOMMENDATION

That the determination of DA 2015 - 0075 for additions to dwelling including a Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 29 DP 31035, No. 14 Arakoon Avenue, Port Macquarie, be noted.

Executive Summary

This report is for Council's information and relates to the approval of the subject development application under the delegated authority of Council's Development Assessment Panel (DAP) on 13 May 2014. In particular, DAP resolved the following:

"That DA 2015 - 0075 for additions to dwelling including a Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 29 DP 31035, No. 14 Arakoon Avenue, Port Macquarie, be determined by granting consent subject to the recommended conditions."

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%.

Looking After Our Environment

The development incorporated a proposed height of 8.86m, which was a variation from the LEP building height standard of 8.5m. The variation represented 4.23% of the standard. The variation was considered acceptable as detailed in the DAP report.

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.

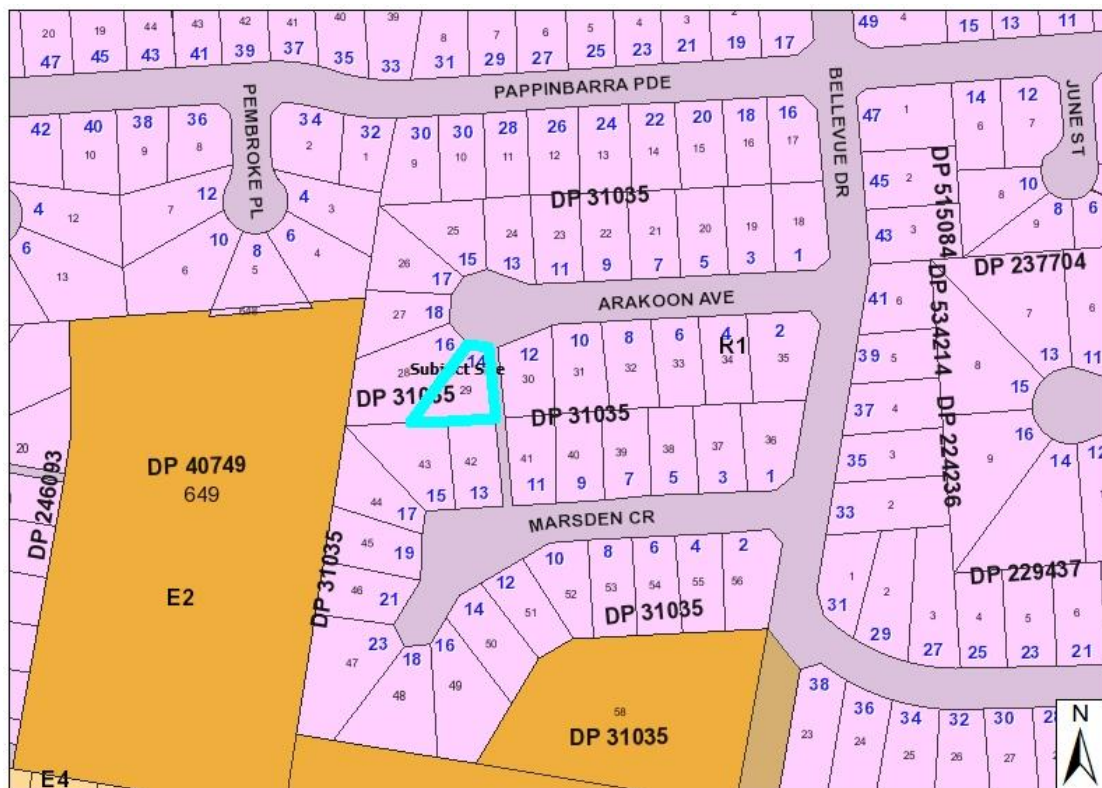
The Department's circular PS08-014 further reminds councils of their assumed concurrence role in relation to SEPP 1 and Clause 4.6 LEP variations. The circular advises that where Clause 4.6 variations are approved under delegated authority (i.e. variation not greater than 10%) that council be advised of the decision made and it be appropriately recorded. This report is to ensure compliance with the subject circular.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 594.4m².

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:

This is an aerial map of a residential area in Pappinbarra, NSW. The map shows several streets: PAPPINBARRA PDE at the top, BELLEVUE DR on the right, PEMBROKE PL on the left, and ARAKOOK AVE and MARSDEN CR running horizontally across the middle. A red triangle highlights two adjacent lots, 15 and 16, which are part of DP 31035. Other lots are numbered in blue or black. Various DP (Development Plan) numbers are labeled, including DP 31035, DP 31036, DP 31037, DP 31038, DP 31039, DP 31040, DP 31041, DP 31042, DP 31043, DP 31044, DP 31045, DP 31046, DP 31047, DP 31048, DP 31049, DP 31050, DP 31051, DP 31052, DP 31053, DP 31054, DP 31055, DP 31056, DP 31057, DP 31058, DP 31059, DP 31060, DP 31061, DP 31062, DP 31063, DP 31064, DP 31065, DP 31066, DP 31067, DP 31068, DP 31069, DP 31070, DP 31071, DP 31072, DP 31073, DP 31074, DP 31075, DP 31076, DP 31077, DP 31078, DP 31079, DP 31080, DP 31081, DP 31082, DP 31083, DP 31084, DP 31085, DP 31086, DP 31087, DP 31088, DP 31089, DP 31090, DP 31091, DP 31092, DP 31093, DP 31094, DP 31095, DP 31096, DP 31097, DP 31098, DP 31099, DP 31100, DP 31101, DP 31102, DP 31103, DP 31104, DP 31105, DP 31106, DP 31107, DP 31108, DP 31109, DP 31110, DP 31111, DP 31112, DP 31113, DP 31114, DP 31115, DP 31116, DP 31117, DP 31118, DP 31119, DP 31120, DP 31121, DP 31122, DP 31123, DP 31124, DP 31125, DP 31126, DP 31127, DP 31128, DP 31129, DP 31130, DP 31131, DP 31132, DP 31133, DP 31134, DP 31135, DP 31136, DP 31137, DP 31138, DP 31139, DP 31140, DP 31141, DP 31142, DP 31143, DP 31144, DP 31145, DP 31146, DP 31147, DP 31148, DP 31149, DP 31150, DP 31151, DP 31152, DP 31153, DP 31154, DP 31155, DP 31156, DP 31157, DP 31158, DP 31159, DP 31160, DP 31161, DP 31162, DP 31163, DP 31164, DP 31165, DP 31166, DP 31167, DP 31168, DP 31169, DP 31170, DP 31171, DP 31172, DP 31173, DP 31174, DP 31175, DP 31176, DP 31177, DP 31178, DP 31179, DP 31180, DP 31181, DP 31182, DP 31183, DP 31184, DP 31185, DP 31186, DP 31187, DP 31188, DP 31189, DP 31190, DP 31191, DP 31192, DP 31193, DP 31194, DP 31195, DP 31196, DP 31197, DP 31198, DP 31199, DP 31200, DP 31201, DP 31202, DP 31203, DP 31204, DP 31205, DP 31206, DP 31207, DP 31208, DP 31209, DP 31210, DP 31211, DP 31212, DP 31213, DP 31214, DP 31215, DP 31216, DP 31217, DP 31218, DP 31219, DP 31220, DP 31221, DP 31222, DP 31223, DP 31224, DP 31225, DP 31226, DP 31227, DP 31228, DP 31229, DP 31230, DP 31231, DP 31232, DP 31233, DP 31234, DP 31235, DP 31236, DP 31237, DP 31238, DP 31239, DP 31240, DP 31241, DP 31242, DP 31243, DP 31244, DP 31245, DP 31246, DP 31247, DP 31248, DP 31249, DP 31250, DP 31251, DP 31252, DP 31253, DP 31254, DP 31255, DP 31256, DP 31257, DP 31258, DP 31259, DP 31260, DP 31261, DP 31262, DP 31263, DP 31264, DP 31265, DP 31266, DP 31267, DP 31268, DP 31269, DP 31270, DP 31271, DP 31272, DP 31273, DP 31274, DP 31275, DP 31276, DP 31277, DP 31278, DP 31279, DP 31280, DP 31281, DP 31282, DP 31283, DP 31284, DP 31285, DP 31286, DP 31287, DP 31288, DP 31289, DP 31290, DP 31291, DP 31292, DP 31293, DP 31294, DP 31295, DP 31296, DP 31297, DP 31298, DP 31299, DP 31300, DP 31301, DP 31302, DP 31303, DP 31304, DP 31305, DP 31306, DP 31307, DP 31308, DP 31309, DP 31310, DP 31311, DP 31312, DP 31313, DP 31314, DP 31315, DP 31316, DP 31317, DP 31318, DP 31319, DP 31320, DP 31321, DP 31322, DP 31323, DP 31324, DP 31325, DP 31326, DP 31327, DP 31328, DP 31329, DP 31330, DP 31331, DP 31332, DP 31333, DP 31334, DP 31335, DP 31336, DP 31337, DP 31338, DP 31339, DP 31340, DP 31341, DP 31342, DP 31343, DP 31344, DP 31345, DP 31346, DP 31347, DP 31348, DP 31349, DP 31350, DP 31351, DP 31352, DP 31353, DP 31354, DP 31355, DP 31356, DP 31357, DP 31358, DP 31359, DP 31360, DP 31361, DP 31362, DP 31363, DP 31364, DP 31365, DP 31366, DP 31367, DP 31368, DP 31369, DP 31370, DP 31371, DP 31372, DP 31373, DP 31374, DP 31375, DP 31376, DP 31377, DP 31378, DP 31379, DP 31380, DP 31381, DP 31382, DP 31383, DP 31384, DP 31385, DP 31386, DP 31387, DP 31388, DP 31389, DP 31390, DP 31391, DP 31392, DP 31393, DP 31394, DP 31395, DP 31396, DP 31397, DP 31398, DP 31399, DP 31400, DP 31401, DP 31402, DP 31403, DP 31404, DP 31405, DP 31406, DP 31407, DP 31408, DP 31409, DP 31410, DP 31411, DP 31412, DP 31413, DP 31414, DP 31415, DP 31416, DP 31417, DP 31418, DP 31419, DP 31420, DP 31421, DP 31422, DP 31423, DP 31424, DP 31425, DP 31426, DP 31427, DP 31428, DP 31429, DP 31430, DP 31431, DP 31432, DP 31433, DP 31434, DP 31435, DP 31436, DP 31437, DP 31438, DP 31439, DP 31440, DP 31441, DP 31442, DP 31443, DP 31444, DP 31445, DP 31446, DP 31447, DP 31448, DP 31449, DP 31450, DP 31451, DP 31452, DP 31453, DP 31454, DP 31455, DP 31456, DP 31457, DP 31458, DP 31459, DP 31460, DP 31461, DP 31462, DP 31463, DP 31464, DP 31465, DP 31466, DP 31467, DP 31468, DP 31469, DP 31470, DP 31471, DP 31472, DP 31473, DP 31474, DP 31475, DP 31476, DP 31477, DP 31478, DP 31479, DP 31480, DP 31481, DP 31482, DP 31483, DP 31484, DP 31485, DP 31486, DP 31487, DP 31488, DP 31489, DP 31490, DP 31491, DP 31492, DP 31493, DP 31494, DP 31495, DP 31496, DP 31497, DP 31498, DP 31499, DP 31500, DP 31501, DP 31502, DP 31503, DP 31504, DP 31505, DP 31506, DP 31507, DP 31508, DP 31509, DP 31510, DP 31511, DP 31512, DP 31513, DP 31514, DP 31515, DP 31516, DP 31517, DP 31518, DP 31519, DP 31520, DP 31521, DP 3

Key aspects of the proposal include the following:

- Additions to a dwelling that is currently single storey with a two storey component above a cut in garage. Following the proposed additions, the dwelling will change to two storey with a three storey component in the garage area.
- Clause 4.6 variation is proposed to Clause 4.3 (Height of Buildings) of Port Macquarie-Hastings Local Environmental Plan 2011.

Refer to attachments at the end of this report.

1 [View](#). DA2015 - 0075 DAP Report - 13 May 2015

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: QUESTION ON NOTICE - EXPRESSION OF INTEREST - SHORT STREET PLAZA CAR PARK

Presented by: General Manager, Craig Swift-McNair

RECOMMENDATION

That Council note the information included in the report.

Question from Councillor Intemann

Has Council received a material response to its Expression of Interest for the Short Street Plaza car park?

Comments by Councillor (if provided)

Nil.

Response

The Expression of Interest (EOI) the Plaza Car Park closed on 6 February 2015 and on 19 February 2015 Council received notification from Colliers International (Newcastle) that our submission had been received and that Crown Lands were undergoing an assessment.

On 20 April 2015, Council wrote to Colliers International (Newcastle) for an update on the process and received a response on 24 April 2015. The response from Colliers stated that they had been advised that the matter was progressing, noting that Crown Lands were handling the negotiations and sale in-house due to probity reasons.

On 3 June 2015 the General Manager wrote to The Hon. Niall Blair, Minister for Lands and Water requesting an update on the progress of assessment of the EOI submissions. At the time of writing this report, no response has been received to this letter.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.02

Subject: QUESTION ON NOTICE - FISHERMEN'S CO-OP

Presented by: General Manager, Craig Swift-McNair

RECOMMENDATION

That Council note the information included in the report.

Question from Councillor Intemann

Will Council be responding to the NSW government proposal to dispose of the Fishermen's Co-op, especially in terms of Council's EOI and the planning history for the site?

Comments by Councillor (if provided)

Nil.

Response

As the Fisherman's Co-op is located on Crown Land and the lease that the Fisherman's Co-op have for the site in Port Macquarie is directly with the Crown, the issue of the Co-op's future rests with the State Government. On this basis, this is not a matter that directly relates to Council.

Having said the above, any development or likely development of the Port Macquarie foreshore is a matter for Council to be concerned with and as this site is adjacent to the site known as the Plaza Car Park (which was recently the subject of an Expression of Interest (EOI) process by the State Government) and any developments planned by the Crown on the Co-op site may well have an impact on the development of this entire foreshore precinct. It should be noted that the draft plans Council put forward to the Crown as part of the EOI process for the Plaza Car Park site included a redeveloped Fishermans Co-op building.

On Tuesday 3 June 2015, the General Manager wrote to The Hon. Niall Blair MLC, Minister for Lands and Water seeking an update on the Plaza Car Park EOI. In that same letter there was general discussion around the Fisherman's Co-op and the impact the redevelopment of that site might have on the redevelopment of the Plaza Car Park site.

Councillors will be informed once a response has been received from the Minister.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.03

Subject: QUESTION ON NOTICE - UNSEALED ROAD NETWORK

Presented by: Infrastructure & Asset Management, Jeffery Sharp

RECOMMENDATION

That Council note:

1. The information relating to roads on the 6 month and 12 month unsealed roads grading program.
2. The limitations in sourcing appropriate gravel for our unsealed roads and the recent increase in costs in purchasing the gravel.
3. The current operational budget for unsealed road grading only provides a limited budget for the re-gravelling of roads.
4. The current level of service is achievable only due to the current Special Rate Variation and should this not continue then the funding and continuation of four grading crews would need to be reviewed .
5. The works undertaken by Transport & Stormwater Network staff in recycling excavated sealed road materials where possible to utilise on unsealed roads, to increase available re-gravelling materials and reduce costs and landfill.
6. That following major rainfall events Transport & Stormwater Network staff follow the adopted risk based road maintenance processes and inspect issues across the entire sealed and unsealed network and prioritise works based on risk. Specifically for unsealed roads this may equate to intermediate pothole filling or wider graveling works being undertaken prior to the programmed maintenance grade and may also require alterations to the grading program dependant on the level of risk.

Question from Councillor Cusato

1. Does council have a structured rotation program for the grading, restoration and re-gravelling of the unsealed road network in the Port Macquarie-Hastings LGA?
2. Does Council have a priority implementation plan for works on the unsealed roads network after a major rain event?

Comments by Councillor (if provided)

Nil.

Response

In response to Question 1;

Planning and Providing Our Infrastructure

Does council have a structured rotation program for the grading, restoration and re-gravelling of the unsealed road network in the Port Macquarie-Hastings LGA?

the following information is provided.

With regard to a structured program for the grading of unsealed roads, there are currently two separate programs, being the 6 month and a 12 month grading programs.

Council currently has four wet grade crews undertaking maintenance grading on the unsealed road network. The LGA is divided into three general areas (as shown on attachment 1), with grading crews 1, 2 and 4 generally operating within the bounds of one of these areas with a few exceptions that have occurred as the program has developed and additional resources have been applied over the past few years.

The work of these three crews forms the 12 month grading program. Each road listed in the grading schedule for that crew (see attachment 2) is graded once every 12 months.

Unsealed roads that have a higher priority within the network (see attachment 2) are afforded a greater level of service and graded once every 6 months. Grading crew 3 undertakes the 6 month grading program which operates across the entire LGA. Roads not listed on either of these programs are graded on an as needs basis when resources are available, or when roads are impassable by a 4WD vehicle.

With regard to the restoration and re-gravelling of the unsealed road network, for the restoration of structures such as culverts, rails and signs within the road reserve, the adopted risk based process is utilised for assessing and prioritising restoration works to these structures.

The re-gravelling of roads is determined on an as-needs basis identified by the Grader operators in conjunction with the Coordinator Unsealed Roads & Bridges Maintenance and undertaken within available budgets. Transport & Stormwater Network staff are of the opinion that more gravel re-sheeting is required across the network than is currently possible within the current budget allocations. The current cost to run the 4 grading crews is in the order of \$2.13m with only \$130,000 of that funding available for the purchase of new gravel.

Some of the key factors that affect gravel re-sheeting are the cost, availability and quality of new gravel materials. Council uses a number of sources for fresh gravel including ridge gravel from small private quarries and NSW Forestry quarries, material from the large hard rock commercial quarries as well as recycled road materials.

Included in Attachment 1 is the general location of most of the private gravel quarries used by Council. The majority of these are located in the southern half of the LGA making it very difficult to get sufficient new material to the northern areas. The low number and disparate localities is also of concern due to the variability in the quality and capacity of each different quarry, making even pothole repair difficult and at times short lasting.

Planning and Providing Our Infrastructure

The cost of gravel in recent times has also significantly increased with the general price from the private and NSW Forestry quarries being \$4.00 per cubic metre. This cost does not include the cost incurred by Council in actually wining, crushing and transporting the material. Whilst \$4.00/m³ may seem a small dollar amount, this cost has risen significantly in recent times from lower prices of \$1 to \$2 per cubic metre. Thus Council is now paying 2 to 4 times more for our material than we were a few years ago and accordingly means Council can only purchase half (or less) of the volume of material than in the past. Thus resulting in even less re-gravelling occurring.

One way in which Transport & Stormwater Network staff are working to increase the amount of new material available for our unsealed roads is by recycling old sealed road materials. Where Council is undertaking road maintenance or road reconstruction activities, if the works require the excavation and removal of old pavement, this material is then reused on our unsealed roads - where the material is acceptable for that use. Recently Council has also had the benefit of using materials created by RMS road works on the Oxley Highway.

Recycling of excavated road pavement is a more sustainable way of managing our road activities. The recycling process saves money on new materials, or provides materials where none are available, and it also reduces the amount of material sent to land fill and the cost of disposal in this manner. Recycling pavement does lead to double handling materials, additional transport and stockpiling within the road reserve (as required by the EPA exemption) however these are outweighed by the savings in disposal costs and new gravel costs. A large amount of the recycled material is sent to the north shore where there are no quarries available for Council use.

In response to Question 2;

Does Council have a priority implementation plan for works on the unsealed roads network after a major rain event?

the following information is provided.

With any major rainfall event - or prolonged rain period, staff follow the adopted risk based process for the assessment and prioritisation of works across the entire sealed and unsealed road network. Whilst pro-active inspections are completed by the Roads Inspector and the Coordinator Unsealed Roads & Bridges Maintenance the process is also reliant upon the community advising Council of road defects which can then be inspected, assessed and prioritised.

Specifically for unsealed roads, where washouts or failures occur restricting or preventing access then works will be undertaken to reinstate access prior to the scheduled grading. Other interim works may also include additional pothole filling or laying of gravel / aggregate prior to the scheduled grade. In some instances the level of risk associated with a section of road may necessitate the altering of the grading schedule to bring forward a road grade within that program.

All issue that are known to staff relating to the unsealed roads are assessed and available resources allocated on the risk based prioritisation.

Planning and Providing Our Infrastructure

Attachments

- 1 [View](#). General Grading Areas and Quarry Locations
- 2 [View](#). Unsealed Roads Grading Program (Alphabetical)

Planning and Providing Our Infrastructure

Item: 13.04

**Subject: NSW WATER SUPPLY AND SEWERAGE PERFORMANCE
MONITORING REPORT**

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That the report be noted.

Executive Summary

The NSW Office of Water invites Council-operated water authorities to provide statistical information each year for inclusion in the annual NSW Water Supply and Sewerage Performance Monitoring Report. The report effectively benchmarks water and sewerage undertakings across the state.

Data is compiled at the end of the financial year and when the information is collated, the report is published and distributed to Local Government utilities in NSW. Because receipt and collation of data is a time consuming process, the report is received usually around this time of year for the previous financial period. Council has therefore recently received the 2013-2014 NSW Performance Monitoring Report, noting that some of the indicators are from 2014-2015 (eg. fixed charges).

Staff have identified anomalies in the performance reporting process and continue to seek clarification from NSW Office of Water.

Discussion

Standard reporting categories in the annual NSW Water Supply and Sewerage Performance Monitoring Report, include the following:

- Typical residential bill per assessment - combined water and sewer
- Typical residential bill per assessment - water supply
- Typical residential bill per assessment - sewerage services
- Chemical water quality compliance - water supply (PMHC 100%)
- Microbiological water compliance - water supply (PMHC 100%)
- Water quality complaints
- Odour complaints - sewerage
- Average Annual Residential water supplied
- Compliance with BOD in licence - sewerage
- Compliance with SS in licence - sewerage

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- Sewer main breaks and chokes per 100 km of mains
- Recycled water (percent effluent recycled)
- Percentage of sewage treated that was compliant
- Total greenhouse gas emissions
- Economic real rate of return - water and sewerage
- Economic real rate of return - water
- Economic real rate of return - sewerage
- Operating cost per property - water supply
- Operating cost per kilolitre - water supply
- Management cost per property - water supply
- Management cost per property - sewerage
- Residential revenue from usage charges - water supply
- Best practice management implementation - water supply and sewerage
- Best practice management implementation - water supply
- Best practice management implementation - sewerage
- Typical developer charges -water supply
- Typical developer charges -sewerage services
- Residential water usage charge; and
- Non residential sewer usage charge.

The Performance Report includes specific data about the Port Macquarie Hastings Schemes with some excerpts from the NSW Office of Water (NOW) report included in this report. The following summaries have been reprinted from Triple Bottom Line (TBL) reports for PMHC:

Water Supply Performance Summary (2013-2014)

***“Water Supply System:** Port Macquarie-Hastings Council has 30,100 connected properties. Water is drawn from the Hastings River to supply Port Macquarie, Wauchope and the Camden Haven areas. Council has two off-creek storage dams (total capacity 12,500 ML). The water supply network comprises 35 service reservoirs (148 ML), 19 pumping stations, 158.7 ML/d delivery capacity into the distribution system, 124 km of transfer and trunk mains and 678 km of reticulation. The water supply is filtered (ultra-filtration) for the Wauchope area and unfiltered (chlorinated) for the Port Macquarie and Camden Haven areas. Three separate small village water supply systems operate to service Telegraph Point, Comboyne and Long Flat.*

***Performance:** Port Macquarie-Hastings Council achieved 90% implementation of the NSW Best Practice Management requirements. The 2014-2015 typical residential bill was \$582 which meets the statewide median of \$582. The economic real rate of return was 1.7% which was greater than the statewide median. The operating cost (OMA) per property was \$386 which was close to the statewide median of \$400. Water quality complaints were well above the statewide median of 3. Compliance was achieved for microbiological water quality (100% of the population, five of five zones compliant), chemical water quality and physical water quality. There were no failures of the chlorination system or the treatment system. Port Macquarie-Hastings Council reported no water supply public health incidents. Current replacement cost of system assets was \$557M (\$17,600 per assessment). Cash and investments were \$47M, debt was \$9.9M and revenue was \$30M (excluding capital works grants)”.*

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Sewerage Performance Summary (2013-2014)

***“Sewerage System:** Port Macquarie-Hastings Council has 27,500 connected properties, and five sewage treatment works providing advanced secondary and advanced tertiary treatment. The system comprises 87,000 EP treatment capacity (Intermittent and Continuous Extended Aeration (Activated Sludge) with Biological Nutrient Removal and Membrane Biological Reduction), 156 pumping stations, 102 km of rising mains and 582 km of gravity trunk mains and reticulation. 4% of effluent was recycled and treated effluent is discharged to land, river and ocean.*

***Performance:** Residential growth for 2013-2014 was 1% which is similar to the statewide median. Port Macquarie-Hastings Council achieved 100% implementation of the NSW Best Practice Management requirements. The 2014-15 typical residential bill was \$736 which was above the statewide median of \$669. The economic real rate of return was 2.9% which was greater than the statewide median. The operating cost per property (OMA) was \$494 per property which was above the statewide median of \$430. Sewage odour complaints were above the statewide median of 1. Port Macquarie-Hastings Council reported four Category 2 (limited impact) environmental incidents and four Category 2 (Limited Impact) public health incidents. Council did not comply with the Ammonia, P & Faecal Coliforms requirements of the environmental regulator for effluent discharge. The current replacement cost of system assets was \$400M (\$13,800 per assessment), cash and investments were \$32M, debt was \$27M and revenue was \$31.9M (excluding capital works grants)”.*

Council staff have since question NOW on the published 100% conformance of the Sewerage Utility with the Best Practice Management requirements and have been advised that “the Report shows 'YESE' under IWCM, which indicates Council has completed an IWCM Evaluation (refer to note 5 on page 86 of the 2013-14 NSW Performance Monitoring Report (www.water.nsw.gov.au)). However, as Council has not completed its IWCM Strategy, it is not eligible to pay a dividend from its water or sewerage businesses.”

When comparing reported performance with other utilities, individual Councils should take account of the wide range of variables that can impact on the cost and efficiency of a scheme. Additionally, an indicator with an apparently low ranking may not necessarily imply poor performance. For example:

- Number of connected properties - there are significant economies of scale for the larger schemes
- Provision of bulk storage and long trunk main systems - these major operational costs are not incurred by schemes that rely on groundwater
- Regional topography and soil types affects pumping costs, frequency of main breaks and useful life
- Regional rainfall and evaporation have significant influence over water consumption figures; and
- Some utilities may not be as diligent in reporting or compiling data as others, eg. number of sewer chokes, sewer overflows to the environment, water main breaks, total days lost etc.

A number of the category results have also been included in this report for Councillor information, however the full report is available for Councillors to download if requested.

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Overall, PMHC is considered one of the better performing Council water authorities, as has been the case now for a number of years. There are other indicators that are reviewed for each individual water authority. For the individual report, a total of 56 individual performance indicators are considered.

For sewerage undertakings, the performance monitoring report has identified the following as areas potentially requiring review:

- Renewals expenditure - considered low. Council's sewer main renewals program now includes relining of mains. This is a similar result to 2012-2013.
- Non residential sewer usage charge - may require review - as per 2012-2013.
- Odour complaints - high, however consistent with state median. The odour control capital works budget was introduced for this reason
- Percentage of effluent recycled considered low
- Sewer overflows to the environment. Council has committed to undertaking significant works in the Camden Haven scheme to potentially alleviate surcharges in moderate rainfall events
- Non residential revenue - may require review; and
- Pumping cost - directly related to topography, scheme configuration and number of pumping stations. Port Macquarie-Hastings Council operates 155 sewer transfer pumping stations).

For water supply undertakings, the performance monitoring report has identified the following as areas requiring review:

- Residential water usage charge - Best-Practice pricing requires a higher percentage of overall income from usage charge (offset by access charge). In very wet years, relying heavily on usage charges will reduce income significantly
- Residential access charge - based on percentage of income derived from access charge, Best-Practice pricing requires a lower percentage. As noted above, the current two-part tariff is adopted to ensure at least a minimum income stream
- Water quality complaints (typical with unfiltered supply) higher than state median
- Service complaints - as above
- Economic real rate of return - (rate of return generated from operational activities) - noted; and
- Pumping cost - (directly related to topography and scheme layout). Port Macquarie-Hastings Council operates high voltage pump sets (3300 Volt) at both Koree and Port Macquarie due to the high lift, high flow requirements. Council also maintain substations (including high voltage transformers) at both sites.
- Best Practice compliance for water supply is identified as 90% - outstanding matters being Strategic Business Plan over 4 years old and IWCM required. Strategic Business Plans were adopted by Council in September 2014, outside of the 2013-2014 reporting period.

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Options

There are no options associated with this information report.

Community Engagement & Internal Consultation

Internal consultation has occurred within the Water & Sewer section including other Infrastructure & Asset Management staff in providing the initial data to the NSW Office of Water and in presenting this report.

Planning & Policy Implications

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

Financial & Economic Implications

Future operations plans will be generated taking into consideration areas identified within the 2013-2014 Performance Monitoring Report.

Attachments

- 1 [View](#). Figure 1: Typical Residential Bill (\$ per assessment) - Water Supply & Sewerage 2014-2015
- 2 [View](#). Figure 6: Water Quality Complaints - Water Supply 2013-2014
- 3 [View](#). Figure 8: Total Complaints - Water Supply & Sewerage 2013-2014
- 4 [View](#). Figure 9: Main Breaks - Water Supply 2013-2014
- 5 [View](#). Figure 11: Sewer Main Breaks & Chokes - Sewerage 2013-2014
- 6 [View](#). Figure 24: Operating Cost (OMA) per property - Water Supply 2013-2014
- 7 [View](#). Figure 25: Operating Cost (OMA) per property - Sewerage 2013-2014
- 8 [View](#). Figure 33: Typical Developer Charges - Water Supply 2014-2015
- 9 [View](#). Figure 34: Typical Developer Charges - Sewerage 2014-2015

Planning and Providing Our Infrastructure

Item: 13.05

Subject: RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - WILLIAM STREET FROM BRIDGE TO SHORT STREET PROJECT

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 defer the William Street project until financial year 2016 - 2017 given the uncertainty on the site.

Executive Summary

The Town Centre Master Plan Sub-Committee met on 27 May 2015, reached consensus on Item 05 (attached) and now submits the above recommendation for Council consideration.

Council Executive Group Comment:

Deferment of this project for another year until outcomes of the current Expression of Interest being undertaken by the Crown is known is considered prudent at this point.

An approved Development Application has been activated on the current building site adjoining both the proposed TCMP project and the EOI site, however the ultimate development of this area remains unclear at present.

Attachments

1 [View](#). Item 05 Town Centre Master Plan 2015 05 27

Planning and Providing Our Infrastructure

Item: 13.06

Subject: RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - CLARENCE STREET PROJECT UPDATE

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. Increase in the budget for the Clarence Street works in the 2015 - 2016 Operational Plan to \$2M from TCMP Reserves.
2. Note the increase in budget is required to address the project expansion now covering a more significant section of Clarence Street than was first proposed.
3. Note the construction methodology including the full closure of the Clarence Murray intersection for an estimated period of 10 weeks to vehicular traffic is proposed to expedite works and minimise costs. Full pedestrian access will be maintained through this intersection.

Executive Summary

The Town Centre Master Plan Sub-Committee met on 27 May 2015, reached consensus on Item 08 (attached) and now submits the above recommendation for Council consideration.

Attachments

1 [View](#). Item 08 Town Centre Master Plan Sub-Committee 2015 05 27

Planning and Providing Our Infrastructure

Item: 13.07

Subject: LAKE ROAD AND BLACKBUTT ROAD ROUNDABOUT

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Accept the increased offer from Roads and Maritime Services for the provision of the proposed Roundabout at the intersection of Lake and Blackbutt Roads in Port Macquarie.**
2. **On finalisation of the 2014/2015 financial accounts, allocate savings from the projects identified in the Financial and Economic Implications of this report to an internally restricted reserve titled "Lake Road and Blackbutt Road Roundabout".**
3. **Allocate an additional project budget in the draft 2015/16 Operational Plan of \$1,500,000, comprising of the additional offer from RMS and Council funding from the "Lake Road and Blackbutt Road Roundabout" internally restricted reserve.**

Executive Summary

To provide Council with an update on the proposed roundabout at the intersection of Lake and Blackbutt Roads and Lake Road median in Port Macquarie.

Discussion

Council will recall last considering this matter at the September 2014 Ordinary Council meeting where a report was presented on Lake Road Blackspot Funding.

At the time Council resolved to accept the funding on offer under the NSW Blackspot Blackspot Program of \$400,000 and in doing so immediately commenced a detailed design of the intersection and its surrounds.

The detailed design progressed to a point of completion in April 2015, and has generated a preconstruction estimate of \$2.3M, clearly well in excess of the original concept estimate and well beyond the capability of funding from the NSW State Blackspot Program.

Significant departures from the concept design and estimate were required due to a number of issues including but not limited to the significant optic fibre network in close proximity to the works, modification to the access of one property from a driveway accessing Lake Road, to an access directly onto the proposed roundabout.

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This access issue in turn affected the proposed position of the roundabout, the earthworks required to site the roundabout and its transition to the existing road alignment. Council has also taken the opportunity to upgrade significant drainage works associated with the layout and eastern segments of Lake Road adjacent to the proposed works to reduce current flooding issues.

Upon determining the significant increase in the construction estimate, Council's Director of Infrastructure & Asset Management began discussion and negotiations with RMS staff on the potential to share costs of the proposed works.

Council has recently received an offer from RMS to share costs on a 50:50 basis to the project estimate amount of \$2.3M with Council then holding the project risk beyond this point. Any reduction in project cost below \$2.3M will be equally shared.

The RMS offer is contingent upon Council commencing and expending the original \$400,000 offer from RMS in this current financial year 2014/15 and further a commitment from Council to complete the works during the 2015/16 financial year.

Ultimately, RMS are willing to contribute a total of \$1.15M to the proposed roundabout if Council is able to match the funding.

The current RMS allocation can be expended this financial year with the payment of detailed design costs, generation of work orders to complete the optic fibre relocations required and the procurement of drainage pipe work, pits and fittings.

In anticipation of a favourable outcome, Council staff have committed these works to ensure the first RMS proviso has been met. Whilst there remains some risk to this approach, Council's allocations of \$400,000 of matching funding could be used to offset these costs if Council resolves in a manner contrary to the recommendation presented.

Options

Council has the option of not accepting the increased offer from RMS in this matter from \$400,000 to \$1,150,000, but in doing so would risk the delivery of this important upgrade project, as Council is unlikely to be able to fund the entire project from its current reserves. Should the project not proceed to construction, the original offer of \$400,000 from RMS would be withdrawn.

Staff consider that the offer from RMS to meet half of the project cost to the project estimate is significant and continues to highlight the exceptional working relationship Council has established with the regional RMS office and officers.

Not accepting this offer may have a negative impact on that relationship, thus affecting future project opportunities.

Community Engagement & Internal Consultation

There has been significant engagement between senior Council staff and relevant RMS staff in arriving at this juncture and revised offer of funding from the RMS.

Internal consultation has also occurred between staff in order to determine if this project could be funded 50:50 by Council.

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Planning & Policy Implications

The project is an existing action in the current 2014/15 Operational Plan, adoption of this recommendation will not provide any new or additional planning and policy issues.

The current Council funding allocations will be required to be carried over into the new financial year and Operation Plan.

Financial & Economic Implications

Clearly there is a financial impact associated with this report.

In the current 2014/2015 budget, an allocation of \$800,000 exists for this project which is funded on a 50:50 basis between Council and RMS. Any unspent funds from the current financial year will be carried over into 2015/2016.

With a revised project budget of \$2.3M, an additional allocation of \$1.5M will be required in the 2015/2016 year to complete the project. Councils' share of this additional funding will be \$750,000.

At year end there will be a number of current transport related works program items that will be delivered by Council well within the allocated budget amount. The total savings from these transport projects will likely exceed the \$750,000 required.

These projects include:

GL 41363 Houston Mitchell Dr Roundabout Preconstruction
GL 41362 Houston Mitchell Dr Upgrade Preconstruction
GL 41263 Loggy Creek Bridge Replacement
GL 41461 Beechwood Road upgrade

Should this recommendation be adopted, it is proposed that all of these budget savings are placed in the **Lake Road and Blackbutt Road Roundabout** reserve (to be created) following the finalisation of the 2014/2015 financial year to meet this funding commitment.

Attachments

- 1 [View](#). Lake Road and Blackbutt Road PMQ - RMS correspondence
- 2 [View](#). Lake Road Blackspot Funding September 2014 Council report

Planning and Providing Our Infrastructure

Item: 13.08

Subject: RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
STREETSCAPE IMPROVEMENT WORKS, CLARENCE STREET - HAY
STREET TO MURRAY STREET, PORT MACQUARIE

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 adopt the Clarence Street, between Hay Street and Murray Street, streetscape improvement plans (RU-PM3-178).

Executive Summary

The Local Traffic Committee met on 27 May 2015, reached minority support on Item 08 (attached) and now submits the above recommendation for Council consideration.

MINORITY SUPPORT:

PMHC - Y

RMS - Y

Police - Apology

Local Member for Port Macquarie (Rep) - Apology

Attachments

1 [View](#). Item 08 Local Traffic Committee 2015 05 27

Planning and Providing Our Infrastructure

Item: 13.09

Subject: ACQUISITION OF EASEMENT FOR SERVICES - BEECHWOOD ROAD, BEECHWOOD

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

5.5.3 Plan, investigate, design and construct sewerage assets.

RECOMMENDATION

That Council:

- 1. Pay compensation in the total amount of \$4,658.50 (GST Exclusive) to the owner of Lots 1 and 2 Deposited Plan 396000, Wall & Wall Pty Ltd, for the acquisition of an easement for services 10 wide, 5 wide and variable width 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; and**
 - b) Land and Property Information Transfer Granting Easement Form.**

Executive Summary

A report to consider the payment of compensation for the acquisition of an easement for services to be created as part of the recently completed Beechwood Small Towns Sewerage Scheme.

Discussion

Council has previously considered reports on the acquisition of an easement for services being created over a number of properties along Beechwood Road. A copy of the most recent report considered by Council at its meeting of 19 November 2014 is attached.

Council is advised that negotiations in respect of compensation for the acquisition of the easement as it affects Lots 1 and 2 Deposited Plan 396000 (249 Beechwood Road) have concluded and the matter is now reported to Council for approval and authority to sign various documents that will create the easement in Council's favour. A plan depicting the general location of the easement to be acquired is attached as is the more detailed Plan of Acquisition Deposited Plan 1195880.

Options

Given the requirement for the easement and given the negotiated agreement on the compensation amount, it is considered there are no options.

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Community Engagement & Internal Consultation

There has been consultation with the owner of Lots 1 and 2 Deposited Plan 396000 regarding the acquisition of the easement. Consultation has taken place between Council's Infrastructure Services Division and Corporate & Organisation Services Division.

Planning & Policy Implications

The acquisition of the easement has been conducted having regard to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Financial & Economic Implications

Council's consulting valuer assessed compensation for the acquisition of the easement within Lots 1 and 2 Deposited Plan 396000 in the total amount of \$3,500 (GST Exclusive) and an offer was made in this amount. In addition to the offer, the owner has submitted a claim in the amount of \$1,158.50 for "disturbance". Under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, "disturbance" is a head of compensation that Council is required to pay where the claim has been reasonably incurred. The total compensation amount of \$4,658.50 (GST Exclusive) is recommended to Council for payment.

Attachments

1[View](#). Council Report of 19 November 2014

2[View](#). Plan depicting general location of easement to be acquired

3[View](#). Deposited Plan 1195880

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Item: 13.10

Subject: PORT MACQUARIE INDOOR STADIUM EXPANSION

Presented by: Community & Economic Growth, Tricia Bulic

Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

RECOMMENDATION

That Council:

- 1. Note the information provided in this report.**
- 2. Note that Council staff will continue to work with the Police Citizens Youth Clubs NSW Ltd (PCYC) to progress the expansion of the Port Macquarie Indoor Stadium project, ensuring that there are no additional costs to Council.**

Executive Summary

This report is presented to Council as an update to the report presented in March 2015 on the progress of the expansion and ongoing management of the Port Macquarie Indoor Stadium.

Discussion

Following the Council resolution to proceed with the Heads of Agreement (HOA) between Port Macquarie-Hastings Council (PMHC) and the Police Citizens Youth Clubs NSW Ltd (PCYC), PMHC has proceeded in good faith, to progress negotiations and expedite the proposed upgrades to the Port Macquarie Indoor Stadium.

The internal Project Steering Group (PSG) has been very clear on establishing an open and transparent process. Three (3) PSG meetings have been held to date; however these meetings have now been suspended until further direction on potential cost can be obtained through the assessment of the updated facility designs by the PCYC via a quantity surveyor.

Council took the decision to suspend any further progress after the face to face meeting with PCYC held on Thursday 30 April 2015, which was a meeting held for the purpose of reviewing design drawings. The drawings presented were able to be reviewed very briefly by the Council engineering team at the time, but due to faults within the drawings, it was difficult to proceed to any meaningful outcome. What was evident from the drawings was that the proposed design changes did not appear to be minor in nature, however the PCYC stated that the changes were to be “not negotiable”. There was also no discussion from the PCYC as to who would be funding the additional costs of the design changes if they indeed did impose an increase in the overall cost of the project. To this end, the matter of additional cost

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was raised with clear instruction given that Council would not be making any further financial contributions to the project. As stated above, the PCYC agreed to undertake an assessment of their proposed design changes through a quantity surveyor.

Following a briefing on this issue with the Mayor, the General Manager wrote to the Chief Executive Officer (CEO) of the PCYC on 8 May 2015 stating that Council were now of the view that we no longer supported the design modifications put forward by the PCYC and that the original design for the expanded indoor stadium be the design in place moving forward. *A confidential copy of the letter from the General Manager to the PCYC is attached, titled 'Letter to PCYC CEO' which contains information that relates to commercial information of a confidential nature that would, if disclosed, reveal a trade secret. (Local Government Act 1993 - Section 10A(2)(d)(iii)).*

A telephone conference was held between the General Manager, the Council Director Community & Economic Growth, the PCYC CEO and the PCYC General Manager Properties on Friday 15 May where the letter from the Council General Manager was discussed. The outcome of that conversation was that the PCYC would provide a cost assessment of their revised designs to Council by close of business Friday 27 May 2015.

The above-mentioned cost assessment was received by Council on Friday 5 June 2015. As this was received at the time of writing this report, no detailed review of the cost plan has been undertaken as yet, noting that the cost assessment will be reviewed by relevant Council staff over the coming week. Having said that, from a very preliminary assessment; it would appear that there are some inconsistencies in the cost plan that will need to be clarified with the PCYC before Council accepts the design changes.

Councillors will be briefed on the outcome of the review of the cost assessment by Council staff as soon as that review is complete.

It should also be stated that the development of a lease for the ongoing management of the expanded indoor stadium has been put on hold pending decisions about the required design changes.

Options

Council has the option of accepting the recommendations as included in this report or amend as required.

Community Engagement & Internal Consultation

PMHC has met with the current user groups and International Facilities Management Group (IFMG) as current stadium managers to not only provide support, but to also act as advocates for our community.

Internal consultation continues to take place between the Mayor, Councillors, General Manager, Director of Community & Economic Growth and relevant Council staff.

Planning & Policy Implications

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

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Financial & Economic Implications

The PCYC has stated that changes to the internal design of the proposed expansion will remain cost neutral to the original tender price. As stated earlier in this report, the cost assessment was received by Council on Friday 5 June and will be reviewed in the coming week. Council have requested and are awaiting the final design drawings in order to validate the cost assessment.

Attachments

1 [View](#). Letter to PCYC CEO (Confidential)

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Item: 13.11

Subject: GAOL POINT IMPROVEMENTS

Presented by: Community & Economic Growth, Tricia Bulic

Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

RECOMMENDATION

That Council:

- 1. Note the information included in this report.**
- 2. Approve an allocation of \$50,000 from the current 2014 - 2015 surplus budget position.**

Executive Summary

A concept plan for Gaol Point was adopted at the Council meeting of 15 October 2014 (refer to Attachment 1 Option 1 Gaol Point Concept Plan).

The Tacking Point and Port Macquarie Lions Clubs have been working together to seek grants and donations to construct stage 1 of the project, Lion's Park (the central traffic island).

In accordance with the council resolution, Council's Landscape Architect has prepared detailed designs and cost estimates to assist them with their endeavours (Attachment 2 Gaol Point Central Island). The Clubs have been successful in obtaining a small grant and propose to start construction late in June 2015.

Construction will be supervised by Council's Parks Projects Officer.

Discussion

Lions Clubs have been lobbying for improvements to Gaol Point since the removal of the lookout shelter in January 2013. Concepts were developed and exhibited to the public in mid 2014. The Council Meeting of 15 October 2014 resolved

That Council:

- 1. Note the submissions received during exhibition for the Gaol Point Lookout.*
- 2. Adopt Option 1 as the Gaol Point Concept Plan.*
- 3. Endorse staff preparing detailed designs and cost estimates as required to support funding applications.*
- 4. Continue to support the community in their endeavours to raise funds for the project.*
- 5. Request staff to consider staging Option 1 when preparing detailed designs*

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The adopted Option 1 Gaol Point Concept Plan is attached for information. The Tacking Point and Port Macquarie Lions Clubs have since sought and gained a small grant of several thousand dollars to start the project. Their focus for these funds will be on the central island within Gaol Point known as Lion's Park.

In accordance with the Council resolution, Council's Landscape Architect has prepared detailed designs and cost estimates to assist them with their endeavours (refer to Attachment 2 Gaol Point Central Island). The detailed designs are in accord with the adopted concept and include:

- Interpretation seating area with information about the aboriginal history, historic town layout, the gaol and Lions Clubs

- New garden beds to frame the space and provide an attractive seating area

In refining the concept, and in consultation with the Lions Clubs, the existing Lion's Park wall has been removed from the concept with the signage incorporated into the new interpretation seating area as shown on the concept plan.

The Clubs have developed a Project Development Plan outlining how they will construct, fund and maintain the project. They propose to start construction in late June 2015. Council staff have reviewed the Project Development Plan and will oversee the delivery of these works by the Lions Clubs.

Options

Nil.

Planning & Policy Implications

Through the Place Making concept, Council aims to create successful public spaces by listening to the community's ideas and supporting the community to turn their ideas into reality. The Lions Clubs improvements at Gaol Point are a prime example of the potential of place making.

Financial & Economic Implications

The Port Macquarie Lions Club have made a submission in response to the exhibited draft 2015/16 Operational Plan to include \$50,000 for the lookout area of Gaol Point.

Attachments

1 [View](#). Option 1 Gaol Point Concept Plan

2 [View](#). Gaol Point Central Island

Planning and Providing Our Infrastructure

Item: 13.12

Subject: ECO-TOURIST FACILITIES - 12 MONTH REVIEW

Presented by: Development & Environment Services, Matt Rogers

Alignment with Delivery Program

5.4.3 Review the planning framework for decisions regarding land use and development.

RECOMMENDATION

That Council incorporate draft provisions to permit eco-tourism on land where a dwelling is permissible or where a dwelling currently exists on an undersized lot in a rural zone, in the next administrative review of the LEP.

Executive Summary

In April 2015, Council considered a report (attached) on 12 months of operation of eco-tourism provisions in the Port Macquarie-Hastings LEP 2011. The report identified a low level of enquiry on eco-tourism proposals and concluded that the provisions are appropriate. The report also recommended that Council investigate making camping grounds permissible in the RU1 Primary Production and RU2 Rural Landscape Zones and Council resolved to do so.

Council also resolved to seek feedback from the Economic Development Steering Group (EDSG) on the eco- tourism provisions.

The EDSG discussed the matter at their meeting held on 3 June 2015 and recommended investigating permitting eco-tourism on land where a dwelling is permissible or where a dwelling currently exists on an undersized lot in a rural zone as an enhancement to the local provisions in the LEP.

This report outlines the discussion in more detail and presents the EDSG recommendation for the consideration of Council.

Discussion

A proposal to amend LEP 2011 to permit eco-tourist facilities within certain zones was supported by Council on 16 April 2014. At that time, it was resolved:

RESOLVED: Griffiths/Roberts

That Council:

- 1. Submit the draft LEP 2011 (Amendment No 14) to be made by the Minister's delegate under section 59 of the Environmental Planning and Assessment Act 1979, to permit Eco-tourist facilities in LEP 2011, as described in this report.*

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2. *Write to all those who made submissions to thank them for their contribution and to provide information on Council's decision on the matter.*
3. *Provide a report to the April 2015 Council Meeting providing details on:*
 - 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.*

CARRIED: 8/0

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

AGAINST: Nil

The LEP amendment commenced on 23 May 2014.

On 15 April 2015, Council considered a report on a review of the operation of the new provisions in accordance with point 3 of the resolution above. Council subsequently resolved:

RESOLVED: *Griffiths/Roberts*

That Council:

1. *Note the report.*
2. *Investigate permitting camping grounds within the RU1 Primary Production and RU2 Rural Landscape Zones in the next administrative review of the LEP.*
3. *Seek feedback from the Economic Development Steering Group on the impact of current eco-tourism LEP provisions.*

CARRIED: 8/0

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

AGAINST: Nil

A report was submitted to the meeting of the Economic Development Steering Group (EDSG) held on 3 June 2015 for the purpose of seeking feedback on the eco-tourism provisions.

There was no concern expressed in discussion with the EDSG that the current eco-tourism provisions are a fundamental or unreasonable barrier to eco-tourism development. It was noted that there is scope for Council to consider larger scale tourism proposals as site specific LEP amendments (e.g. Cassegrains Winery LEP). Also that eco-tourism is a niche industry and the lack of applications and low level of enquiry in the 12 month review period is not necessarily an indicator of planning constraints. The analysis of the 5 enquiries received by Council in relation to eco-tourism shows that there were other limiting factors (e.g. flooding) in each case.

However, there was a suggestion that while the minimum lot size provisions are relevant for the prevention of fragmentation of rural land, the local provisions currently exclude opportunities for eco-tourism developments on undersized rural lots where a dwelling is permissible or where a dwelling currently exists on an undersized lot. In such cases, it is reasonable to allow an eco-tourism development because

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permitting such development does not contribute to further fragmentation on rural land.

Given the above, it is proposed to incorporate draft provisions to permit eco-tourism on land where a dwelling is permissible or where a dwelling currently exists on an undersized lot in a rural zone, in the next administrative review of the LEP.

Options

As described above, it is proposed that Council permit of eco-tourism on land where a dwelling is permissible or where a dwelling currently exists on an undersized lot in a rural zone, in addition to the permitting camping grounds in rural areas.

The intended changes are considered consistent with the intent of the existing local controls and it remains the staff view that there is no evidence that the eco-tourist facility provisions are unnecessarily limiting rural tourism at this stage.

However, Council has the option of investigating further amendment to the local provision of the LEP as they relate to eco-tourism facilities.

A general review of rural tourism is proposed within the scope of the Urban Growth Management Strategy review.

Community Engagement & Internal Consultation

Consultation on this issue has been carried out with the EDSG as outlined above. Further community engagement will be carried as part of any LEP amendments that follow the investigations recommended by this report.

Planning & Policy Implications

The provisions of LEP 2011 are consistent with Council's Urban Growth Management Strategy 2011.

While there is no clear indication that it is necessary to revise the provisions of clause 7.14 of the LEP, the proposed changes are considered commonsense and worthwhile and are consistent with the intent of the LEP.

Financial & Economic Implications

Work on the eco-tourism LEP amendments has been undertaken by Council's Strategic Land Use Planning section as part of Council's ongoing review of Port Macquarie-Hastings LEP 2011. The LEP aims to facilitate investment in eco-tourist facilities in appropriate locations. The further enhancements recommended in this report are not expected to have any adverse financial or economic impact.

Attachments

1 [View](#). Item 13.09 Eco-tourist Facilities - 12 Month Review, Ordinary Council Meeting held on 15 April 2015

Planning and Providing Our Infrastructure

Item: 13.13

Subject: YALUMA DRIVE RESERVE MATERIAL PUBLIC BENEFIT APPLICATION

Presented by: Development & Environment Services, Matt Rogers

Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

RECOMMENDATION

That Council:

- 1. Undertake community engagement, as outlined in this report, relating to the proposal to build a new footpath through the Yaluma Drive Reserve, Port Macquarie.**
- 2. Request the General Manager report to the August 2015 Council meeting advising of the outcome of the community engagement.**

Executive Summary

At the meeting of 5 September 2012 (Item 12.06) Council approved an application by the developer of the Crestwood Estate to undertake works in lieu of payment of open space development contributions at Yaluma Drive Reserve, Port Macquarie. The Council resolution excluded the construction of a footpath through the reserve due to concerns raised by adjoining residents.

Council has received a new request on behalf of the developer to provide a footpath through Yaluma Drive Reserve in conjunction with other works in the reserve.

Discussion

Council received an application in 2011 to undertake works as Material Public Benefit involving the upgrade of the existing public reserve adjacent to Yaluma Drive, Port Macquarie. The developer of Crestwood Estate proposed to undertake the works in lieu of paying part of the open space contributions levied for the adjacent residential subdivision under Development Consent 1990/553.

The proposed works involved the upgrade of the reserve to retain and replenish a stand of Eucalypts and establish an easily maintained reserve for the long term. The Yaluma Drive edge was proposed to be defined and retained with rock walls, drainage swales and stair access. A pathway was also proposed through the reserve to link the eastern and western end of Heavenly Ridge and link into the broader pedestrian and cycle network of Crestwood.

In October 2011 Council wrote to adjacent and adjoining landowners including owners along Heavenly Ridge (properties directly adjoining the reserve) to seek feedback on the proposed upgrade plan. Ten submissions were received and a

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revised plan was prepared in response to some of the issues raised. Further notification was undertaken in June/July 2012 and 15 submissions were received.

There were several issues raised by the adjoining residents. In relation to the footpath, residents were concerned about security and loss of privacy resulting from the pathway bringing people closer to houses. Residents were also concerned that the introduction of a footpath would put people at risk of falling branches.

The application was deferred from consideration at Council meetings on 25 July 2012 (Item 12.11) and 15 August 2012 (Item 12.03). Copies of the reports to Council are attached.

The application was further considered at the meeting of 5 September 2012 (Item 12.06) where Council resolved as follows:

RESOLVED: Administrator/Porter

That Council:

- "1. Approve the application to undertake works as Material Public Benefit involving the embellishment and upgrading of the public reserve adjacent to Yaluma Drive, Port Macquarie, on the basis that the work will provide a material public benefit pursuant to s94(5)(b) of the Environmental Planning and Assessment Act 1979 (as amended) subject to:*
 - a. The applicant entering into a Works in Kind Agreement.*
 - b. Native grasses being replaced with ground covers with a mature height of 300mm.*
 - c. New Tallowood tree planting density be reduced to the satisfaction of Council's Group Manager Recreation and Buildings.*
- 2. Delegate authority to the General Manager to execute the Works in Kind Agreement on behalf of Council.*
- 3. That the Works in Kind Agreement and plans not include the provision of a footpath through the reserve."*

A new request to build a footpath through the reserve has now been received from Land Dynamics on behalf of the developer on the basis that inclusion of the pathway 'provides an essential link within the Crestwood precinct and its surrounds'. The proposed plans are the same as the plans considered by Council at the meeting of 5 September 2012 including the pathway that was not agreed to by Council. A copy the request and plan is attached.

The footpath proposed by the applicant would form part of a broader footpath and cycleway network for the Crestwood locality that has continued to develop since the original application was made in 2011. Part of this broader network will now include a proposed local park at the south western corner of the estate and a public link to a segment of the Googik track. Although the proposed footpath would provide a desirable pedestrian connection, further community engagement should be undertaken prior to any formal review of the project given the previous concerns raised by residents.

Options

Options available to Council include:

- a) adhere with the previous resolution and reject the request to provide a footpath through the reserve.

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- b) resolve to include the path as part of the proposed Works as Material Public Benefit without undertaking further engagement.
- c) undertake further community engagement to advise that a new request has been received to build a footpath through the reserve. Should Council decide to undertake further consultation it is proposed that Council engage more broadly by undertaking a 4 week (28 day) exhibition period including:
 - o Writing to all landowners within a general 500m catchment of the Yaluma Drive Reserve at the commencement of notification,
 - o Placing advisory signs at the site during the notification period,
 - o Providing background information and opportunity to make a submission on-line at Council's PMHC Listening web page during the notification period.

Community Engagement & Internal Consultation

As part of the previous application, Council wrote to adjoining and adjacent landowners and an on-site meeting was held on 9 August 2012. The issues raised are discussed in the previous reports to Council - refer attached.

Council has the opportunity to undertake further community engagement of the proposal to build a footpath through the reserve as outlined above.

Planning & Policy Implications

The proposed addition of the pathway through the reserve as part of an approved Works as Material Public Benefit application is considered consistent with Council's Works in Kind Policy.

Financial & Economic Implications

The proposal would allow for the inclusion of a pathway through Yaluma Drive Reserve with minimal impact on Council's financial position with the works being funded by an offset in development contributions.

Attachments

1 [View](#). Yaluma Dr Reserve - Application plans and previous Council reports

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 Village Sewerage Scheme Update**

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-14-64 4WD Backhoe/Loader**

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
 - Item 15.03 Tender T-14-47 Dunbogan Flood Access Road - Stage 1B**

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 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 Village Sewerage Scheme Update

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RECOMMENDATION

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RECOMMENDATION