



Ordinary Council

Business Paper

date of meeting: Wednesday 21 October 2015

location: Laurieton School of Arts Hall
Corner Bold and Laurie Streets
Laurieton

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 21 October 2015

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**PORT MACQUARIE
HASTINGS**

15.05 Tender T-15-25 Port Macquarie-Hastings Local Government
Area Traffic Study

15.06 Tender T-15-52 Design for Bridge Replacements -
Hyndman's and Harty's Creek Bridges

Adoption of Recommendations from Confidential Committee of
the Whole



**PORT MACQUARIE
HASTINGS**

Item: 01**Subject: WELCOME TO COUNTRY**

A representative from the Bunyah Local Aboriginal Land Council will be invited to deliver the Welcome to Country.

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 16 September 2015 be confirmed.

PRESENT**Members:**

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

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)
Executive Assistant to the Mayor (Linda Kocis)
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

The Reverend Malcolm Hausler from the Uniting Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: (Turner/Hawkins)

That the apology received from Councillor Sharon Griffiths be accepted.

CARRIED: 8/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: (Intemann/Levido)

That the Minutes of the Ordinary Council Meeting held on 19 August 2015 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Pecuniary Interest in Item 12.03 - DA2015-0230 - Demolition of Dwellings, Lot Consolidation, Boundary Adjustment, Commercial Premises and Construction of Residential Flat Building for the Purposes of Senior Housing - Lot 3 DP 347796; Lot 4 DP 347796; Lot 1 DP 1053812; Lot 1 DP 151300; Lot 1 DP 795534; Lot 1 DP 390610; Lot 1 DP 121189; Lot 1 DP 393967; Lot 1 DP 782560; Lot 1 DP 995637; Lot 1 DP 709967; Lot 10 DP 861777; Lot 11 DP 861177; Lot 12 DP 861177 & Lot 13 DP 861177, Young, Hastings and Cameron Streets, Wauchope. The reason being that Councillor Levido is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers. The Firm acts for one of the owners of the properties the subject of the report.

Councillor Levido declared a Non-Pecuniary - Less than Significant Interest in Item 12.04 - DA2015-0333 - Dwelling and Swimming Pool including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 - Lot 9, DP 1069338, No 28 The Anchorage, Port Macquarie. The reason being that the property the subject of the report is in the same street as the principle place of residence owned and occupied by Councillor Levido and his wife and they reside at 49 The Anchorage, Port Macquarie.

Councillor Lisa Intemann declared a Non-Pecuniary - Less than Significant Interest in Item 12.01 - Grant Offer from the Mid North Coast Weeds Co-ordinating Committee. The reason being Councillor Intemann is Council's representative on the Mid North Coast Weeds Co-ordinating Committee.

Councillor Trevor Sargeant declared a Non-Pecuniary - Significant Interest in Item 13.03 - Settlement Point Ferry - Out of Water Inspection and Maintenance (Slipping). The reason being that Birdon Marine Pty Ltd were contributors to Councillor Sargeant's election campaign.

Councillor Mike Cusato declared a Non-Pecuniary - Less than Significant Interest in Item 15.01 - Tender T-15-11 Provision of Legal Services. The reason being that Councillor Cusato is a client of one of the tenderers.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: (Besseling)

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

CARRIED: 8/0

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

06.02 JOINT ORGANISATIONS - EMERGING DIRECTIONS

RESOLVED: (Besseling)

That Council request the General Manager develop (in conjunction with Councillors), a submission to the Office of Local Government in response to the Joint Organisation - Emerging Directions Paper and lodge the submission by the nominated closing date of 16 October 2015.

CARRIED: 8/0

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

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: (Intemann/Sargeant)

That Council determine that the attachments to Item Numbers 13.01, 13.03 and 13.09 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

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

08 PUBLIC FORUM

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

1. Mr William Shelly - Paragliding at Bonny Hills

RESOLVED: (Turner/Sargeant)

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

CARRIED: 8/0

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

AGAINST: Nil

08.01 PARAGLIDING AT BONNY HILLS

Mr William Shelly addressed Council in relation to paragliding at Bonny Hills.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

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

Item 13.06 - Mr Jeff Woodgate in support of the recommendation.

Item 13.09 - Mr Bruce Oliver in support of the recommendation.

RESOLVED: (Levido/Cusato)

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

CARRIED: 8/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: (Levido/Turner)

That Standing Orders be suspended to allow Items 12.02, 13.06 and 13.09 to be brought forward and considered next.

CARRIED: 8/0

FOR: Besseling, Cusato, Hawkins, 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**

Mr Lou Perri, owner of the subject property, addressed the Meeting in support of the recommendation. Mr Perri answered questions from Councillors.

RESOLVED: (Roberts/Cusato)

That 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, be determined by granting consent subject to the recommended conditions and as amended below:

- Delete condition B(8).
- Additional condition in section B of the consent to read: 'The balustrade on the second floor deck is to be constructed of opaque glass panels/walls joining floor and railing'.

CARRIED: 6/2

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

AGAINST: Hawkins and Sargeant

13.06 LIGHTHOUSE BEACH RESERVE IMPROVEMENTS

Mr Jeff Woodgate, on behalf of the Tacking Point Lions Club and Port Macquarie Lions Club, addressed the Meeting in support of the recommendation. Mr Woodgate answered questions from Councillors.

RESOLVED: (Sargeant/Intemann)

That Council:

1. Exhibit the plans: Lighthouse Beach Reserve Landscape Concept, Option 1 and 2 for 28 days for the period as outlined in this report.
2. Request the General Manager report to the December 2015 Council meeting advising of the outcome of the community engagement.

CARRIED: 8/0

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

AGAINST: Nil

**13.09 PORT MACQUARIE INDOOR STADIUM EXPANSION - PROJECT UPDATE
(PIN56563)**

Mr Bruce Oliver, on behalf of the Port Macquarie Gymnastics Club, addressed the Meeting in support of the recommendation. Mr Oliver answered questions from Councillors.

MOTION

MOVED: (Levido/Turner)

That Council:

1. Note that the Police Citizens Youth Club (PCYC) did not meet Resolution one (1) from the meeting of Council in July 2015, where the PCYC were requested to provide detailed design drawings to assist in the assessment of the costs of the proposed revisions.
2. Note Section one (1) under the Design and Construction Issues of the Heads of Agreement (HoA) between the PCYC and Port Macquarie-Hastings Council (PMHC), where any design revisions are to be acceptable to Council.
3. With reference to Section one (1) under the Design and Construction Issues of the Heads of Agreement, decline to accept the proposed revisions put forward by the PCYC to the original Indoor Stadium Expansion designs due to the significant financial and reputational risk to PMHC and the concerns of user groups, including the Port Macquarie Gymnastics Club.
4. Accept the original designs for the expansion of the Indoor Stadium and finalise negotiations with the preferred tenderer, namely Ware Building Pty Ltd as to the construction of the expanded Indoor Stadium.

AMENDMENT

MOVED: Intemann

That Council:

1. Note that the Police Citizens Youth Club (PCYC) did not meet Resolution one (1) from the meeting of Council in July 2015, where the PCYC were requested to provide detailed design drawings to assist in the assessment of the costs of the proposed revisions.
2. Note Section one (1) under the Design and Construction issues of the Heads of Agreement (HoA) between the PCYC and Port Macquarie-Hastings Council (PMHC), where any design revisions are to be acceptable to Council.
3. With reference to Section 1 under the Design & Construction Issues of the Heads of Agreement, decline to accept the proposed revisions put forward by the PCYC to the original Indoor Stadium Expansion designs due to the significant financial and reputational risk to PMHC and the concerns of user groups, including the Port Macquarie Gymnastics Club.
4. Proceed with the original designs for the expansion of the Indoor Stadium and allow construction to commence upon finalisation of negotiations with the preferred tenderer, noting that this may revert back to a three party management arrangement for the facility.

WAS WITHDRAWN

THE MOTION WAS PUT

RESOLVED: (Levido/Turner)

That Council:

-
1. Note that the Police Citizens Youth Club (PCYC) did not meet Resolution one (1) from the meeting of Council in July 2015, where the PCYC were requested to provide detailed design drawings to assist in the assessment of the costs of the proposed revisions.
 2. Note Section one (1) under the Design and Construction Issues of the Heads of Agreement (HoA) between the PCYC and Port Macquarie-Hastings Council (PMHC), where any design revisions are to be acceptable to Council.
 3. With reference to Section one (1) under the Design and Construction Issues of the Heads of Agreement, decline to accept the proposed revisions put forward by the PCYC to the original Indoor Stadium Expansion designs due to the significant financial and reputational risk to PMHC and the concerns of user groups, including the Port Macquarie Gymnastics Club.
 4. Accept the original designs for the expansion of the Indoor Stadium and finalise negotiations with the preferred tenderer, namely Ware Building Pty Ltd as to the construction of the expanded Indoor Stadium.

CARRIED: 7/1

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

AGAINST: Roberts

09.01 CREATION OF OFFICE OF DEPUTY MAYOR

RESOLVED: Turner/Levido

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be 16 September 2015 up until the 2016 Local Government Ordinary Election.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

CARRIED: 8/0

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

AGAINST: Nil

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

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

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Lisa Intemann, nominated by two Councillors.

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

All Councillors supported Councillor Intemann's nomination.

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

The Mayor congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

09.02 STATUS OF OUTSTANDING REPORTS TO COUNCIL

RESOLVED: (Intemann/Hawkins)

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

CARRIED: 8/0

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

AGAINST: Nil

09.03 DISCLOSURE OF INTEREST RETURN

RESOLVED: (Levido/Intemann)

That the Disclosure of Interest return for Director Community and Economic Growth be noted.

CARRIED: 8/0

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

AGAINST: Nil

09.04 COUNCIL MEETINGS DATES FOR 2016

RESOLVED: (Sargeant/Cusato)

That Council set the Ordinary Council Meeting dates for 2016 as the third Wednesday of each month (with the exception being no meeting scheduled in January, and an earlier meeting in December due to the proximity of Christmas) being 17 February, 16 March (Taking the Council to the Community - Wauchope), 20 April, 18 May, 15 June, 20 July, 17 August, 21 September, 19 October (Taking the Council to the Community - Laurieton), 16 November, and 14 December.

CARRIED: 8/0

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

AGAINST: Nil

**09.05 RECOMMENDED ITEM FROM AUDIT COMMITTEE - AUDIT COMMITTEE
ANNUAL REPORT 2014-2015**

RESOLVED: (Hawkins/Roberts)

That Council adopt the Audit Committee Annual Report for the period 2014-2015.

CARRIED: 8/0

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

AGAINST: Nil

**09.06 RECOMMENDED ITEM FROM AUDIT COMMITTEE - LEGISLATIVE
COMPLIANCE 2014-2015**

RESOLVED: (Hawkins/Levido)

That Council note the information contained in the report.

CARRIED: 8/0

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

AGAINST: Nil

**09.07 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO
COUNCILLORS POLICY**

RESOLVED: (Intemann/Levido)

That Council:

1. Pursuant to section 253 of the Local Government Act 1993, place on public exhibition from 25 September 2015 until 22 October 2015, the draft Payment of Expenses and Provision of Facilities to Councillors Policy.
2. Note that a further report will be tabled at the November 2015 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

09.08 MAKING OF COUNCIL POLICY

RESOLVED: (Intemann/Cusato)

That Council adopt the Making of Council Policy, as attached to the report.

CARRIED: 8/0

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

AGAINST: Nil

09.09 NOTICE OF MOTION - ZERO BASED BUDGETING

RESOLVED: (Hawkins/Sargeant)

That the General Manager bring a report back to the November meeting of Council on the benefits and impacts of implementing a zero based budgeting approach and the potential alignment of this approach to the current service level work being undertaken.

CARRIED: 8/0

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

AGAINST: Nil

09.10 NOTICE OF MOTION - CAPITAL WORKS PROJECTS PROGRAM

RESOLVED: (Roberts/Cusato)

That the General Manager report to the October 2015 Council Meeting on options to expand Council's capacity to better respond to the demands of the 2015-2016 and subsequent financial years' capital works projects program.

CARRIED: 8/0

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

AGAINST: Nil

09.11 QUESTION ON NOTICE - 2015 CARRY-OVER PROJECTS REPORT

RESOLVED: (Roberts/Cusato)

That Council note the response to the Question on Notice concerning the delivery of the 2014/15 capital works projects.

CARRIED: 8/0

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

AGAINST: Nil

09.12 MONTHLY FINANCIAL REVIEW FOR AUGUST 2015

RESOLVED: (Intemann/Turner)

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

CARRIED: 8/0

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

AGAINST: Nil

09.13 INVESTMENTS - AUGUST 2015

RESOLVED: (Hawkins/Levido)

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

CARRIED: 8/0

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

AGAINST: Nil

**09.14 EXTERNALLY RESTRICTED FUNDS IN THE CATEGORIES OF
DEVELOPER CONTRIBUTIONS, WATER, SEWERAGE AND DOMESTIC
WASTE MANAGEMENT**

RESOLVED: (Levido/Roberts)

That Council:

1. Note the information within the report.
2. Request the General Manager to list reserve balances for a Councillor Briefing Session as part of the 2016-2017 budget development process.

CARRIED: 8/0

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

AGAINST: Nil

09.15 FOURTH SIX MONTHLY DELIVERY PROGRAM (2013-2017) REPORT

RESOLVED: (Levido/Cusato)

That Council note the fourth six monthly progress report on the Delivery Program 2013-2017.

CARRIED: 8/0

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

AGAINST: Nil

09.16 COMPLIMENT AND COMPLAINTS ANNUAL REPORT 2014-2015

RESOLVED: (Besseling/Roberts)

That Council note the Compliments and Complaints Annual Report for 2014-2015.

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

09.17 ANNUAL REPORT ON THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2014-2015

RESOLVED: (Besseling/Cusato)

That the information outlined in the Annual Report on the activities of the Mayor's Sporting Fund 2014-2015 report be noted.

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

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

RESOLVED: (Besseling/Levido)

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to the Wauchope High School's Girls Open Football (Soccer) Team in the amount of \$750.00 to assist with the expenses the team incurred competing at both the CHS Semi Finals and CHS State Finals held in Sydney on 5 August and 19 August 2015 respectively.

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

10.02 WAUCHOPE MAIN STREET PLAN

RESOLVED: (Intemann/Turner)

That Council:

1. Endorse the Wauchope Main Street Plan for the purposes of public exhibition for a period of 28 days and proceed with such public exhibition.
2. Note the commencement of works for the upgrades to pedestrian safety following the development of detailed designs.

CARRIED: 8/0

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

AGAINST: Nil

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

RESOLVED: (Turner/Hawkins)

That Council:

1. Note the Annual Report.
2. Note the attached DDA Action Plan Budget report and the identified funding gaps.

CARRIED: 8/0

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

AGAINST: Nil

11.01 2015-2016 COMMUNITY GRANTS PROJECTS FOR ENDORSEMENT

RESOLVED: (Cusato/Levido)

That Council:

1. Pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2015-2016 Round 1 to:

Organisation Name	Project	Funding
<i>General:</i>		
Camden Haven Dragon Boat Club	Boat Regatta	\$3,380
Camden Haven Lantern Club	Event seating	\$2,027
Port Macquarie Art & Craft Centre	Cabinets and saws	\$6,000
Rhythm Review	Costumes	\$2,293
Lions Club Port Macq Tacking Pt.	Fitness Station	\$10,000
Kendall Community Centre	Community Festival	\$3,075
Kendall Tennis Club	Umpire chairs	\$1,542
King Creek Rural Fire Brigade	Deck and air conditioning	\$5,233

Comboyne Community Assoc.	Dairy museum costs	\$7,238
	Sub Total	\$40,788

Christmas and New Year's Eve Events:

Long Flat Public School P&C	Community Celebration	\$400
Lake Cathie-Bonny Hills Lions Club	Xmas Carol Evening	\$2,400
Port Macquarie City Church	Xmas on Town Beach	\$5,000
Wauchope Chamber of Commerce	Community Celebration	\$4,000
Beechwood Public School P&C	Community Celebration	\$1,539
Christian Outreach Centre	Westport Park Carol Evening	\$5,000
Camden Haven Chamber	Community Celebration	\$2,500
	Sub Total	\$20,839

Non Council Owned Halls:

Pappinbarra Progress Assoc.	Repainting the hall	\$6,394
Upper Hastings Sporting Comm	Wheel chair access ramp	\$6,421
	Sub Total	\$12,115

Environment:

Camden Haven Landcare	Riverbank Regeneration	\$2,000
Port Macquarie Landcare	Weed Management	\$5,000
Port Macquarie Landcare	Volunteer Management	\$5,000
Friends of Kooloonbung Creek	Weed management	\$10,000
	Sub Total	\$19,212

Total Allocated \$92,954

2. Agree to the recommendations of the Assessment Panel and reallocate \$4,039 from the Community Grant General fund into the Christmas and New Years Eve Event's Fund.
3. Approve the following allocations dependant on:
 - (a) Comboyne Community Centre grant dependent of obtaining DA approval.
 - (b) Lions Club Port Macquarie and Tacking Point grant dependent on obtaining Council approval and providing second quotes.
 - (c) King Creek Fire Brigade grant dependent on approval from NSW Rural Fire Service.

CARRIED: 8/0

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

AGAINST: Nil

12.01 GRANT OFFER FROM THE MID NORTH COAST WEEDS CO-ORDINATING COMMITTEE

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

RESOLVED: (Sargeant/Intemann)

That Council:

1. Accept a grant offer of \$12,000 from the Mid North Coast Weeds Co-ordinating Committee for the Control of Salvinia.
2. Amend the 2015-16 Operational Plan to include this project.

CARRIED: 8/0

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

12.03 DA2015 - 0230 - DEMOLITION OF DWELLINGS, LOT CONSOLIDATION, BOUNDARY ADJUSTMENT, COMMERCIAL PREMISES AND CONSTRUCTION OF RESIDENTIAL FLAT BUILDING FOR THE PURPOSES OF SENIOR HOUSING - LOT 3 DP 347796, LOT 4 DP 347796, LOT 1 DP 1053812, LOT 1 DP 151300, LOT 1 DP 795534, LOT: 1 DP 390610, LOT 1 DP 121189, LOT 1 DP 393967, LOT 1 DP 782560, LOT 1 DP 995637, LOT 1 DP 709967, LOT 10 DP 861177, LOT 11 DP 861177, LOT 12 DP 861177 & LOT 13 DP 861177, YOUNG, HASTINGS, AND CAMERON STREETS, WAUCHOPE

Councillor Levido declared a Non-Pecuniary - Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:46pm.

RESOLVED: (Intemann/Hawkins)

That DA 2015 - 0230 for a demolition of dwellings, lot consolidation, boundary adjustment, commercial premises and construction of residential flat building for the purposes of Seniors Housing, at Lot 3 DP 347796, Lot 4 DP 347796, Lot 1 DP 1053812, Lot 1 DP 151300, Lot 1 DP 795534, Lot: 1 DP 390610, Lot 1 DP 121189, Lot 1 DP 393967, Lot 1 DP 782560, Lot 1 DP 995637, Lot 1 DP 709967, Lot 10 DP 861177, Lot 11 DP 861177, Lot 12 DP 861177 & Lot 13 DP 861177, Young, Hastings, and Cameron Streets, Wauchope, be determined by granting consent subject to the recommended conditions, with an additional condition in Section A of the consent to read:

'An appropriate protocol is to be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.'

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 07:47pm.

12.04 DA2015 - 0333 - DWELLING AND SWIMMING POOL, INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 9 DP 1069338, NO. 28 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: (Hawkins/Cusato)

That the determination of DA 2015 - 0333 for a Dwelling and Swimming Pool, including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 9, DP 1069338, No. 28 The Anchorage, Port Macquarie, be noted.

CARRIED: 8/0

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

AGAINST: Nil

13.01 THREE VILLAGES SEWERAGE SCHEME INDEPENDENT REVIEW

RESOLVED: (Levido/Cusato)

That Council:

1. Note the process and Terms of Reference for an independent project review for the Three Villages Sewerage Scheme.
2. Request that the General Manager undertake an independent review of the Three Villages Sewerage Scheme in line with the process and Terms of Reference as included in this report.
3. Request that the General Manager report the findings of the review to Council as soon as practicable following receipt of the report.

CARRIED: 8/0

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

AGAINST: Nil

13.02 RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - SHORT STREET CAR PARK

RESOLVED: (Hawkins/Roberts)

That Council:

1. Thank the TCMP Sub-Committee for their ongoing consideration of connectivity and pedestrian activity within the broader Port Macquarie CBD.
2. Note the recommendation from Item 6 of the TCMP Sub-Committee from its meeting held on 26 August 2015.
3. Request the TCMP Sub-Committee progress to detailed concept for the Port Macquarie Foreshore in the area between William Street and Short Street and present for consideration at a future Ordinary Council Meeting for exhibition purposes.

CARRIED: 8/0

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

AGAINST: Nil

13.03 SETTLEMENT POINT FERRY - OUT OF WATER INSPECTION AND MAINTENANCE (SLIPPING)

Councillor Sargeant declared a Non-Pecuniary - Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07.52pm.

RESOLVED: (Cusato/Roberts)

That Council:

1. Note the actions planned for the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry.
2. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances and unavailability of reliable and competitive tenders as described in this report, Council does not invite tenders for the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry, as a satisfactory result would not be achieved.
3. Accept the quotation from Birdon Pty Ltd to undertake the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry for \$339,599.00 (ex GST).
4. Appoint Birdon Pty Ltd to undertake any additional works as may be required by the NSW Maritime Surveyor to achieve a Certificate of Survey & Operation, and with approval from the Group Manager Transport & Stormwater Network, within the allocated budget for the ferry slipping.
5. Appoint Birdon Pty Ltd to undertake any additional functional works as requested by the Group Manager Transport & Stormwater Network following the inspection to address other maintenance issues or improve the operation of the ferry service, within the allocated budget for the ferry slipping.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Sargeant returned to the meeting, the time being 07:52pm.

**13.04 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - IRONMAN
70.3 PORT MACQUARIE**

RESOLVED: (Roberts/Cusato)

That Council approve the temporary road closures and traffic management arrangements associated with the 2015 Ironman 70.3 Triathlon on Sunday, 18 October 2015, subject to the following conditions:

1. That the event organiser advertise, at no cost to Council, the following details of all road closures associated with this event in the local print media on separate days, at least twice (2) within 14 days prior to the event:
 - road closure times
 - duration of the road closures
 - alternative routes and access arrangements.
2. That the event organiser advertise the event by undertaking a letter box drop to all affected residents and businesses directly affected by the road closures at least 14 days prior to the event, advising the following:
 - event name
 - event times
 - contact details of at least two (2) people involved in the organisation of the Event, in case of an emergency
 - proposed actions to be undertaken to mitigate the impact of the road closures.
3. That the Traffic Management Plan dated 9 June 2015 and associated Traffic Control Plans dated 22 July 2015 be implemented. Any modifications to the plans must be agreed with Council prior to the running of the event.
4. That the event organiser abides by the written approval from the NSW Police dated 27 July 2015.
5. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Service of the proposed road closures at least 14 days in advance of the event.
6. That the event organiser notifies local Transport Services (Bus Companies, Taxis) of the proposed road closures at least 14 days in advance of the event.
7. An RMS accredited (Yellow card) person is to be used for the establishment and removal of the traffic control devices.
8. RMS accredited traffic controllers (Blue card) are to be used to control traffic.
9. That the event organiser abides by any other condition that Council and the Police may impose at any time.
10. That the event organiser submit to Council 14 days prior to the commencement of the event evidence of Public Liability Insurance for the amount of \$20 million, which is valid for the duration of the event, including placement and removal of traffic control devices.

-
11. The event organiser must have this approval and the Traffic Management Plan and Traffic Control Plans described above on site at all times for the duration of the event.

CARRIED: 8/0

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

AGAINST: Nil

13.05 LAND ACQUISITION - RIVERSIDE DRIVE AND SHORELINE DRIVE, RIVERSIDE

RESOLVED: (Levido/Turner)

That Council:

1. Pay compensation in an amount totalling \$8,000 (GST Exclusive) to the owner of Lot 36 Deposited Plan 754451 and Lot 5 Deposited Plan 114288, Petergate Pty Ltd, for the acquisition of approximately 2,311m² of land for road purposes.
2. Delegate to the General Manager authority to sign:
 - (a) Deed of Acquisition/Contract for Sale.
 - (b) Land and Property Information Transfer form.
3. Dedicate the acquired lands as public road.

CARRIED: 8/0

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

AGAINST: Nil

13.07 QUESTION ON NOTICE - TACKING POINT LIGHTHOUSE RESERVE AND LIGHTHOUSE BEACH ROAD EAST OF DAVIS CRESCENT

RESOLVED: (Roberts/Hawkins)

That Council note the information contained within the report.

CARRIED: 8/0

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

AGAINST: Nil

13.08 56 HIGH STREET WAUCHOPE PLANNING AGREEMENT

RESOLVED: (Intemann/Hawkins)

That Council note the report on the 56 High Street Wauchope Planning Agreement.

CARRIED: 8/0

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

AGAINST: Nil

13.10 TENDER T-15-23 TOWN BEACH MARINE RESCUE & KIOSK UPDATE

RESOLVED: (Besseling/Levido)

That Council:

1. Note the information contained within the report.
2. Include within the future lease between Marine Rescue NSW and Port Macquarie-Hastings Council, the proposed "meeting room" to reflect an exclusive use by Marine Rescue NSW.
3. Request the General Manager implement the resolution of Council from 12 August 2015 for Tender T-15-23, awarding the contract the NACE Consulting Pty Ltd for construction of the Town Beach Marine Rescue & Kiosk.

CARRIED: 8/0

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

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: (Levido/Sargeant)

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-15-11 Provision of Legal Services

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.

Item 15.02 Tender T-15-35 Mattress Collection and Recycling Services

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.

Item 15.03 Tender T-15-18 Hastings River Drive Duplication Gordon to Aston Streets and Park Street Rehabilitation

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.

Item 15.04 Tender T-15-33 Ocean Drive - Design of Matthew Flinders to Greenmeadows Duplication

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, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.03 pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 8.10 pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: (Sargeant/Turner)

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

Item 15.01 Tender T-15-11 Provision of Legal Services

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 tender from Sparke Helmore Lawyers for inclusion on the panel of service providers for the Provision of Legal Services for the period 1 October 2015 to 30 June 2018.
2. Accept the schedule of rates from Sparke Helmore Lawyers.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-11.

Item 15.02 Tender T-15-35 Mattress Collection and Recycling Services

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 tender from Macleay Options Inc. for the provision of Mattress Collection and Recycling Services for a two (2) year period commencing 1 October 2015 with an option to extend for a further one (1) year period.
2. Accept the schedule of rates from Macleay Options Inc.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-35.

Item 15.03 Tender T-15-18 Hastings River Drive Duplication Gordon to Aston Streets and Park Street Rehabilitation

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 tender from Ditchfield Contracting Pty Ltd for \$4,753,005.00 excl. GST for the Hastings River Drive Duplication - Gordon to Aston Streets and Park Street Rehabilitation.
2. Accept the schedule of rates from Ditchfield Contracting Pty Ltd.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-18.
5. Note the requirement for staged road closures, alternate routes, and disruption to existing traffic conditions.

Item 15.04 Tender T-15-33 Ocean Drive - Design of Matthew Flinders to Greenmeadows Duplication

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 tender from SMEC Australia Pty Limited for \$875,599.15 excl. GST for the Ocean Drive - Design of Matthew Flinders to Greenmeadows Duplication.
2. Accept the schedule of rates from SMEC Australia Pty Limited.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-33.

CARRIED: 8/0

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

AGAINST: Nil

The meeting closed at 8.11pm.

.....
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 3 September to 7 October 2015 inclusive be noted.

Discussion

Mayoral Discretionary Fund Allocations

The total commitment from the Mayoral Discretionary Fund from 3 September to 7 October 2015 inclusive was \$3,030.00.

This included the following:

Donation to Surgical Ward 2C Fundraiser	\$200.00
Donation to Radio Rheema Fundraiser	\$200.00
Donation to Bears of Hope Fundraiser	\$200.00
Donation to Cricket 7's Fundraiser for Marine Rescue	\$200.00
Donation to Wauchope Theatre Group	\$400.00
Donation to PMQ-Hastings Educational establishments for end of year	\$1,830.00
Award presentations	

\$3,030.00

Attachments

Nil

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

Alignment with Delivery Program

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

RECOMMENDATION

That Council determine that the attachment to Item Numbers 09.11 and 13.01 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: 09.11
Subject: Procurement Strategy Update
Attachment Description: Appendix B - Procurement Savings - October 2015
Confidential Reason: If disclosed would confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Item No: 13.01
Subject: Three Villages Sewerage Scheme Independent Review
Attachment Description: Council Report - Three Village Sewer Scheme Construction Update - 29 July 2015
Confidential Reason: If disclosed would confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

Item: 08**Subject: PUBLIC FORUM**

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

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

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

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

Ensuring Good Governance

What are we trying to achieve?

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

What will the result be?

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

How do we get there?

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

Ensuring Good Governance

Item: 09.01

Subject: STATUS OF OUTSTANDING REPORTS TO COUNCIL

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 September 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
Supply of Services to Council (Item 09.02 - OC 17/06/15)	Seeking further costings.	DCOS	Sep 2015	Oct 2015
Waste Audit - Results. (Item 12.06 - OC 16/07/14)		DDES	Oct 2015	Oct 2015
NOM - Capital Works Projects Program (Item 09.10 - OC 16/09/15)		DCOS		Oct 2015
Three Villages Sewerage Scheme Independent Review (Item 13.01 - OC 16/09/15)		GM		Oct 2015
Landfill Gas Capture Trial (Item 12.04- OC 19/08/15)		DDES	Oct 2015	Nov 2015
Three Villages Sewerage Scheme Construction - options to deliver fit-for-purpose and value-for-money. (Item 09.02 - EX-OC 29/07/15)		DIAM		Nov 2015
NOM - Council Pools (Item 13.01 - OC 19/08/15)		DCEG		Nov 2015

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Payment of Expenses and Provision of Facilities to Councillors Policy - Outcome of Exhibition (Item 09.07 - OC 16/09/15)		DCOS		Nov 2015
NOM - Zero Based Budgeting (Item 09.09 - OC 16/09/15)		DCOS		Nov 2015
Committees Review (Item 12.04 - OC 20/05/15)	Further consultation required with Councillors prior to consideration	DCOS	Jul 2015	Dec 2015
Council Policy Template Review (Item 09.07 - OC 15/07/15)		DCOS		Dec 2015
Water Fluoridation - request for detailed information on studies and programs. (Item 10.01 - OC 15/07/15)		DIAM		Dec 2015
Lighthouse Beach Reserve Improvements - Community Engagement Outcomes (Item 13.06 - OC 16/09/15)		DCEG		Dec 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	Feb 2016
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 Student Accommodation - results of trial. (Item 13.06 - OC 19/11/14)		DDES		Jun 2016
Progress on Recreational Boating & RMS investigations for Hastings & Camden Haven Rivers (Item 13.10 - OC 19/08/15)		DCEG		Jun 2016
Development Contributions for Non Residential Development - outcome of trials. (Item 13.07 - OC 20/05/15)		DDES		Jul 2016

Ensuring Good Governance

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
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
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)
Council Policy - Status Report	DCOS	Annually (July)
Annual Report of the Activities of the Mayor's Sporting Fund	DCEG	Annually (Aug)

Ensuring Good Governance

Report	Reporting Officer	Reporting Cycle
Compliments and Complaints Annual Report	DCEG	Annually (Sep)
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 Report of Disability Discrimination Act Action Plan	DCEG	Annually (Sep)
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: DISCLOSURES REGISTER - ANNUAL RETURNS 2014-2015

Presented by: Corporate & Organisational Services, Rebecca Olsen

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 the Disclosure Register for 2014-2015.

Executive Summary

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

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

Discussion

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

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

A review of Designated Persons has been completed and all disclosure returns for the period 1 July 2014 to 30 June 2015 have been lodged and will be tabled, by the General Manager, when this report is dealt with by Council.

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

Options

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

Ensuring Good Governance

Community Engagement & Internal Consultation

Internal Consultation

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

Planning & Policy Implications

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

Financial & Economic Implications

Nil.

Attachments

Nil

Ensuring Good Governance

Item: 09.03

Subject: DISCLOSURE OF INTEREST RETURN

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That the Disclosure of Interest return for Property Development Manager be noted.

Executive Summary

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

Discussion

Section 445 of the *Local Government Act 1993*, requires Designated Persons to prepare and submit written returns of interests in accordance with section 449. The position of Property Development Manager is a designated person under the Local Government Act.

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

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

The Return for the position of Property Development Manager will be tabled at this meeting.

Options

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

Community Engagement & Internal Consultation

Internal Consultation

- Group Manager Governance & Executive Services.

Ensuring Good Governance

- General Manager.
- Property Development Manager

Planning & Policy Implications

Nil.

Financial & Economic Implications

Nil.

Attachments

Nil

Ensuring Good Governance

Item: 09.04

**Subject: NOTICE OF MOTION - FINANCIAL IMPACT OF COST SHIFTING
FROM OTHER LEVELS OF GOVERNMENT**

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

RECOMMENDATION

That Council:

- 1. Request the General Manager provide a report to the November 2015 Ordinary Meeting of Council on the impact of cost shifting on Council in the 2014-2015 financial year, updating the draft figures provided to Council in May 2015.**
- 2. Request the General Manager provide an updated report to the November 2016 Ordinary Meeting of Council on the impact of cost shifting for the 2015-2016 financial year, including any additional categories of cost-shifting that have been identified.**
- 3. Request that the General Manager give consideration to collecting additional cost shifting information as part of the service review process.**

Comments by Councillor (if provided)

Local Government NSW defines cost shifting as "...a situation where the responsibility for, or merely the costs of, providing a certain service, concession, asset or regulatory function are "shifted" from a higher level of government without providing corresponding funding or the conferral of corresponding and adequate revenue raising capacity."

The latest estimates of the cost shifting burden on PMHC by the State and Federal Governments are almost \$9 million; that is almost \$270 per ratepayer per annum. This in fact amounts to a hidden, de-facto tax on our community by the higher levels of government, particularly the State Government. The vast majority of our community are completely unaware of this and I believe that this situation needs to change.

As Council is digging deeper and more thoroughly into every aspect of its operations to ensure that we function at the leanest, most efficient levels possible, we are uncovering additional examples of cost shifting that are more indirect and more subtle than previously known. This information is emerging as a by-product of the service review process and other efficiency orientated analyses.

The purpose of this motion is to ensure that this data is recognised for what it is and then systematically captured and incorporated into the cost shifting analysis so that, over time, the PMHC Cost Shifting analysis, becomes a rock-solid fact based data base that can be used to both educate our community and to advocate for change.

Ensuring Good Governance

Attachments

Nil

Ensuring Good Governance

Item: 09.05

Subject: DETERMINATION OF COUNCILLOR NUMBERS

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council, in accordance with Section 224 of the *Local Government Act 1993*, resolve that it will comprise of nine councillors, including the Mayor, following the next ordinary Local Government election.

Executive Summary

The Local Government Act 1993 requires Council to make a formal resolution to determine the number of its Councillors for the following term of Council.

If Council wishes to change the number of Councillors, it must first obtain approval for the change via a constitutional referendum.

It is recommended that Council retain its current number of councillors, being nine, including the Mayor.

Discussion

The next Local Government elections are scheduled to occur on Saturday 10 September 2016.

Section 224 of the *Local Government Act 1993* (the Act) requires councils to decide no less than 12 months before the next ordinary election, the number of councillors it will have for the following term of office. The Act specifies the number of councillors must be at least 5 and not more than 15 (one of whom is the Mayor).

Taking into consideration the current Local Government Reform agenda and Fit for the Future processes, the Office of Local Government has advised that notwithstanding the reform agenda, that the requirement still exists under the Act for Council to determine the number of Councillors before the next election.

It should be noted that this resolution should take place under the Act no less than 12 months before the next election. The Office of Local Government was advised during September 2015 that a report would be presented to the October 2015 Ordinary Meeting of Council seeking a resolution on this issue.

Ensuring Good Governance

At present residents of the Port Macquarie-Hastings local government area elects nine Councillors for a four-year term; this includes the popularly elected Mayor, and eight Councillors. Should a change to Councillor numbers be proposed, the Act requires Council to first obtain the approval for the change at a constitutional referendum, which would logically take place at the September 2016 Local Government election, for implementation in the following term of Council i.e. September 2020.

Options

Council can:

1. Resolve that the number of Port Macquarie-Hastings Councillors, including the Mayor, will remain at nine as per the recommendation included in this report or
2. Resolve to change the number of councillors. Given the requirement to undertake a constitutional referendum, this option is not recommended.

Community Engagement & Internal Consultation

Consultation has occurred with the General Manager.

Planning & Policy Implications

Section 224 of the *Local Government ACT 1993* requires Council to determine its number of Councillors no less than 12 months prior to the next ordinary election. As outlined in the report, the timeframes with this resolution has been discussed with the Office of Local Government who has been advised that a resolution will be sought at the October 2015 Ordinary Meeting of Council.

Financial & Economic Implications

There are no direct financial and economic implications associated with the recommended option. Should Council resolve to change the number of Councillors, there will be a cost implication with a referendum outside the normal election cycle, in addition to potential increased Councillor fee's and associated costs if there was to be an increase in Councillors.

Attachments

Nil

Ensuring Good Governance

Item: 09.06

Subject: CODE OF MEETING PRACTICE

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice, from 28 October 2015 for a minimum of 28 days.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the Code of Meeting Practice, from 28 October 2015 for a minimum 42 day period.
3. Note that a further report will be tabled at the February 2016 meeting of Council, detailing the submissions received from the public during the exhibition period.

Executive Summary

A Council, under the *Local Government Act 1993* may adopt a Code of Meeting Practice that regulates the conduct of Council and committee meetings.

A significant amount of work has been undertaken and a new (draft) Code of Meeting Practice is being proposed and is provided as Attachment 1.

The work undertaken includes:

- Rewriting the draft Code from the beginning.
- Supplementary (local) provisions for Council.
- Appropriate referencing and footnoting.
- Appropriate hyperlinks to source information.
- Procedures and Notes to assist in the application and understanding of the draft Code.

It is proposed that the draft Code of Meeting Practice be publicly exhibited from 28 October 2015 for the statutory 28 day period (*Local Government Act 1993* section 361(3)) and that Council accept submissions from the public from 28 October 2015 for the statutory 42 day period (*Local Government Act 1993* section 361(4)).

The public exhibition will be heavily shaped and themed by the footnote referencing utilised within the draft Code.

Ensuring Good Governance

Certain clauses of the draft Code are sourced directly from legislation, which means that altering, amending or removing such clauses is not permissible. It is planned to communicate this fact throughout the public exhibition process, ensuring that no confusion arises and that the engagement is focused on the sections of the draft Code that can be altered or amended (not sourced from legislation).

Discussion

A Council, under the *Local Government Act 1993* (the Act) may adopt a Code of Meeting Practice that incorporates the regulations made for the purposes of the conduct of Council and committee meetings and may supplement the regulations with provisions that are not inconsistent.

The relevant regulation is the *Local Government (General) Regulation 2005* (the regulation).

The current Code of Meeting Practice was last adopted at the December 2009 Ordinary Meeting of Council.

A significant amount of work has been undertaken and a new (draft) Code of Meeting Practice is being proposed and is provided as Attachment 1.

For clarity, the draft Code applies to Council Meetings and any Council Committees established for which their membership consists solely of (any number of) Councillors. Council currently does not have any "Council Committees" established.

Council Sub-Committees and Working Groups (for which membership consists of members of the public) can elect to adopt the Code of Meeting Practice or a (commonly less formal) alternative process by which to conduct their meetings.

Re-written draft Code

The draft Code has been re-written over a 12 month period. The foundation of the draft Code is the legislative requirements, stemming from the Act and the Regulation.

Various pieces of documentation concerning the conduct of Council and committee meetings released by the Office of Local Government (OLG) has been referenced and considered. The key OLG document was the Meetings Practice Note: Practice Note No.16. Various OLG Circulars were also used in the preparation of the draft Code.

Other Councils adopted Codes of Meeting Practice have also been referenced throughout the development of the draft Code, particularly the City of Ryde Council.

Ordering of the Contents of the Code

The contents of the draft Code have deliberately been ordered to align with the time frames and time lines of a Council Meeting. The timeline of a single Council Meeting flows with the ordering of the contents of the draft Code.

Ensuring Good Governance

Supplementary Provisions

The draft Code also includes supplementary provisions. These provisions include:

- The establishment of a 'public forum' at Council Meetings.
- The ability for a member of the public to address Council on an agenda item.
- The order of business at Council Meetings.
- The handling of petitions at Council Meetings.
- The recording in the minutes of all voting at Council Meetings.
- Delegation of expulsion powers to the Chairperson (excluding expulsion of Councillors) (the Act s10(2)).
- Recording and webcasting of Council Meetings.
- Directions to the General Manager on what action can take place on a resolution that is subject to a rescission motion.

Footnote References

All clauses of the draft Code have been appropriately referenced. The clauses that have their origin in legislation are clauses that cannot be altered, amended or removed, for example:

(The Act s#)

Denotes a clause of the Code stemming from the Act.
This signifies a legislative requirement.

(The Regulation c#)

Denotes a clause of the Code stemming from the regulation.
This signifies a legislative requirement.

Clauses that stem from documents and advice from the OLG or other sources, can be altered, amended or removed - however caution should be exercised if this is the proposed course of action, for example:

(Code of Conduct c#.#)

Denotes a clause of the Code stemming from the Council's adopted Code of Conduct.

(DLG Meetings Practice Note No.16 (#))

Denotes a clause of the Code stemming from the Office of Local Government's Meetings Practice Note.

All clauses referenced with "*Supplementary Provision of Council*" have the ability to be altered, amended or removed, for example:

(Supplementary Provision of Council)

Identifies a clause of the Code included at the discretion of the Council.

Hyperlinks

Hyperlinks have been utilised throughout the draft Code to enable ease of reference and access to source information for clarification, if required.

For example, legislative references (excluding footnotes) and internal cross-references throughout the draft Code have been hyperlinked.

Ensuring Good Governance

Procedures and Notes

Throughout the draft Code a number of procedures and notes have been included to assist in the application and understanding of the draft Code.

Procedures are identified by green boxes with yellow text, for example:

Procedure:
Example procedure.

A procedure, should one exist, for a particular occurrence/event at a Council or Committee Meeting will be required to be followed.

Notes are identified by blue boxes with yellow text, for example:

Note:
Example note.

Options

Council can resolve to not place the draft Code of Meeting Practice on exhibition. However, it should be noted that the current Code of Meeting Practice is outdated and requires amendment to ensure Council's Code is relevant and up to date.

Community Engagement & Internal Consultation

Community Engagement

It is proposed that the draft Code of Meeting Practice be publicly exhibited from 28 October 2015 for the statutory 28 day period (*Local Government Act 1993* section 361(3)) and that Council accept submissions from the public from 28 October 2015 for the statutory 42 day period (*Local Government Act 1993* section 361(4)).

The public exhibition will be heavily shaped and themed by the footnote referencing utilised within the draft Code.

Certain clauses of the draft Code are sourced directly from legislation, which means that altering, amending or removing such clauses is not permissible. It is planned to communicate this fact throughout the community engagement process, ensuring that no confusion arises and that the engagement is focused on the sections of the draft Code that can be altered or amended (not sourced from legislation).

Internal Consultation

- General Manager.
- Director Corporate and Organisational Services.
- Previous Group Manager Governance and Executive Services.

Ensuring Good Governance

Planning & Policy Implications

It is proposed that the draft Code of Meeting Practice replace the current Code of Meeting Practice. The proposed draft Code is provided as Attachment 1.

Financial & Economic Implications

There are no financial and economic implications as a result of this report.

Attachments

1 [View](#). Draft Code of Meeting Practice

Ensuring Good Governance

Item: 09.07

Subject: MONTHLY FINANCIAL REVIEW FOR SEPTEMBER 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 September 2015.

Executive Summary

This report will detail the monthly budget adjustments as at 30 September 2015.

The Council adopted budget position as at 1 July 2015 was a shortfall of \$850,000.

During the month of September 2015 there were several budget adjustments which did not change the budget shortfall position of \$850,000.

Discussion

Monthly Budget Adjustments as at 30 September 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 2015-2016 budget along with proposed movement of funds to accommodate any changes.

Monthly Budget Review Summary

Original Budget as at 1 July 2015	Shortfall	(\$850,000)
Plus adjustments:		
July Review	Balanced	\$0
August Review	Balanced	\$0
September Review	Balanced	\$0
Forecast budget position for 30 June 2016	Shortfall	(\$850,000)

Ensuring Good Governance

September Adjustments

The following adjustments reflect transfers between accounts (as a result of over expenditure reports) and additional receipts 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	\$152,000
Internal Transfers	2	Reserves	\$89,012

Within the September 2015 adjustments, the following is noted:

1. The following grant funds have been received:-
 - Lake Cathie Accessible Fishing Platform Grant - \$140,000
 - Salvinia Control Noxious Weeds Grant - \$12,000
2. The following over-expenditure reports have been adjusted for:-
 - Purchase Mounted Portable 450 KVA Generator - \$8,470
 - Short Street Port Macquarie - Rehabilitation and Relining of Stormwater Pipelines - \$80,542

It should also be noted that:

- Any overspends greater than \$50,000 and 2% of the project budget are reviewed and approved by the Executive Group, being their function to oversee operational activities and approve operational actions.
- Any potential 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 September maintain the current budget shortfall position.

Ensuring Good Governance

Responsible Accounting Officer Statement

The approved budget shortfall for 2015-2016 adopted in the Operational Plan was \$850,000. The adjustments included in this report will maintain this position. The shortfall position is considered an un-satisfactory result for the year. Budgets will need to be closely monitored during the year with a view to reducing this shortfall.

Attachments

1 [View](#). September 2015 Monthly Budget Review

Ensuring Good Governance

Item: 09.08

Subject: INVESTMENTS - SEPTEMBER 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 September 2015.

Executive Summary

- Total funds invested as at 30 September 2015 equals \$207,819,581.
- Year-to-date investment income of \$1,846,745 is 41.8% 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 30 September 2015, with all investments made in accordance with the Act, Regulations and Council's Investment Policy.

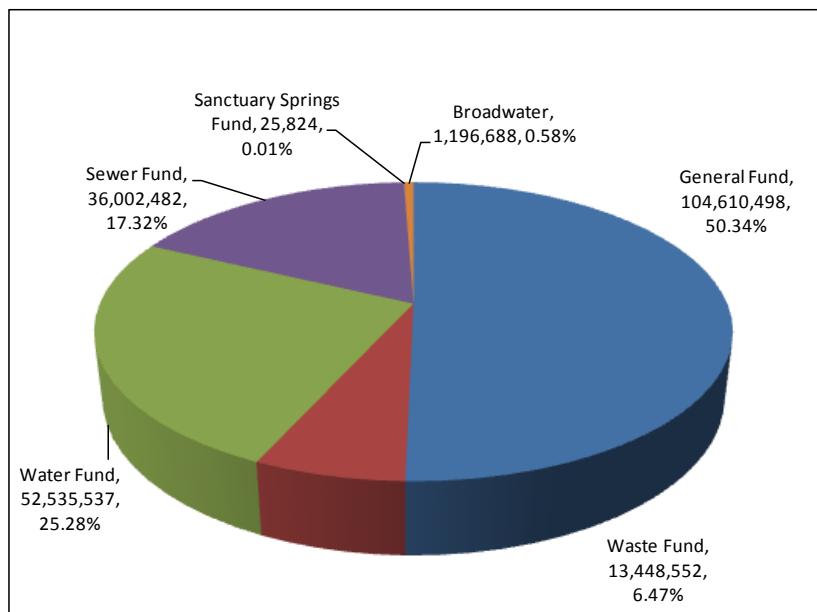
As at 30 September 2015, the investments held by Council totalled \$207,819,581 and is attributed to the following funds:

General Fund	104,610,498
Waste Fund	13,448,552
Water Fund	52,535,537
Sewer Fund	36,002,482
Sanctuary Springs Fund	25,824
Broadwater	1,196,688
	207,819,581

Ensuring Good Governance

These monies 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, the confirmed balance as at 30 June 2015 is currently being determined as part of finalisation of Council's 2014 -2015 Annual Financial Statements.

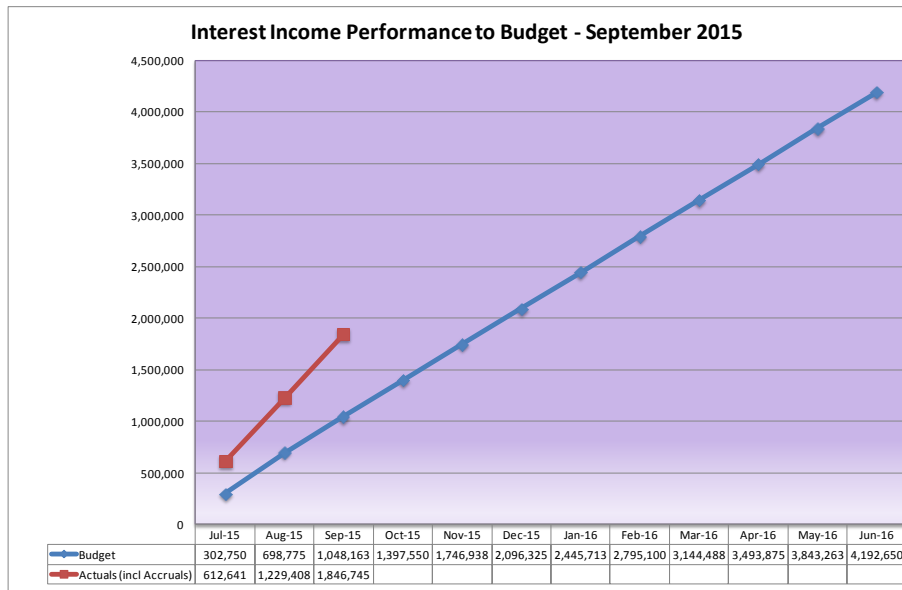
Investments by Fund - as at 30 September 2015



Portfolio Performance

- Council's total investment portfolio performance for September 2015 was 1.42% above the benchmark (3.56% against 2.14%). 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 \$1,846,745 is 41.8% of the total annual budget of \$4,192,650.

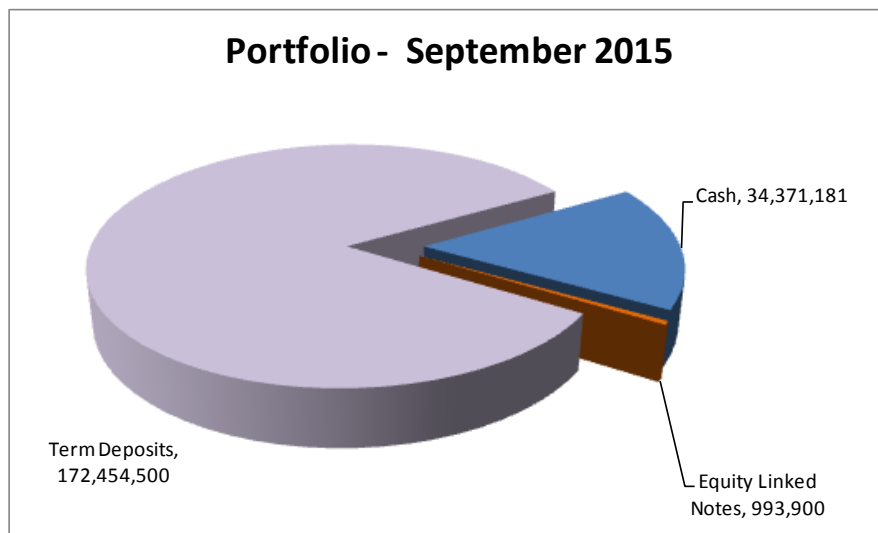
Ensuring Good Governance



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

Investment Portfolio Mix

Council's current portfolio is represented by term deposits and a Capital Protected Equity Linked Note. The total term deposits represent 83% of the total investment portfolio. As at 30 September 2015, the total investment portfolio was \$207,819,581 from \$204,692,381.65 as at the end of August 2015.



Term Deposits

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

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

Ensuring Good Governance

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	\$97,554,500	56.57%	40.00%	100.00%
1 - 3 years	\$72,900,000	42.27%	0.00%	60.00%
3 - 5 years	\$2,000,000	1.16%	0.00%	30.00%
5+ years		0.00%	0.00%	15.00%
Grand Total	\$172,454,500	100.00%		

Table 2 - Overall Portfolio Credit Framework

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

Rating Framework	Total	% Held	Maximum % Policy	Variance
A	47,554,500	27.58%	60.00%	32.42%
AA	109,900,000	63.73%	100.00%	36.27%
BBB	15,000,000	8.70%	15.00%	6.30%
Below BBB		0.00%	0.00%	0.00%
Grand Total	172,454,500	100%		

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.

Capital Protected Equity Linked Note - Emu

Council currently holds one capital protected product (CCPI) note, being Emu with a face value of \$1 million. This product will mature October 2015.

Whilst originally this product had the potential to be a risky investment, with the correction in the financial markets during the global financial crisis, this deal experienced a 100% shift out of any risky asset to a less risky situation to protect the investor's principal. At this stage, these funds on deposit are growing at a rate that should return 100 cents in the dollar of the original funds invested.

Ensuring Good Governance

Cash - Westpac Business Cash Reserve Account

This is not available unrestricted cash.

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

Ensuring Good Governance

Investment Portfolio by Maturity Date - as at 30 September 2015

Inv Name	Type	Purchase Date	Maturity Date	Yield	Face Value		
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		
Newcastle Permanent	TD	13-May-15	12-May-16	3.00%	4,000,000		
Commonwealth Bank	TD	13-May-13	13-May-16	4.50%	1,000,000		
Commonwealth Bank	TD	27-May-13	27-May-16	4.55%	1,000,000		
Bank of Queensland	TD	16-Sep-14	16-Jun-16	3.70%	3,000,000		
National Australia Bank	TD	18-Jun-15	20-Jun-16	2.98%	2,000,000		
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		
Bendigo Bank	TD	22-Jul-15	22-Jul-16	3.00%	362,000		
Bendigo Bank	TD	22-Jul-15	22-Jul-16	3.00%	2,000,000		
St George Bank	TD	21-Aug-15	21-Aug-16	2.98%	5,000,000		
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		
Bank of Queensland	TD	18-Jun-15	18-Jun-17	3.05%	2,000,000		
National Australia Bank	TD	18-Jun-15	19-Jun-17	2.99%	1,900,000		
Bendigo Bank	TD	22-Jul-15	24-Jul-17	3.10%	4,000,000		
Westpac Banking Corporation	TD	4-Sep-14	4-Sep-17	4.07%	2,000,000		
AMP Bank	TD	4-Sep-15	4-Sep-17	2.90%	5,000,000		
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		
Bendigo Bank	TD	7-Sep-15	7-Sep-18	3.00%	5,000,000		
Rabobank	TD	20-Jan-15	20-Jan-19	3.90%	2,000,000		
Total TD's					\$172,454,500		
Cash Fund							
Westpac Business Cash							
Reserve Account	CASH			2.70%	\$34,371,181		
Capital Protected Equity Linked Notes	Rating	Purchase Date	Maturity Date	Valuation	Face Value	\$ Value	Comment / Protection
Emu Note	A-	26-Oct-05	30-Oct-15	99.390	\$1,000,000	\$993,900	Commerzbank
Total Cap Protected Notes					\$1,000,000	\$993,900	
Total Portfolio					\$207,825,681	\$207,819,581	

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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 \$34,371,181 and the Capital Protected investment. This month despite additional investment the cash balance increased as a result of two large redemptions and multiple interest payments totalling \$1.5m. Further investments will be made in October to reduce these cash balances significantly.

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 \$172,454,500 (last month \$170,454,500) or 83% 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 September 2015 was 1.42% above the benchmark (3.56% against 2.14%) and year-to-date income at 41.8% 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 \$5,302.44 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: 09.09

Subject: SUPPLY OF SERVICES TO COUNCIL

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information contained within the report;**
- 2. Adopt Option 2 to expand the existing reporting format of the Quarterly Budget Review Statement to include additional categories of consultancy engagements including accounting, audit, legal, planning, architectural, surveying, environmental, IT and HR with individual consultant data to be provided in a confidential attachment;**
- 3. Commence the reporting regime from the next Quarterly Budget Review Statement.**

Executive Summary

At the Ordinary Council Meeting held on 17 June 2015, Council resolved:

THE MOTION WAS PUT

RESOLVED: *Levido/Cusato*

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:

Ensuring Good Governance

- a) March Quarter – May Meeting.
- b) June Quarter – August Meeting.
- c) September Quarter – November Meeting.
- d) December Quarter – February Meeting.

CARRIED: 6/2

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

In terms of addressing the resolution above, the implications have been considered and are outlined in the body of the report. Option 2 is the recommended option as whilst it exceeds regulatory requirements, it provides for most of the requested information and can be achieved within existing resource levels.

Discussion

The three options for consideration include:

1. Maintaining the current process. This is the provision to Council of the current Quarterly Budget Review Statement (QBRs);
2. A proposed expansion of detail within the current QBRs format with individual payment details provided in a confidential attachment (without disbursements) which has minimal impact on staff resourcing requirements; and
3. The provision of an additional quarterly report as detailed exactly in the resolution (with disbursements) which has a significant impact on resourcing.

Implications and Challenges - Confidentiality

The first implication to consider in the provision of the requested information is the confidentiality concerns of releasing supplier fee or rates information in an open Council.

The release of information regarding amounts that a supplier has been paid for their services over a specified period which could reveal the fee or rates of pay for services which could be argued to confer an advantage on a competitor. In addition, some contracts between Council and some of its suppliers require financial information (including fees or rates) to be kept confidential. Disclosing this information in an open Council meeting may constitute a breach of contract.

Legal advice sought in relation to this issue indicated that Council should not include in its business papers for open Council meetings details of contractors' names in connection with the fees paid to them or disclose that information in open Council.

Having said that, it may also be appropriate for the governing body, whose statutory function is to direct and control the affairs of the Council, to require information about the contracting activities of the Council, including expenditure incurred under contracts. This information could be provided in a confidential report to Council.

Implications and Challenges - System Constraints - Separating Disbursements

An additional challenge is the system constraints in regard to splitting disbursements from fees. There is no current requirement to separate fees and disbursements and

Ensuring Good Governance

hence the accounting system does not do this (noting that consulting organisations may well separate these out in their own ledgers). The reason for this is that disbursements are part of the overall cost of an engagement. GST is separated however, and it is normal accounting practice for financial systems to do this in order to meet taxation obligations.

The following table illustrates the difference between 2 suppliers where there may be a mix of fees and disbursements. Whilst suppliers may differ in the actual fee charged, and the disbursement value may differ, it is the overall cost which appears in Councils' ledgers. If these costs related to Audit fees (for example), both the fee and the disbursement are still costs of obtaining an audit service, and hence there is no need to separate them in the ledger.

	Supplier A (ex GST)	Supplier B (ex GST)	
Fee Component	\$8,000	\$8,500	
Disbursements	\$1,000	\$500	
Total Invoice Value	\$9,000	\$9,000	<i>The total cost to Council</i>

As Council's current Authority finance system was not developed to separate fees and disbursements, there are two options to enable disbursements to be separated. The options are to a) have Civica modify the Authority system, and b) develop a manual solution.

- a) Civica have no plans to schedule such a modification to their Authority system. Should Council wish to instigate this Civica have provided a quotation at an indicative cost of \$120,000 to undertake this work.
- b) Alternatively, a manual workaround could be developed.

This could be achieved by:-

- (i) extracting data manually each quarter, locating source information (the invoice) and collating this information in a spreadsheet. Given the manual nature of this, additional resourcing would be required.
- (ii) Alternatively, new ledger codes could be created, suppliers could be requested to ensure that fees and disbursements are separated on invoices, and all staff raising orders would need training to ensure that invoices are coded correctly. Workload impacts with this workaround would include the following:-
 - Education (and chasing up) of suppliers who have not broken down their invoices adequately (the ATO requires compliant tax invoices, but this does not include disbursements to be split);
 - Set up time (ledger amendments);
 - Processing time for all staff involved in data entry (2 lines instead of 1) from raising the order initially to reconciling the individual lines when the invoice is received;
 - Data verification by Finance staff as it is considerably likely that there will be errors.

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Regardless of the manual workaround option, there is inadequate resources within the Finance team to produce this level of detail each quarter. An additional budget allocation would be required to fund a part-time (or casual) additional resource. It is estimated that the workload associated with this report would cost in the vicinity of \$20,000 annually for the Finance team.

In consideration of the challenges of confidentiality and system constraints with the separation of disbursements, a number of Options have been developed:-

Option 1 - Current Process - QBRs

The current QBRs format, as directed by the Office of Local Government, requires in part, the following detail:-

Part A:- A listing of all contracts entered into during the quarter subject to certain criteria; and

Part B:- A report on year to date expenditure in relation to consultancies and legal expenses (refer Attachment 1 for a sample report in this format).

Option 2 – Expansion of the current QBRs with individual payment details provided in a confidential attachment.

The current QBRs reporting format (in the Consultancy & Legal Expenses section) could be expanded to provide a greater level of detail through the identification of additional key categories including:

1. Legal
2. Audit
3. Planning,
4. Architectural,
5. Information Communication and Technology (ICT)
6. Human Resources

A confidential attachment could provide individual supplier detail. There is a workload impact with the provision of this additional detail given the manual manipulation of data required, but given that it is not significant, it could be absorbed into existing resource levels. This is assuming that disbursements and fees are not separated.

This detail would continue to be reported quarterly through the existing QBRs reporting schedule.

Attachments 2 and 3 demonstrates how the additional reporting framework would look if the QBRs reporting was expanded to include additional categories.

Option 3 - Provision of the quarterly report as detailed in the resolution (as per Option 2 however with disbursements reported separately.

Providing the report as detailed in the resolution will require either a manual workaround or a system modification as outlined earlier in the report. These are estimated to cost \$20,000 and \$120,000 respectively.

Ensuring Good Governance

Attachment 3 illustrates how such a report would appear. It is recommended that this be a confidential report as per Option 2.

Conclusion

As detailed in the report, a number of options exist in terms of the level of reporting in regard to consultancy costs. The level and type of detail will impact on the resources required to provide the information.

Options

This report recommends Option 2 as this expands on the level of detail currently provided without incurring additional cost to Council.

Option 1 is to continue to report as per the current reporting framework meeting regulatory obligations.

Options 3 provides for disbursements and fees to be separated. This would require either additional resourcing, and/or additional cost in having an additional entry field built into the Authority financial system.

Community Engagement & Internal Consultation

There has been no community engagement. Discussions have occurred between the Group Manager Financial Services and members of the Finance team, as well as the Director Corporate and Organisational Services.

Planning & Policy Implications

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

Financial & Economic Implications

This report identifies options available to address the request detailed within the resolution. Should Option 3 be preferred, the annual cost to Council to meet this obligation would be approximately \$20,000. Alternatively, Civica have provided a quotation of an estimated \$120,000 as the cost to modify the Authority System. Options 1 and 2 could be delivered within existing budgets.

Attachments

1 [View](#). Attachment 1 - Option One - Consultancies_March 2015 QBRS

2 [View](#). Attachment 2 - Option Two Report Format (Open Council)

3 [View](#). Attachment 3 - Option Two Report Format (Closed Council)

4 [View](#). Attachment 4 - Option Three Report Format (Closed Council)

Ensuring Good Governance

Item: 09.10

Subject: LOCAL GOVERNMENT GRANTS COMMISSION

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the 2015-2016 Grant calculations provided by the Local Government Grants Commission for Port Macquarie-Hastings Council.

Executive Summary

The Local Government Grants Commission in their correspondence dated 9 September 2015 have detailed their Financial Assistance Grants (FAG) calculations for the 2015-16 period for the Council and provide an opportunity for Council to submit a special submission regarding the distribution should they deem this appropriate. The Commission has asked that this correspondence be tabled at a meeting of Council.

Discussion

The attached correspondence details the FAG calculations for the 2015-16 period including:

1. The measures used in the calculation of our FAG's;
2. Explains how the revenue and expenditure allowances are calculated, and used in the FAG determination process; and
3. Provides background information relating to what each expenditure disability factor recognises, the measures used, their source, the standards (state averages) and weightings.

The current method of allocating resources is based on a sophisticated mechanism of calculating a state standard based on the collective state results and then weighting each Council against this State standard with certain disability factors. Factors which may affect calculations each year include population changes and changes in the standard costs and disability measures, local road and bridge length variations and changes in property values.

Council's amounts are determined by the Commission based on the relative disadvantages and needs of each Council. This includes the needs of smaller rural Councils, along with those Councils which currently receive the minimum allowance yet have an increasing population base currently above state averages. With each

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Council's circumstances changing each year, there will be some variation to the actual amounts received by Council. Actual amounts received both the 2014-2015 and 2015-2016 periods are as follows:

Financial Assistance Grant	2014/15	2015/16
- Roads Component	2,630,590	2,638,441
- General Purpose Component	6,211,347	6,125,410
- CPI Adjustment for previous year	50,028	
Totals	8,891,965	8,763,851

Council's funding position has been negatively affected with a reduction from \$8,841,937 in 2014-2015 to \$8,763,851 for the 2015-2016 period.

As advised for the 2014-2015 financial year, as a result of an announcement within the previous Federal Government budget, no indexation has been applied to the total pool of funds available for NSW Councils. The compounding effect of this three year indexation freeze could result in a cumulative loss of some \$6.5m to Council over a 10 year period.

In addition to the notification of the calculations, Council is provided an opportunity to submit a special submission to present information on the financial impact of any inherent expenditure disabilities beyond its control that are generally not recognised in the current methodology.

Following discussions with the Executive Officer of the Local Government Grants Commission to explore any additional options available, Council was advised that the Commission are unlikely to consider any additional submissions, rather looking at the more remote/rural Council's more favourably when considering any special submissions.

It would appear that there is no likelihood that any further submissions would be granted and on this basis, there is no intention to submit any additional special submissions by the required timeframe of 30 November 2015.

Options

This report is for information purposes only.

Community Engagement & Internal Consultation

There has been consultation between the Director Corporate & Organisational Services and Group Manager Financial Services.

Planning & Policy Implications

There is no direct planning or policy implication as a result of this report.

Financial & Economic Implications

This report outlines calculations relevant to Council's Financial Assistance Grants based on a sophisticated state wide scoring mechanism. There is no opportunity for

Ensuring Good Governance

Council to alter the funding model or level of funding with the Local Government Grants Commission. Whilst the amount received has a direct financial or economic implication to the Council's funding sources, there is no direct financial or economic implication as a result of this report.

Attachments

1 [View](#). 2015 2016 Local Government Grants Commission Summary

Ensuring Good Governance

Item: 09.11

Subject: PROCUREMENT STRATEGY UPDATE

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

1.5.4 Use procurement, tendering and purchasing approaches that provide best value to the community.

RECOMMENDATION

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

Executive Summary

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

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

08.10 PROCUREMENT STRATEGY

RESOLVED: Hawkins/Roberts

That Council:

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

CARRIED: 8/1

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

AGAINST: Sargeant

Ensuring Good Governance

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

It is noted that it is now two (2) years since Council endorsed the Procurement Strategy, although the staff resources referred to in Resolution two (2) above were not appointed until February 2014. The Procurement Steering Group has commenced a review of the Procurement Strategy to guide the continuing development of procurement practices across Council. A further report on the future direction of the Procurement Strategy will be reported to Council in early 2016.

Discussion

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

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

Phases 1 and 2 are complete as previously reported to Council. Many of the actions associated with Phases 3 and 4 are also complete as previously reported with work continuing to implement the framework and processes developed to date to enable a high performing and compliant procurement culture within Council.

For many actions in the strategy, the focus has shifted from implementation to operation. The attachment *APPENDIX A - Procurement Strategy Implementation Plan - October 2015* lists the Actions within the Plan and their current status.

Snapshot of Strategy Implementation to date

1. Awareness
Recognising the importance of procurement to the organisation and the benefits in pursuing improved procurement practices.
 - Completed as reported to Council in July 2014.
2. Setting the Foundations
Setting core foundations to achieve Strategy objectives including adequate staff resources skills and procurement systems, policies and procedures.
 - Completed as reported to Council in July 2014.
3. Stakeholder Engagement
Stakeholder engagement supporting the adoption of alternate procurement practices to deliver Strategy objectives including the implementation of a category management approach to procurement.

A range of activities are continuing to be undertaken, including:

- Internal stakeholder engagement;
- Staff briefing sessions;
- Detailed spend, supplier, competitive analyses;

Ensuring Good Governance

- Development of Category Action Plans and subsequent formal procurement;
- Ongoing identification of recurrent and one off savings.

4. Transformation

Through the adoption of improved procurement capabilities providing improved service delivery, ongoing identification of savings and operational efficiencies.

A range of activities are continuing to be undertaken, including:

- Implemented procurement planning;
- Improved Contract Management processes;
- Staff Training and development.
- Continuous review of key documentation

Highlights of Strategy Progress

The Procurement Strategy outlines eight key outcomes central to the delivery of improved procurement capability and the delivery of sustainable best value to the community.

1. Savings

During the quarter to 30 September 2015 there was a continued focus on maximising savings across Council's procurement spend.

Savings are being achieved in several ways. These include:

- Existing contract review, ongoing monitoring and negotiation;
- Introduction of a competitive process where previously one may not have existed;
- State wide collaborations in the procurement process;
- Retention of existing pricing (cost mitigation of CPI increases);
- Cost avoidance (efficiency);
- Staff education regarding best value available through existing contracts and procurement options;
- Investigation and diversification of collaborative procurement and panel arrangements;
- Third party rebate entitlements;
- Creation of process efficiencies through productivity gain;

Please refer to the confidential spreadsheet titled "APPENDIX B - Procurement Savings - October 2015" which contains an overview of estimated Procurement Savings realised. This information contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).

The attachment lists the recurrent and non recurrent savings achieved as a result of the Procurement Strategy. In many instances assumptions have been made in regard to the savings estimated. The attachment provides a guide however, as to the type of savings that are being realised through the procurement process.

2. Value for Money

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Achieving a balance between the needs of the community, the environment, and internal service with financial responsibility.

- Continued strategic procurement planning including the phasing of an organisational wide rolling program of major procurement activities and contract renewals;
- The development of a five (5) year plan including anticipated operational and capital projects;
- The further review and adoption of improved Contract Management practices. The model, aligned with City of Sydney Council practices will provide key contract management activities and accountabilities for all service, operational and consultancy contracts with a term greater than one year, but can be used for any contract where there is a need to outline to contract stakeholders, how the contract will be managed;
- The development of Vendor Spend Variation reports. These reports will be used to identify spend analysis trends per vendor and provide a single view of total organisation engagement with any vendor. This report is particularly valuable to identify spend leakage through non-compliance.

Category Management Planning

The detailed spend, supplier and competitive analysis undertaken as well as operational requirements has informed a high level Opportunity Assessment, and as a result the program for Category Action Plans has been developed. The information contained in these plans provides the opportunity to understand the nature of Council's total third party expenditure and enable a strategic approach to procurement and contract management.

Detailed spend analysis has now been completed for a total of 43 categories, covering 458 suppliers and a total expenditure base of \$52,752,299.09.

Category management benefits include:

- Supplier consolidation vs diversification analysis;
- In house vs outsource model analysis;
- Improved ability to manage and exploit changing market conditions;
- Utilising evidence based investigation of market;
- Leveraging of internal resources.

3. Ease of Doing Business

Policies and procedures developed to reduce effort required to carry out best practice procurement.

- Maintaining spend compliance across the organisation. Full compliance has been achieved on both by-passed transactions and transactions outside of delegation as reported to the Audit Committee in September 2015. Savings continue to be realised through the capture and rectification of administrative error.
- Active member participation in the Local Government Procurement (LGP) Tranche two (2) Document Best Practice -review and update.
- Participation in LGP Procurement Network.

4. Use of e-Procurement

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e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to procure and pay for goods & services and works.

- Staff use of the internal On Line Requisition (OLR) system continues to increase. The benefits of this include reduced transaction costs, process efficiency, improved spend compliance and visibility of spend. Data comparison between financial years 2014/15 and 2015/16 shows an increase in staff usage of 29.7%. This is based on 15,230 Purchased Orders processed -10,202 of which were through the OLR system.
 - Procurement staff are utilising electronic methods for sharing files for procurement assessments. This system negates the requirement for printing of tender submissions, is secure and allows staff to access files quickly after tender close.
 - For the first time Council is implementing the option of lodgement of electronic tender submission for Contract Plant. This contract traditionally has the largest number of submissions and will be managed from procurement to contract management electronically. The secure system has been under review for nine (9) months and will offer greater efficiency for both vendors and Council staff.
 - The use of Standing Purchase orders across the organisation is ongoing and was endorsed by the Procurement Steering Group (PSG) at the June 2015 meeting. Facilitated through Procurement the standing orders have improved compliance and improved efficiency for staff and vendors by reducing administration.
 - Consistent staff compliance with the procure to pay process has promoted better supplier relationships with Council, through consistent means of communicating purchase requirements and agreed pricing through a standard format purchase order and processes.
 - Ongoing participation in the Civica Special Interest Group (SIG) meeting facilitated by Local Government Procurement (LGP). A central premise of the group is to exchange knowledge and expertise through shared experience, problem solving and functional contingencies that Councils all apply in their day to day use of *Authority*. It is considered that a consolidated approach to addressing the inherent challenges in using any software platform will best address immediate concerns, as well as informing the process towards rapid solutions.
5. Economic & Industry Development
Balance the immediate needs of the community (low cost and high service) against the needs of the long term economic sustainability of the community and industries required to support competition in local markets.

In October 2014, Council resolved:

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09.10 PROCUREMENT STRATEGY UPDATE

Councillor Cusato left the meeting, the time being 7:02pm.

Councillor Cusato returned to the meeting, the time being 7:03pm.

RESOLVED: Hawkins/Turner

That Council:

1. Note the progress made on the Implementation Plan as detailed in the Procurement Strategy.
2. Request the General Manager to present a report to the February 2015 Council Meeting outlining a recommended whole-of-Council integrated strategy designed to assist locally owned and operated businesses to be more competitive and ultimately, more successful in winning a larger, growing share of Council's procurement spend.

CARRIED: 8/1

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

AGAINST: Sargeant

A report addressing Resolution 2 above, "Supporting Local Business through Council's Purchasing of Goods and Services", was presented at the April 2015 Ordinary Council meeting.

Key Outcomes of this strategy, which will be delivered jointly with Council's Economic Development team, are closely aligned to the Procurement Strategy and the adopted Economic Development Strategy including:

- Business Engagement and Collaboration;
- Improved Access to Information;
- Program of Council Staff engagement;
- Participation in the Small Business Friendly Councils program.

The attachment *APPENDIX C - Procurement Strategy to Assist Local Business - October 2015* lists the Actions within the Plan and their current status.

Procurement Strategy to Assist Local Business recommendations implemented to date

To conduct a program of supplier/business forums with the aim that greater information will lead to improved tendering education for local business

Aligned to the Economic Development Strategy objective "Work with local business & industry groups to promote business education opportunities", the first Port Macquarie-Hastings Council Supplier Forum is being held on Thursday 22 October 2015 at Port Macquarie.

The objective of the briefings is to provide local suppliers with a better understanding of Port Macquarie-Hastings Council procurement opportunities and provide businesses with helpful information and resources to assist in working with Council.

Key agenda items for the evening include:

- Doing business with Port Macquarie-Hastings Council and Mid North Coast Regional Group of Councils (MIDROC);

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- Understanding tendering, how decisions are made and contract award processes;
- Tips for submitting a Tender that meets the brief;
- Compliance and working with Council;
- Accessing information on upcoming tenders within the public sector;
- How to become a government preferred supplier;
- Registering for Tenderlink;
- Upcoming opportunities;
- Q & A session with staff.

In collaboration with independent local business networks and associations conduct business Tender Writing workshops designed to educate business to identify exactly what purchasers across all levels of government and corporate business are looking for and how to structure a bid response to meet requirements.

Council (Economic Development) will be hosting a Tendering Workshop on 5 November 2015 sponsored by the Department of Industry, Innovation and Science (AusIndustry), *How to write tenders that stand out and win*. This workshop will be delivered by an independent consultant BidWrite as part of AusIndustry's *Entrepreneurs' Program*. By linking in with the *Entrepreneurs' Program*, PMHC aims to position our LGA as the core point of engagement for delivery of AusIndustry innovation and entrepreneurship programs on the Mid North Coast, and encourage local take-up of Federal Government grants and initiatives that have the potential to drive economic growth into the PMHC LGA.

That constructive feedback to improve chances of winning future work is offered to all local unsuccessful tenderers.

Effective feedback provides transparency and accountability and assists in educating the market which, in turn, may assist to improve the standard of submissions in the future.

- Good feedback has been received by vendors as a formal debrief is offered to all unsuccessful tenderers. Debriefs are being held in person or via phone at a mutually agreeable time.
- Staff are using the standard feedback template, completed at evaluation. The evaluation panel agrees on key areas of opportunity for improvement and a technical representative is nominated to attend any debrief processes.

Explore opportunities for diversified communication methods to businesses for promotion of upcoming procurement opportunities including:

- Advertising in Economic Development Matters newsletter;
- Advertising opportunities in Chamber of Commerce newsletters

In alignment to the Economic Development strategy, to work with local business and industry groups to promote business education opportunities, all formal (current and upcoming) procurement opportunities are forwarded to Economic Development for advertising in the Economic Development Matters newsletter and distribution to various external business networks including:

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- Camden Haven Chamber of Commerce;
- Wauchope Chamber of Commerce;
- Port Macquarie Chamber of Commerce;
- Hastings Business Enterprise Network;
- Hastings Business Women's Network;
- Industry Mid North Coast and
- Micro Business Forum.

Council is continuing to advertise all procurement opportunities via the ICN Regional Gateway and NSW eTendering portal. Both platforms significantly increase access to market and assist business to engage with council.

Social media opportunities through Council platforms

A draft Digital Marketing Strategy for Procurement has been developed in collaboration with Communications. The draft strategy has been developed to integrate with Council's current communication platform to deliver procurement opportunities in a more diverse manner for a greater community reach. The mission of the strategy is to create an ongoing digital presence which may encourage local business to become a supplier to Council.

Content has been added to website providing a list of upcoming contract opportunities for business.

Review Statement of Business Ethics to ensure it reflects a commitment and expectation that Council contractors are ethical in external business dealings.

The Procurement Steering Group (PSG) have reviewed and provided feedback about the Statement of Business Ethics.

The suggested changes, with consideration to ICAC guidelines for Statement of Business Ethics development, were referred to Council's legal representative for review.

Advice received indicated that the current document contained core content specified by the ICAC Guidelines, and sets out and explains Council's key public sector values and business principles, including 'openness and accountability', transparency, impartiality, honesty and fairness. It also covers Council's expectations of staff and suppliers and business partners when doing business with Council.

Suggested changes that will benefit vendors and Council that will be incorporated into a draft documents and procedure review include simplifying acknowledgement process by and compliance for vendors by electronic acknowledgement.

6. Environment & Sustainability

Local government should be responsive to the community's environmental expectations and take a leading role, where appropriate, in educating the community or changing behaviour.

- The consideration of energy efficiency opportunities and action planning is incorporated into procurement planning.

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- Port Macquarie-Hastings Council publicly committed to strive towards total sustainable procurement by joining the Sustainable Choice program in 2007.
7. Building Local Government Capability
Ensure the long term viability of PMHC and the services it provides to the community through improved expenditure management, continuous improvement and attraction and retention of key staff.
- This calendar year to date, 103 formal procurement processes (Tenders, Request for Quotations (RFQ), Expressions of Interest (EOI)), have taken place or files are currently underway, compared to 42 processes for the same period in 2014.
 - Contract Management processes that encourage positive relationships with suppliers and clearer understanding of acceptable practices.
 - Audit processes in place to identify compliance with conditions and tendered rates and prices.
 - Development of an internal Specification and Tender repository. A centralised library of tested procurement specification from all levels of government. Ensuring Council has access to documents that are considered best practice and tested in the current market when required.
 - The Procurement Steering Group continues to meet monthly chaired by the Director Corporate & Organisational Services. This group will be integral in review and development of the next phase of the Procurement Strategy.
 - Council has undertaken three (3) procurement processes using Early Tenderer Involvement (ETI). ETI has a number of benefits. Through more comprehensive information tenderers are able to make better informed pricing decisions.
 - Based on the success of these processes procurement staff are developing an ETI procedure to ensure that this type of procurement is undertaken consistently and with full compliance.

8. Training and development
Aim to ensure that PMHC has adequately trained resources to undertake procurement projects effectively and efficiently.

An internal procurement awareness marketing campaign has been developed and will be rolled out in October. The key objectives are:

- Ongoing probity and compliance;
- Best practice when dealing with suppliers;
- Encouraging staff to support local markets;
- New procurement centralised support number;
- New staff How-to-purchase tool.

This quarter, (3) three tailored procurement workshops have been held and to date 93 individual staff have been trained in various Procurement processes informally.

Procurement staff actively work with key stakeholders to improve efficiencies in their specific areas through planning and strategic procurement. 2015 ICAC training workshops were held in September. 91 staff, both indoor and outdoor, attended workshops covering;

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- Half-Day Corruption Prevention for Managers x 1 Session
- Corruption Prevention for Officers + Operation Jarek x 2 Sessions
- General Staff Awareness Training Session x 3 Sessions

Options

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

Community Engagement & Internal Consultation

Internal consultation has taken place with the following people:

- Procurement Steering Group
- General Manager
- Director, Corporate and Organisational Services
- Group Manager, Commercial and Business Services
- Business Improvement Team
- Economic Development Team

External consultation has taken place with the following groups:

- Local Government Procurement
- MIDROC
- Arc Blue Consulting
- CIVICA

Planning & Policy Implications

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

Financial & Economic Implications

Financial Implications

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

Whilst activities associated with *awareness* and *setting the foundations* have taken time to implement, savings are now being realised through procurement activity as per Attachment B. It is proposed that further discussions occur with the Executive and Senior Leadership Team and the Corporate Services Portfolio regarding the capture of realised savings into the future.

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It should also be noted that the increased compliance associated with the procurement strategy significantly reduces risk for Council.

Economic Implications

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

The Procurement Team is working collaboratively with the Economic Development team to implement the Procurement Strategy to Assist Local Business designed to assist locally owned and operated business to be more competitive and successful in winning a larger, growing share of Council's procurement spend.

Attachments

- 1 [View](#). APPENDIX A - Procurement Strategy Implementation Plan - October 2015
- 2 [View](#). APPENDIX B - Procurement Savings - October 2015 (Confidential)
- 3 [View](#). APPENDIX C - Procurement Strategy to Assist Local Business - October 2015

Ensuring Good Governance

Item: 09.12

Subject: GLASSHOUSE QUARTERLY REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information provided in the report.

Executive Summary

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

08.17 GLASSHOUSE FINANCES

RESOLVED: Hawkins/Roberts

That Council:

- 1. Note the information contained in the report.*
- 2. Adopt the budget amendments to the current financial year as detailed in the confidential attachment.*
- 3. Request a detailed quarterly Glasshouse financial report be tabled at relevant Council meetings commencing from the fourth quarter reporting period of the 2012/2013 financial year i.e. the first quarterly report to be tabled in July 2013. The report should be sufficiently detailed to provide a break down across the key reporting categories for the Glasshouse i.e. Commercial, Community, Cultural, Front of House, Back Of House and Glasshouse Management.*
- 4. That a report be prepared for the March 2013 Council Meeting outlining possible options for debt reductions for the Glasshouse.*

CARRIED: 8/0

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

AGAINST: Nil

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

09.04 GLASSHOUSE STRATEGIC PLAN

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MOTION

MOVED: Roberts/Turner

That Council:

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

FORESHADOWED MOTION

MOVED: Sargeant

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

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

THE MOTION WAS PUT

RESOLVED: Roberts/Turner

That Council:

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

CARRIED: 7/1

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

AGAINST: Sargeant

Accordingly, this report tables a quarterly report on the Glasshouse finances as at 30 September 2015, and provides an update on progress achieved against the Recommendations identified in the Glasshouse Strategic Plan 2014 - 2017.

Discussion

Glasshouse Finances

Attached is the quarterly Financial Statement for the Glasshouse for the period ending 30 September 2015 and hence shows a result for the quarter (being 1 July 2015 to 30 September 2015). The Current Quarter and Year to Date columns are the same given that this is the first quarter of the financial year.

The operating deficit for the quarter (before interest & depreciation) is \$594,354 against a quarterly budget of \$618,148, hence tracking within budget. Actual results for the same period in the prior year (1 July 2014 to 30 September 2014) was an operating deficit of \$583,683. Hence the Glasshouse operating deficit has increased by \$10,671 in a twelve month period, or an increase of less than 2%.

This operating deficit can also be represented as follows:

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Glasshouse Operating Deficit by Activity - Year to Date 30 September 2015:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Operating Income	-	-	-	1,177	360,803	131,809	493,789
Operating Expenditure (Before Council Overheads)	29,818	265,409	135,933	13,874	293,260	226,455	964,749
Council Overheads	29,614	11,105	21,841	7,033	14,918	38,881	123,393
Net Operating Surplus (Deficit)	(59,432)	(276,514)	(157,774)	(19,730)	52,625	(133,527)	(594,354)

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

Glasshouse Operating Deficit by Activity (after internal adjustments) - Year to Date 30 September 2015:

	Management	Back of House	Front of House	Community	Commercial	Cultural	Total
Net Operating Deficit (from the above table)	(59,432)	(276,514)	(157,774)	(19,730)	52,625	(133,527)	(594,354)
Internal Overhead Distribution	59,432	276,514	157,774	(196,754)	76,840	(373,806)	0
Net Operating Surplus (Deficit) (after internal adjustments and transfers)	-	-	-	(216,484)	129,465	(507,333)	(594,354)

Glasshouse Strategic Plan Recommendations

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

Significant progress has been achieved since July 2014 with regard to the implementation of the strategic direction outlined in the Plan. This progress is summarised in the attached *Update on Glasshouse Strategic Plan Recommendations October 2015* with some specific outcomes discussed below.

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1.2 Review management and reporting systems to support effective decision-making

The following table includes the following Key Performance Indicator (KPI) data associated with Glasshouse utilisation and occupancy rates:

Performance Indicator	2014-15 Actual	2015-16 Target	2015-16 Actual Jul-Sep
Key Outcome 3: Enhancing Utilisation and Visitation <i>Implement targeted marketing and sales strategies to enhance utilisation, increase event visitation and maximise commercial outcomes</i>			
Visitation (Glasshouse)	249,879	262,500	64,593
Visitation (Gallery)	46,336	47,500	9,131
Visitation (website)	121,394	133,500	30,312
Utilisation (%) (theatre)	38%	> 40%	55%
Utilisation (%) (studio)	22%	> 30%	26%
Utilisation (%) (meeting rooms)	42%	> 40%	22%
Average attendance (%) (theatre)	67%	> 70%	72%
Average attendance (%) (studio)	76%	> 70%	59%
Number of tickets processed	61,726	65,000	20,175
Percentage of tickets sold online	27%	> 30%	26%

Generally the July - September KPI results are on target and are consistent with or exceed the results for the corresponding period in 2014-15.

The Glasshouse ticketing system is one of the key management and reporting systems at the venue and the tender for the provision of the new ticketing system was awarded at the Ordinary Council Meeting held on 15 July 2015.

Implementation of the new ticketing system is now underway in parallel with the development of a new website which will offer significant improvements for customers (including Glasshouse Members) in purchasing tickets online for Glasshouse events. The new ticketing system will also improve box office functionalities, promoter features, as well as improve internal reporting and marketing processes to support effective decision-making in relation to the operation of the venue.

1.3 Advocate for an Economic Impact Assessment to identify the benefits of the Glasshouse to the local and regional economy

An Economic Impact Assessment has been completed by consultants AECGroup and a copy of the assessment is attached to this report (see *Glasshouse Economic Impact Assessment July 2015*).

The economic modelling indicates that the operation of the venue along with the additional visitor expenditure associated with visitors attracted to the Port Macquarie-Hastings LGA specifically to attend, perform in or produce events held at the

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Glasshouse delivers significant ongoing (annual) economic benefits to the region in the order of:

- \$31.3 million in total industry output for Port Macquarie-Hastings businesses (including direct and flow-on activity) per annum;
- \$15.8 million in gross value added (GVA) activity in the Port Macquarie-Hastings LGA economy per annum;
- \$9.0 million in wages and salaries paid to Port Macquarie-Hastings LGA workers per annum; and
- approximately 167 full-time equivalent jobs supported (including both direct and flow-on activity) per annum.

2.1 Identify and develop key partnerships to maximise cultural, community and commercial outcomes

The Glasshouse Membership Program has 1,072 members as at 30 September 2015. This number far exceeds the patron participation results achieved by other similar NSW venues (based on Australian Performing Arts Centre Association data).

Council is continuing to support and develop a number of corporate partnerships / sponsorships consistent with the Glasshouse Marketing and Sales Plan, including the Glasshouse Founding Sponsors, Arts NSW and a number of regional / local media organisations.

Council is also continuing to provide support for a wide variety of community groups to access and use the Glasshouse facilities. In the 2014-15 financial year, 40 "community / not-for-profit" organisations accessed the discounted rates available for these groups which represented approximately \$66,000 in financial support from Council over the year.

2.2 Review the delivery of information services (including visitor information) within the Glasshouse in partnership with Council's Economic Development unit

Council engaged consultants in November 2014 to undertake this review with a final report submitted by the consultants in June 2015. This report required further analysis by Council staff to address scope items not adequately addressed by the consultants.

In August and September 2015, Council undertook a series of briefings and presentations / workshops with a range of stakeholders to obtain feedback on the findings and recommendations of the review.

This item is the subject of a separate report to the Ordinary Council Meeting to be held on 21 October 2015.

3.1 Promote operational flexibility in the use of the Glasshouse footprint to optimise cultural, community and commercial outcomes

This work is continuing on an ongoing basis. Further opportunities will be investigated in conjunction with the review of the delivery of information services (see Recommendation 2.2 above).

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3.2 *Develop Glasshouse Marketing and Sales Strategies, including redevelopment of the website www.glasshouse.org.au*

Work is continuing on the Glasshouse website redevelopment project. In order to ensure appropriate integration with the Glasshouse ticketing system, this project will be co-ordinated and run in parallel with the implementation of the new ticketing system (see Recommendation 1.2 above).

Other actions

Further detail is provided in the attached *Update on Glasshouse Strategic Plan Recommendations October 2015*.

Options

Council has the option to either adopt the recommendations of this report, to amend, or not to adopt.

Community Engagement & Internal Consultation

The information provided in this report has been presented to the Glasshouse Sub-Committee at its meeting held on 6 October 2015.

Planning & Policy Implications

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

Key recommendations from the Glasshouse Strategic Plan to be delivered in the 2015-16 financial year, have been incorporated into Council's overall 2015 - 2016 Operational Plan.

Financial & Economic Implications

The Glasshouse Strategic Plan 2014 - 2017 aims to continue the significant progress that has been made in reducing the net cost of the operation of the Glasshouse to the community, while continuing to ensure the delivery of high quality cultural, community and commercial activities.

The Economic Impact Assessment attached to this report demonstrates the significant ongoing (annual) economic benefits that the Glasshouse venue delivers to the Port Macquarie-Hastings LGA.

Attachments

1 [View](#). Glasshouse Financial Statements 30 September 2015

2 [View](#). Update on Glasshouse Strategic Plan Recommendations October 2015

3 [View](#). Glasshouse Economic Impact Assessment July 2015

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Item: 09.13

Subject: CAPITAL WORKS PROJECTS REPORT

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council note the information within the report.

Executive Summary

At the Ordinary Council Meeting held on 16 September 2015, Council resolved:

RESOLVED: Roberts/Cusato

That the General Manager report to the October 2015 Council Meeting on options to expand Council's capacity to better respond to the demands of the 2015-2016 and subsequent financial years' capital works projects program.

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

Council adopts an Operational Plan each year. This Plan contains a budget statement for the year and details of the capital works program.

For the 2015/2016 financial year, the Operational Plan provides for \$95.2m of ongoing operational expenditure, and an allocation of \$92m for the funding of capital works projects. The capital works program includes the design and construction of major projects, and the renewal of infrastructure within the local government area.

Subsequent to the adoption of the Operational Plan, Council resolved to also carry over almost \$21m of projects from the previous financial year to 2015/2016.

The capital works program for 2016/2017 is currently in the early stages of development.

Council completed capital works projects valued at over \$45 million in 2014-2015. This is in addition to recurrent operational expenditure incurred in delivering services to the community. Capital works program spend over recent years is as follows:-

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Year	Total Works Program Spend
2014/2015	\$45,560,938
2013/2014	\$42,870,238
2012/2013	\$44,279,580
2011/2012	\$35,180,355
2010/2011	\$34,973,162

This past 5 years of history demonstrates that Port Macquarie-Hastings Council has a record of delivering between \$35m and \$46m of capital works projects, with the past 3 years delivering increased levels.

With funding allocated for \$92m of capital works projects in 2015/2016, in addition to carryover funding from the previous year of \$20m, this report seeks to address what is likely to (or can) be spent during the 2015/2016 financial year, in addition to how to address this issue in the development of future capital works programs.

It is expected that based on current works underway and progress to date, that capital projects completion and expenditure in 2015/2016 will be in excess of previous year levels.

Discussion

Current Status - 2015/2016 Capital Works Program

All efforts are made by Council staff to deliver the projects that are outlined in the Operational Plan each year on time and on budget.

There is currently over \$50m of contracted works in progress with \$8m of tenders having being awarded in the first quarter of this financial year.

In the current 2015-2016 program Council has outsourced over 80% (by value) of projects to contractors. Since 2013, Council has increased its internal project management capacity significantly, targeting and recruiting experienced professionals from outside local government. This additional project management capacity has only been in place for a relatively short period of time, approximately 18 months.

Council's current project management resources oversee on average 3-4 projects concurrently with total value between \$5m- \$15M. This includes the management of both in house Council delivered projects with management of externally delivered works. The current number of managed works per project managers is considered to be above the current industry average for project managers. Council also has an Memorandum of Understanding (MOU) with NSW Public Works for the provision of project and contract management services. NSW Public Works are currently being utilised to supplement Councils delivery resources in the management of several projects including the Stingray Creek Bridge, North Shore Sewerage Scheme and the Sancrox 20mL Reservoir. Council is also establishing a construction relationship with RMS which has the potential to continue works on the road network.

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Notwithstanding the efforts to complete all projects as listed in the Operational Plan, there are often many legitimate reasons why this cannot occur and these reasons were outlined in the 2014-2015 Carry-Over Projects report which was adopted by Council on 19 August 2015.

In summary, these reasons include:-

- Projects which by their size will span over one financial year period (multi year projects) for example Stingray Creek Bridge.
- Grant funded projects
- Weather impacts and staff vacancies
- Scheduling (not all projects can commence on 1 July and some projects are commenced later in the financial year)
- Project Partners

A review of the 2015/2016 Works Program already highlights that whilst projects will commence in the 2015/2016 year, they may not be complete by the 30 June 2016 for the reasons outlined above. The quantum of these funds that may need to be reallocated to next financial year to complete delivery will be finetuned over the coming months and reported to Council in due course.

As outlined in the 2014-2015 Carry-Over Projects report to Council on 19 August 2015, it is often normal practice for Council(s) to carry forward some budgets from the previous financial year. These funds are related to project budgets as opposed to core operating expenditure, and approximately one third of Councils carryover projects related to water and sewer. For comparative purposes, Lake Macquarie City Council carried over \$23.1M into the 2014-15 financial year, and Newcastle City Council carried over \$17.4M (noting that these Councils are do not deliver water and sewer functions).

Current Status - Reserve Balances

Councils can be criticised for not delivering more projects (or services) when it appears as though plenty of funds exist in restricted reserves (and consequently investments). Whilst Port Macquarie-Hastings Council holds significant levels of cash in restricted reserves and hence investments, these funds are predominantly allocated for particular purposes and/or committed projects.

As a comparison to other Group 5 Councils, the following table indicates how Port Macquarie-Hastings Council compares within the Group in terms of restricted reserve balances (noting that the last available comparative data relates to the 2013/2014 financial year):-

Cash Reserves	PMHC (\$'000)	Coffs Harbour City Council (\$'000)	Lake Macquarie City Council (\$'000)	Newcastle City Council (\$'000)	Tweed Shire Council (\$'000)
Unrestricted	4,063	188	0	28,141	5,545
External Restrictions	105,231	99,808	108,801	32,439	136,173
Internal Restrictions	42,951	48,793	66,818	181,724	51,992
Total	152,245	148,789	175,619	242,304	193,710

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This table indicates that on a comparative basis, reserve levels held by Port Macquarie-Hastings Council are not excessive, noting that Port Macquarie-Hastings Council is a growing regional coastal council which requires funds in reserve to cater for future growth. Of note, Port Macquarie-Hastings is also a water authority in a growing regional area which also requires significant cash in reserves to provide for a growing community. Further details of externally restricted reserves in relation to S94 and S64 contributions, and balances in water, sewer and waste reserves was presented to Council at the October 2015 Council meeting.

Of the current 2015/2016 capital works program, \$58m is being funded from both internally and externally restricted reserves. Until spent, these funds remain in investments earning interest. Interest on investments represents an important revenue stream for Council, with \$4.6m forecast to be earned in the 2015/2016 year.

Future Status - 2016/2017 (and beyond) Capital Works Program

The 2016/2017 capital works program is currently in the early stages of development. The following will be considered during the development of this, and future works programs to assist in better aligning the capital works program with what is actually delivered in a financial year period.

- Capacity to deliver. As outlined previously in this report, Port Macquarie-Hastings Council has delivered up to \$46m in capital works in recent years. Future works program compilation will consider this delivery history in setting the size of future capital works programs (noting that consideration must still be given to the composition of the works program itself and the impact of carryovers from the previous year).
- Fit for the Future. The reform agenda in local government is driving a great deal of change. Whilst the outcome of the Fit for the Future submission is still unknown, the review has prompted Council to consider a mature financial approach. Fit for the Future financial ratios will focus decisions on the maintenance and renewal of existing assets over and above new construction. The impact on financial ratios and Councils' financial sustainability into the future will need to be considered.
- Accounting Treatment. In the past, some non cash and other items that are not necessarily representative of works that will be undertaken by Council (for example, developer provided assets) have been included in the capital works program. This has inflated the Capital Works Program and a new approach will be undertaken in the future to record these transactions. For example, in the current financial year, the capital works budget includes an allocation of \$6.5m for road, water and sewer assets associated with development and is a non cash entry in the financial accounts.
- Outsourcing/addition of extra staff. The right balance of outsourcing in addition to extra staff (eg additional project managers to administer projects and manage external contractors) will also be considered in light of the above points. Additional staff can deliver more projects, but can add cost to the project and organisation also, and can impact negatively on financial ratios. Whilst project managers themselves may be funded by capital projects, significant growth in delivery places pressure on support services (eg recruitment, finance) and creates pressure on the operating performance ratio without an offsetting revenue stream.

Ensuring Good Governance

- Complete outsourcing of projects. This does not always lead to the most optimum outcome. In many instances, rather than complete outsourcing, utilisation of internal resources (supplemented by some sub contract expertise) can provide a very efficient outcome. An example of this approach in the current year is the Clarence and Murray Streets intersection upgrade - a project in a challenging environment including pedestrian, traffic and local business constraints.
- Enhanced reporting and monitoring. Improvements have been made to internal budgeting procedures. Phased capital budgets have only been implemented for the first time in the current financial year and it is expected that improved cashflow monitoring against forecasted budget will assist in tracking project performance against forecasted budget.

In summary, every effort is made by Council staff to deliver the projects that are outlined in the Operational Plan each year on time and on budget, however for various reasons as outlined projects will often span beyond 30 June.

Council has implemented many improvements which have expanded capacity to respond to what is a large capital works program. This includes additional resourcing in the areas of project management, outsourcing, and establishing relationships with Public Works and RMS. A further increase to project management staffing levels are unlikely to impact on the current 2015/2016 program given recruitment and project timelines. However, based on improvements already implemented, it is expected that based on current works underway and progress to date, that capital projects completion and expenditure in 2015/2016 will be in excess of previous year levels.

During development of the 2016/2017 Capital Works Program, the considerations outlined in the report will impact on what is ultimately recommended to Council for delivery. Expansion of the size of the organisation (either directly, or indirectly to manage outsourced components) can have consequences. In addition, constructing too many new assets may create heavy maintenance requirements into the future. Ultimately, the development of the Capital Works Program will be done in parallel and in consideration of the impact on the Long Term Financial Plan noting that both TCorp and Fit for the Future ratio benchmarks must be considered during budget development.

Options

This report is for information purposes.

Community Engagement & Internal Consultation

There has been no community engagement. Discussions have occurred with the General Manager, Group Manager Financial Services, Group Manager Infrastructure Delivery, Director Corporate & Organisational Services and Director Infrastructure & Asset Management.

Planning & Policy Implications

There are no planning and policy implications.

Ensuring Good Governance

Financial & Economic Implications

There are no direct financial and economic implications from this report. As noted in the body of this report, all efforts are made by Council staff to deliver the projects that are outlined in the Operational Plan each year, noting that whilst some projects may commence in the current financial year but not be completed until post 30 June 2016.

Future capital works program development will focus on an efficient, focused and relevant local government organisation. Resourcing capability and financial sustainability will be a focus in the compilation of future budgets.

Attachments

Nil

Looking After Our People

What are we trying to achieve?

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

What will the result be?

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

How do we get there?

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

Looking After Our People

Item: 10.01

Subject: REQUEST TO NAME A CROWN RESERVE - PEACH GROVE, LAURIETON

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

5.3.1 Plan, investigate, design and construct open spaces and recreational facilities.

RECOMMENDATION

That Council:

- 1. Does not make an application to the Geographical Names Board in this instance.**
- 2. Forward the applicant information in regard to Council's Commemorative Seat procedure.**

Executive Summary

A report advising on a request to name a parcel of Crown land situated in Peach Grove at Laurieton.

Discussion

An application has been received requesting consideration be given to the naming of a parcel of Crown land at Laurieton. A copy of the application and plan depicting the location of the land is attached to this report. Council has been appointed the Trust Manager of the Reserve.

The Geographical Names Board (GNB) is the Statutory Body with the responsibility for naming geographic features in NSW and provides guidance for Commemorative Naming by way of a Fact Sheet. A copy of the Fact Sheet is attached to this report. The Fact Sheet is also available on the GNB website. Commemorative naming of geographical features (such features include Reserves) is often one that raises mixed emotions and the GNB in their Fact Sheet state that "acts of bravery, community service and exceptional accomplishment by both individuals and groups" are grounds for commemorative naming. The Fact Sheet elaborates: "a person's contribution to the local community should have been of outstanding benefit to the community."

The term "outstanding benefit" is not further detailed and as such it is the discretion of Council and ultimately the GNB to decide on what is an "outstanding benefit".

The GNB 'looks' to Council's to assist it in gauging community support for a naming proposal. In this instance, support for the proposal is mixed. Rather than making application to the GNB which will result in a geographic feature being permanently named, an option is for the applicant to be provided with information about

Looking After Our People

Commemorative Seat naming for their consideration - a procedure where a plaque is placed on a seat. The placement of a plaque does not require approval of the GNB.

Options

There is the option to:

Make an application to the Geographical Names Board

Not make application to the Geographical Names Board

Community Engagement & Internal Consultation

Whilst Council is the Trust Manager of the Crown Reserve, the written approval of Trade & Investment - Crown Lands has been obtained. Crown Lands have advised there is no objection to the naming of the Reserve provided the request is ratified in line with the normal naming protocols.

In regard to Council's policy "Naming and Renaming of Reserves", notification of the proposal to name the Reserve was published in "Council Matters" and landowners within a 400 metre radius of the Reserve were contacted by letter and invited to make a submission on the proposal.

At the conclusion of the consultation period a number of submissions were received. A redacted copy of the submissions is attached. Whilst some of the submissions supported the name, others were not supportive.

Planning & Policy Implications

Regard has been had to Council's Naming and Renaming of Reserves Policy

Financial & Economic Implications

Should Council wish to support the naming request, there are no fees incurred in making an application to the Geographical Names Board but costs would be incurred in the manufacture, installation and maintenance of any signage placed at the Reserve should the Geographical Names Board approve of a name for the Reserve.

The costs of providing a Commemorative seat and plaque are met by the applicant.

Attachments

1 [View](#). Request to name Reserve

2 [View](#). Plan Showing Reserve Requested to be Named

3 [View](#). Submissions

4 [View](#). Geographical Names Board Fact Sheet on Commemorative Naming

Looking After Our People

Item: 10.02

Subject: 2015 NSW LOCAL GOVERNMENT ABORIGINAL NETWORK CONFERENCE

Presented by: Community & Economic Growth, Tricia Bulic

Alignment with Delivery Program

2.4.1 Work with community groups to build capacity on social justice issues.

RECOMMENDATION

That Council note the final report, including financials and evaluation, of the 2015 NSW Local Government Aboriginal Network Conference.

Executive Summary

On the 5 - 7 August 2015, Port Macquarie- Hastings hosted the 2015 NSW Local Government Aboriginal Network (LGAN) Conference at The Glasshouse. The NSW LGAN Conference is the one time each year that NSW Local Councils, Aboriginal Land Councils, the education sector, health sector and the community come together to discuss and share Aboriginal needs, issues, interests and achievements.

This year's event was a great success with 151 delegates attending the three day event included key note speakers, concurrent presentations on key topics, cultural tours and networking opportunities.

Discussion

Over the past 12 months Council's Place Making Team (in particular the Place Facilitator - Aboriginal and Torres Strait Islanders), have planned for and delivered a successful conference. Council staff, working with the conference coordinator and a community working group, delivered a highly efficient and successful conference was in the Glasshouse over 3 days, both on time and within budget.

The theme for the 2015 LGAN Conference was 'Bringing us together strong' on Birpai Country and the aim was to enhance the profiles of Aboriginal communities, skills and cultures. The LGAN conference has been running for 27 years and is supported by the NSW State Government and a peer elected executive.

The Conference brought together the state-wide network of Aboriginal staff from across NSW Local Government into the beautiful Birpai country. The conference provided the opportunity for the network to reflect on the past, share their successes, reconnect with each other as a community and prepare for the future through learning and experiences shared at the conference. The conference was run over three days and included staff meetings, cultural tours, Mayoral Welcome Reception, Keynote Speakers, Workshops, Conference Dinner and Merit Awards Ceremony.

Looking After Our People

The Glasshouse provided a fantastic venue for the conference and the feedback from delegates regarding the conference, venue, location, and catering was positive (refer attachment 5).

151 delegates attended from across the state, representing local Councils, local Aboriginal Land Councils, Government and non Government agencies. The local Aboriginal community also got involved in the conference with cultural performances from local school group, women's group, men's dance group and Steven Donovan.

Highlight from the event included;

- Cultural Tours of Sea Acres and a Birpai Barray Cultural tour
- Dhoongang River Cruise
- Key note from Local Hero of the Year Shane Phillips
- Key note from NSW Young Achiever Rhett Burston
- Marrickville South Breakfast Club Program
- LGAN Awards Dinner

Each year at the event, the LGAN awards presentation recognises the contribution made by Aboriginal employees within the NSW Local Government Sector. PMHC was very excited when Councils own Kelly O'Brien was awarded Aboriginal Employee of the Year (indoor).

Options

Council may choose to note the conference outcomes or not. You may also wish to encourage participation from PMHC Aboriginal staff, particular outdoor staff, to participate in future conferences.

Community Engagement & Internal Consultation

To ensure that the local community gained value from hosting the conference locally, an LGAN community working party was developed. The working party met monthly and included representation from:

- PMHC Community Place team, Economic Development, Communications team, Glasshouse;
- Aunty Linda Olive - AECG;
- Uncle Bill O'Brien;
- Helene Jones Charles Sturt University;
- Steven Miles CEO Birpai Local Aboriginal Land Council;
- Guy Jones CEO Bunyah Local Aboriginal Land Council;
- Joseph Archibald Chairperson Bearlay Aboriginal Interagency;
- Jamie Donovan Department of Education; and
- Janet Cohen- Sea Acres.

The content and planning of each LGAN conference is overseen by an overarching (executive) group to ensure that the targets are met and a successful conference is delivered. The Local Government Aboriginal Network Executive Committee comprises of representation from across the state. 12 members were elected to the executive team by LGAN conference delegates during the 2014 Conference hosted by Narrandera Shire Council. Monthly teleconference meetings were held to provide updates on conference planning and coordination and to also seek advice and

Looking After Our People

guidance on conference programming. These meetings were attended by Kelly O'Brien and Conference Coordinator, Kristal Kinsela.

A number of other local Aboriginal Community groups and businesses were engaged for different elements of the conference. These include:

- Djiyagan Dhanbaan Aboriginal Women's Group;
- Port Macquarie Primary School;
- Steven Donovan and the Dhoongang Men's Dance Group;
- Dhoongang Aboriginal Men's Group;
- Birpai Balay Sewing Group;
- Aboriginal Learning Circle North Coast;
- Roy Rose (Troy Durose);
- Jay Davis Trio and
- Port Macquarie Photo Booths (Aboriginal owners)
- Sponsorship of the event - Aboriginal Learning Circle North Coast TAFE NSW, ABS, Aboriginal Affairs NSW, Charles Sturt University and Holiday Coast Credit Union

Planning & Policy Implications

The conference aligned with Council's Aboriginal Awareness and Understanding Strategy 2013 - 2017 Strategy Goal - Together as One: Promotion of Local Government Aboriginal Network Conference 2015 and associated activities. Measure: Increase awareness of and participation in the Local Aboriginal Network Conference August 2015.

Through successful project management and supportive sponsors and lots of hard work from our Council staff and Conference Coordinator, we were able to deliver a successful conference with 151 delegates, successful cultural tours, and social activities within the budget generated from the conference.

Financial & Economic Implications

Council resolved in April 2013 to support the conference bid. Delivery of the conference was reliant on income from delegate registrations and sponsorship, as there was no budget allocation to cover conference expenses.

As demonstrated in the conference financials below, Council secured \$13,000 in sponsorship from Aboriginal Learning Circle, North Coast TAFE NSW, ABS, Aboriginal Affairs NSW, Charles Sturt University and Holiday Coast Credit Union. This sponsorship, together with in-kind support and registration income, was sufficient to cover conference costs, with the final budget result being a break even position.

The economic outcome was that over 100 delegates came from out of region and stayed, played and enjoyed our great region over 3-4 days. This translates to around a \$50,000 injection in our local economy.

Looking After Our People

LGAN Conference - Financial Result

INCOME	Amount
Registrations	\$60,190.00
Sponsorship (Cash)	\$10,000.00
Sponsorship (in-kind)	\$3,000.00
Total income	\$73,190.00
EXPENDITURE	
Conference Coordinator original contracted hours (95)	\$18,000.00
Conference Coordinator additional work outside contract (37hrs)	\$7,014.00
Conference Management Services Registrations	\$2,750.00
Graphic Design Works	\$1,494.80
Speaker Gifts	\$284.05
8GB Wafer USB card	\$1,903.00
Water Bottles	\$1,608.75
Delegate Satchels	\$4,675.00
Entertainment	\$4,766.50
Catering Glasshouse including Mayoral Welcome	\$10,495.10
Catering Conference Dinner	\$8,905.00
Merit Awards - Trophies, Table Runners and Engraving	\$560.00
Cultural Tours	\$2068.00
Speaker Flights and Accommodation	\$2,588.27
Stationary & Printing	\$1,762.88
Administration & Staff time	\$3,302.75 *
Working Party Meetings	\$90.00
Teleconferences	\$631.60
LGAN Executive Luncheon	\$246.19
Total expenditure	\$73,145.09
Net result (surplus)	\$44.91

* in-kind costs. Note also, Conference venue - Glasshouse was provided by Council and is not reflected in the conference budget.

Looking After Our People

Attachments

- 1 [View](#). LGAN 2015 Conference Program
- 2 [View](#). LGAN 2015 Port News Images
- 3 [View](#). LGAN 2015 Welcome Artwork
- 4 [View](#). LGAN 2015 Port News Story Kelly O'Brien Award
- 5 [View](#). LGAN 2015 Delegates Evaluation Summary

Looking After Our People

Item: 10.03

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

Presented by: Community & Economic Growth, Tricia Bulic

Alignment with Delivery Program

2.9.1 Provide a range of sporting and recreational opportunities.

RECOMMENDATION

1.

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. Dylan Murphy in the amount of \$500.00 to assist with expenses he will incur travelling and competing in the NSW Under 13's Boys Hockey Team to compete at the Australian National Boys Hockey Championships in Darwin, Northern Territory from 25 September to 2 October 2015 inclusive.
2. Leilani Grainger in the amount of \$350.00 to assist with expenses incurred travelling to and competing at the Budgies Australian Indigenous Netball Corporation Carnival on the Gold Coast, Queensland from 4 July to 11 July 2015 inclusive.
3. Shelby Grainger in the amount of \$350.00 to assist with expenses incurred travelling to and competing at the Budgies Australian Indigenous Netball Corporation Carnival on the Gold Coast, Queensland from 4 July to 11 July 2015 inclusive.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 24 September 2015, reached consensus on Item 08 (attached) and submits the above recommendation for Council's consideration.

Attachments

1 [View](#). Extract Item 08 MSF Meeting 24092015

Looking After Our People

Item: 10.04

Subject: UPDATE ON OUR VOLUNTEERS AND OUR ORGANISATION

Presented by: Community & Economic Growth, Tricia Bulic

Alignment with Delivery Program

2.7.1 Encourage and build capacity for community groups to be active, successful and sustainable and support growth of volunteer base.

RECOMMENDATION

That Council:

- 1. Adopt the Volunteer Policy and Procedures that has been public exhibition.**
- 2. Note the status of other key volunteering activities and value-add this provides to Council operations.**

Executive Summary

Port Macquarie-Hastings Council engages the services of volunteers directly through projects and indirectly through partnerships with community organisations. PMHC recognises that volunteers and community organisations are integral to a strong community and make a valuable contribution to community life both socially and economically. PMHC manages and supports many projects that volunteers and community organisations can become involved in. The participation of volunteers and community organisations is often the difference between a project going ahead or not and the PMHC endeavours to support volunteer efforts by providing a clear, quick and simple pathway for them to become involved.

Discussion

Since commencing in January 2015, Council's Volunteer Coordinator has focused on developing a clear and simple process to encourage the community to Volunteer. It is recognised that improving our management and recruitment of volunteers will enable better outcomes for both Council and the Community. Volunteering currently supports Council through numerous programs and projects that enhance Council's service and complete projects that are important the community. The intent is to foster and encourage more volunteering in our region and continue to encourage and grow the numbers of volunteers through appropriate recruitment, management and care that fosters more community input into what Council does.

The Volunteer Co-ordinator has also been working to implement Council's Graffiti Blaster Pilot Program, build a network of volunteers, prepare volunteer packs for all Place Making projects, and support the Work for the Dole program team, Beach to Beach and ACES disability friendly bus audit.

Looking After Our People

To ensure appropriate recruitment and management of volunteers by Council, the Volunteer Co-ordinator reviewed and renewed the Volunteer Management procedure (which had last been updated in March 2013). The revised Volunteer Policy and Procedures were presented to the Volunteer Steering Group, Councillors and Senior Management and Council endorsed public exhibition at its July meeting (for 28 days, from 6th August to the 4th September). No submissions were received during the exhibition period, although there were 41 visits to the PMHC Listening website page. It is recommended that the Volunteer Policy and Procedures be adopted, as drafted, with a review schedule for 12 months. As part of the review, the partnership with incorporated groups needs to be considered to ensure community groups are insured appropriately when working on Port Macquarie-Hastings Council Assets and projects.

Volunteer Coordinator Programs

Other key volunteering activities currently underway include:

The Graffiti Blaster Pilot Program.

To date, there are ten volunteers participating in the Graffiti Blaster project. The volunteers have investigated and removed over 271 graffiti tags since 27th March 2015 and are rostered on approximately 20 to 30 hours a week over five days. As part of the overall project, a Graffiti Log database has been developed to provide details of each Graffiti removal job. The other focus of the program is compiling details of all Graffiti Removal processes/equipment and stock for all Council assets and documenting this in a Graffiti Removal Document.

Work for the Dole

The Volunteer Coordinator is also partnering with Recreation and Building section of Council on a Work for the Dole program which began on 21st September 2015. The first project for this team is the removal and rebuild of the Lake Cathie Walkway. This project involved ten participants including a supervisor and will enhance the capital works program for Recreation and Building - essentially stretching our Council dollar further to complete more community assets.

Bus stop Audit

Another project of the Volunteer Co-ordinator is to facilitate and coordinate an audit of all bus stops in the Local Government Area to ensure they are disability compliant. Council will be working with ACES disability who has volunteered two groups a week to photograph and measure bus stops and reporting the information back to Council. The information gleaned through the ACES disability friendly bus audit will assist Council's funding application for bus shelters from Transport NSW.

Car Park Audit

The Council has also partnered with House With No Steps to conduct an audit of disability car parks in the Port Macquarie CBD. The project requires measurement and location of all disability car parks to ensure they meet state guidelines. House with no Steps have 2 volunteers that will be conducting this audit for us in which the Volunteer Coordinator will organise.

Community Projects

The Volunteer Co-ordinator has coordinated the first volunteer project with Council road reserve. The Beach to Beach Riverwalk project commence over 12 months ago. This community project is the development of a footpath/cycle path that links North Have, Laurieton & Dunbogan. In the past the group has worked on Council reserves

Looking After Our People

however a great need for volunteer process and procedures was required to work within road reserves. In consultation with other Council departments and Workcover a process has now been developed for volunteers working safely near roads. They group have now completed another 120m of concrete path in the Dunbogan area with over 50 volunteers involved in the construction.

The Volunteer Coordinator has been supporting the Mrs Yorks Group to develop new gardens to replicate the historic gardens of the 1970's.

The upcoming events that the Volunteer Coordinator will be coordinating and assisting in include:

- Tastings on Hastings
- Countdown to Christmas
- Summer Sessions.

Options

Council may choose to adopt the proposed Volunteer Policy and Procedures or request further review. It may also seek further information about the Volunteer Coordinator's role and key priorities.

Community Engagement & Internal Consultation

Internal Consultation

- Councillors
- The Executive
- Volunteer Steering Group
- Group Managers whose work includes engagement with volunteers
- WHS Officer
- Insurance Coordinator

Community Engagement

Staff have undertaken extensive engagement and research into effective volunteer operations. A range of stakeholders were engaged in the development of the policy and program. They will also form part of Council's approach to managing and recruiting volunteers in the future and include:

- Port Macquarie Neighbourhood Centre
- Charles Sturt University
- Government support areas
- Kempsey Shire Council
- Great Lakes Shire Council
- Community groups
- Google groups; and
- Council's Insurance Broker
- WorkCover
- Beach to Beach Inc
- Mrs York's Garden
- Graffiti Blaster volunteers

Looking After Our People

The Volunteer Policy and Procedure were on public exhibition from 6 August to the 6 September. It was available through PMHC Listening and advertised through the local papers. No Submissions were received during the public exhibition stage. 41 site visits were registered with no comments.

Planning & Policy Implications

There is currently no adopted Volunteer Policy in place. A Volunteer Procedure was adopted in March 2013. It is proposed that the new Policy and Procedures be adopted and a review of their effectiveness scheduled for 12 months.

Financial & Economic Implications

Council has no specific budget for the current volunteer programs and initiatives. These are being funded from existing budget for graffiti removal and grants. The introduction of a Volunteer Co-ordinator was approved in mid 2014 to investigate opportunities for the organisation to encourage volunteering across the LGA.

Since commencing in January 2015, it is estimated that the value add to council from volunteer hours is approximately \$95,000. This is based on standard Federal Government rates for volunteers and hours dedicated to projects, events and programs to date. This figure does not include the value-add to asset development via the Work for the Dole project team and the Beach to Beach River Walk.

Attachments

- 1[View](#). Volunteer Policy
- 2[View](#). Volunteer Procedures
- 3[View](#). Volunteer Numbers 2015
- 4[View](#). Volunteer Contribution Estimate

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: REVIEW OF VISITOR INFORMATION SERVICES

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

3.2.2 Develop, manage and maintain Council business units to optimise commercial return and community benefit.

RECOMMENDATION

That Council:

1. Acknowledge the feedback received from stakeholders following the stakeholder engagement presentations and workshops conducted on the review into Visitor Information Services;
2. Allocate an additional budget in the 2015/16 Operational Plan of \$30,000 to provide for improvements to the Visitor Information Centre located at the Glasshouse as per Phase 1 in Table 1 in the body of the report;
3. Give further consideration to additional improvements for the delivery of visitor information services across the LGA as part of Council's 2016-2017 budget process.

Executive Summary

At the Ordinary Council Meeting held on 16 July 2014, Council resolved to adopt the Glasshouse Strategic Plan 2014-2017 which included Recommendation 2.2 *"Review the delivery of information services (including visitor information) within the Glasshouse in partnership with Council's Economic Development unit"*.

This Recommendation combined with industry-wide changes in visitor behaviour (i.e. a declining use of visitor information centres), increased use of technology to obtain visitor information, and concerns raised by industry stakeholders have led to this review to determine the most appropriate model for the ongoing delivery of visitor information services across the LGA to ensure continued relevance to visitors, the tourism industry and the local community.

Council engaged consultants Sandwalk Partners in November 2014 to conduct a review of the current delivery of visitor information services across the LGA, to identify current industry trends and best practice, and ultimately to recommend options for the future delivery of visitor information services across the LGA including at the Glasshouse.

The consultant's final report was received in June 2015. This report required further analysis by Council staff to determine the resourcing and financial impacts of the reports' recommendations.

Helping Our Community Prosper

Following this analysis and consideration of potential options, Council undertook a series of presentations and workshops in August and September 2015 with a range of stakeholders to obtain feedback on the findings and recommendations of the review.

This report provides a summary of the review and feedback received from stakeholders, and recommends a phased approach to the recommendations outlined in this report. A number of recommendations are already being implemented and others can be absorbed within existing resourcing allocations. Feedback has suggested that the relocation of the brochures, installation of imagery on the Glasshouse wall, and public wifi are considered to be very important to stakeholders and should ideally be implemented prior to the Christmas tourist season. These items are grouped into Phase 1 in Table 1.

Other recommendations have greater resourcing and funding implications and hence it is recommended that these be given further consideration as part of Council's 2016-2017 budget process. These are identified as Phase 2 in Table 1.

Discussion

Summary of the Review of Visitor Information Services

In accordance with the Glasshouse Strategic Plan 2014-2017, consultants Sandwalk Partners was engaged by Council in November 2014 to conduct a review of visitor information services across the LGA (including at the Glasshouse Visitor Information Centre (VIC)). The scope of the review included:

- Review of current visitor information services
 - General context, background, history, role, benefits
 - Regional tourism context, economic benefit, size and demographic of market, destination management and marketing plans
 - Current service delivery, operations, cost vs revenue model, return on investment (ROI)
- Trends and Benchmarking
 - Current trends in visitor information services, best practice review of regional visitor information services delivery
 - Gap analysis, identify service gaps between current operation and best practice
- Future opportunity for visitor information services across the LGA including at the Glasshouse
 - Potential operating models, cost, risk, issues and commercial opportunity
 - Propose cooperative management model, integration of role of various stakeholders
 - Recommendations for new and innovative model for visitor information services delivery at the Glasshouse

In reviewing the current visitor information services, the consultants engaged with tourism industry stakeholders via a Workshop conducted at the Glasshouse on 2 December 2014. To ensure appropriate engagement and consultation during the initial information gathering phase of the review, at the request of Council, the

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consultant conducted further stakeholder engagement in February 2015. A summary of the key issues / themes raised by stakeholders included:

- Concerns regarding the location and layout of the current Visitor Information Centre (VIC) at the Glasshouse – location, distance from the Oxley Highway, lack of parking for tour coaches, caravans, lack of a significant tourism presence
-
- Concerns regarding resourcing – while staff are helpful, much of their time is focussed on Box Office functions, desire to see a more “concierge” style approach
-
- Concerns regarding the change in booking system
-
- Ongoing perception that Council is placing less focus on tourism by establishing the broader economic development focus – in response, industry and community groups are “filling the gap” with alternative visitor information initiatives
-
- Persistent, albeit diminishing, view that the Visitor Information Centre predominantly promotes Port Macquarie and the Glasshouse at the expense of the rest of the region as a whole.

The consultant’s final report was delivered in June 2015 (*the report is attached for information, noting that the consultant engagement scope extended beyond the Visitor Information Centre scope. Hence only the component of the report that relates to the Visitor Information Services review is attached to this report. A table which lists other organisations has been redacted*). The consultants’ report provides for the following recommendations:

- Glasshouse VIC location: to remain, noting the venue’s prominence and central location
-
- Booking system: new system to be investigated to improve service levels
-
- Visitor Engagement: staff to provide more active engagement with visitors
-
- Ambassadors: staff to provide more active management and coordination of volunteer ambassadors
-
- Council Destination Marketing: set the strategic / tactical approach, marketing priorities, with greater engagement with the VIC to deliver campaigns
-
- Infrastructure: upgrade VIC / tourism related infrastructure
-
- Visitor Information Network: Council to establish and coordinate a network of visitor information centres across the LGA
-
- Curated Content: Council to provide curated content across the network of VICs
-
- Regional Showcase: establish the Glasshouse VIC as a showcase of what the region has to offer (ie lifestyle, food and wine, produce etc)
-

The report goes on to describe the components of the recommended Network Model which includes:

Helping Our Community Prosper

- “Flagship” (@ The Glasshouse) plus a network of “Major Partner”, “Partner” and “Express” visitor information outlets linked to major points of visitation and major regional events
- Consistent branding, signage, displays, destination messaging
- Expansion of current curated content by Council’s Destination Marketing team
- Expansion of deployment of volunteer Ambassadors
- Establishment of a Visitor Information Network Working Group
- Shared roles and responsibilities between Council and industry stakeholders

While the final report suggests a cooperative management model for this network, the majority of the responsibilities will realistically sit with Council. The report did not identify the additional staff resources and infrastructure costs required to establish and operate this expanded network of visitor information services / centres across the LGA and this was done by Council staff on receipt of the report.

Of particular note is the current industry trend identified by the consultants that visitation to visitor information centres has been steadily declining since 2008, suggesting that visitors are using other channels to obtain visitor information. The report also identifies research which shows that less than one-third of holiday makers and those visiting friends and relatives will go to a VIC during their visit.

Visitor research by MyTravelResearch.com recently commissioned by Council supports the view that visitors are using a range of channels to obtain visitor information with the key findings being:

- Over 50% of trips are planned more than three months out
- Key sources used in planning travel include hotel / accommodation websites, search engines, websites for specific attractions / activities, review websites such as Tripadvisor, and other accommodation sites
- Visitor Information Centres remain an important source of visitor information (on trip / in destination), but are ranked of lesser importance by visitors, with
 - 36% of our visitors having used a VIC whilst planning their trip or in destination
 - 17% of our visitors visiting friends and relatives having used a VIC whilst planning their trip or in destination
- 7% of those people hosting visiting friends and relatives currently use a VIC, whilst 18% say they would ideally like to use one.

On the basis of this research and increasing trend for visitors to use web-based information sources, it could be argued that it is difficult to justify significant additional expenditure on the visitor information centre(s) in terms of return on investment.

It is noted however that the consultant’s report identifies Tourism Research Australia research that shows that visitor information centres can be influential in determining

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visitor behaviour during their visit, including increased length of stay, participation in additional activities and therefore the potential for increased overall unplanned spend.

For the purposes of stakeholder engagement, Council staff developed the following options for discussion:

1. Retain the Current Model of service delivery
2. Implement a Low Cost Model addressing key issues identified by stakeholders
3. Implement the Full Network Model as proposed by Sandwalk Partners
4. A variation of the above

1. Retain the Current Model of service delivery

This model retains current service (and staffing) levels at the Glasshouse. It has no impact to Council or the tourism industry in terms of additional costs, but it is recognised that this model does not address the key concerns raised by tourism industry stakeholders during the review.

2. Implement a Low Cost Model addressing key issues identified by stakeholders

This model retains the current level of staff resourcing, but offers the potential for improved service levels through:

Glasshouse VIC

- Relocation of the VIC brochure stands to the Gallery end of the ground floor, coupled with the provision of an enhanced VIC / tourism presence through improved graphic design wall maps / “skins” etc with a regional, whole of LGA focus
- Consideration of an enhanced mix of traditional brochures and digital technology, including provision of a public WiFi facility
- Enhanced engagement with the volunteer Ambassadors including training, and improved communication between Council’s Destination Marketing and Glasshouse staff regarding brand / campaign messaging

Current self-funded VICs (eg iKew, Sea Acres etc)

- Retain as existing and continue to make available a range of existing curated destination marketing content (eg 52+ things to do) to ensure consistency in the destination marketing message provided to visitors
- Develop a resource kit to assist self-funded VICs to deliver consistency in the destination marketing message provided to visitors

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Implementation of this model would require an additional **\$30,000** one-off initial capital investment in the VIC infrastructure, along with an ongoing **\$15,000** cost per year to improve the engagement, coordination and training of Ambassadors and cover additional operating costs (eg public WiFi).

This model addresses the majority of the key characteristics of successful / best practice visitor information centres as identified in the consultant's report, and seeks to address the key concerns raised by tourism industry stakeholders in relation to the current VIC located at the Glasshouse.

3. Implement the Full Network Model as proposed by Sandwalk Partners

This model requires significant additional staff resources and infrastructure to implement in addition to the "low cost" model above, including:

- two (2) additional full-time equivalent staff to address the requirement for increased levels of visitor and Ambassador engagement, establishment, coordination and training of the network of VICs and proposed Visitor Information Network Working Group, and provision and coordination of curated content along with consistent branding / signage / displays, as recommended by Sandwalk Partners
- further investment in VIC infrastructure including digital technologies / signage across the network

Implementation of this model could require an additional **\$100,000** one-off initial capital investment in the VIC infrastructure across the network, along with a potential ongoing **\$240,000** cost per year to cover additional staff resources and operating costs.

As part of the engagement with tourism industry stakeholders on these options, the following possible cooperative funding opportunities were discussed with industry to offset the additional costs identified:

- the introduction of the brochure fee for the display of brochures in the Glasshouse VIC as previously proposed (and deferred by Council in July 2014 pending the outcome of this review)
- considering options to reduce hours of operation as part of a broader discussion around the value of the formal VIC accreditation level

With regard to accreditation, the consultant's research identified that accreditation may have little overall relevance to the delivery of quality visitor information services being largely about "back-office" compliance. As a Level 1 accredited facility, the Glasshouse VIC is currently required to be open 363 days per year for a minimum of 56 hours per week. As a Level 2 accredited facility, Council could consider a reduction in the VIC operating hours to a minimum of 43 hours per week with associated reductions in operating costs.

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Summary of Feedback received from Stakeholders

In general there was little support for Option 1, to retain the current model of service delivery.

Equally, there was general consensus that significant additional expenditure on the visitor information centre(s) could not be justified without further information to confirm the corresponding return on investment.

While the tourism industry stakeholders would ideally like to see Option 3 (the full network model) implemented, there was general agreement that Option 2 or similar offered a pragmatic solution to address many of the concerns raised by tourism industry stakeholders.

Further specific feedback is noted in the table below along with a recommended phased approach for the implementation and further consideration of the various recommendations. It is considered that the phase 1 improvements identified in the table below can be resourced from existing budgets or with relatively minimal additional resourcing. It is recommended that the phase 2 elements be given further consideration by Council as part of the 2015-2016 budget process.

TABLE 1: Recommendations and Stakeholder Engagement Summary:

Sandwalk Partners Recommendation	Recommendation	Stakeholder Feedback	Phase 1	Phase 2
VIC Location	That the primary VIC remain at the Glasshouse due to central location and local prominence	Agreed - the VIC should remain at the Glasshouse noting some parking constraints which are not easily overcome at this location	Noted	Self-funded VICs provide alternative parking options
Booking System	Investigate and implement an effective booking system	Agreed.	This is currently being implemented by the Economic Development team	-
Visitor Engagement/ Ambassadors (Glasshouse)	Provide more active engagement with visitors away from service desk. More active management of volunteer ambassadors	Agreed - concierge style approach desired by Tourism Industry.	FOH Coordinator could allocate a few hours per week to additional volunteer management and training. Relocation of brochure display allows for better presence. Ambassadors could manage a "What's On" display board	-
PMHC Marketing	Provide better linkage between Glasshouse staff and Economic Development (Destination Management) staff	Agreed	Monthly meetings between teams has already been implemented	-

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Sandwalk Partners Recommendation	Recommendation	Stakeholder Feedback	Phase 1	Phase 2
Infrastructure - Glasshouse	Provide additional dedicated VIC infrastructure	Agreed - this should ideally be in place before the Christmas holiday season	Relocation of brochures to front of gallery *	
			Regional imagery and 2 x iPads on stands could be provided in this space improving the "look and feel" of the VIC. Images to showcase whole region (approx cost \$20,000)	
			Installation of public WiFi (approx cost \$10,000)	
				Additional imagery/furniture/layout changes
				Infrastructure for other self-funded VICs
				TV screens / digital infrastructure noting that when / if these are in place, demands on content management are likely to be considerable
Network Model & Curated Content	Establish a network model to provide consistent messaging across sites	Agreed, although whilst opportunities exist, the full proposal as outlined by Sandwalk Partners may not be feasible or justified on the basis of return on investment. Noted that PMHC will not have the ability to dictate look and feel of other VICs	Continued provision of existing curated content	Development of toolkits, procedural documentation, joint familiarisations / information days (with coordination of industry presenters), planned education, provision of marketing material and infrastructure will take considerable resourcing
Regional Showcase	Note: Is beyond VIC scope review. To be considered further by Glasshouse Sub-Committee	-	-	-

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Sandwalk Partners Recommendation	Recommendation	Stakeholder Feedback	Phase 1	Phase 2
Working Party	Formation of a working party to oversee changes	Some feedback suggested the Glasshouse Sub-Committee. Others suggested a working group managed by the Greater Port Macquarie Tourism Association (as a short term oversight arrangement)	Utilise existing group (ie Glasshouse Sub-Committee) ensuring that GPMTA receive ongoing information and ability to provide feedback	-
Funding	Suggestion that initiatives are largely low cost and other items could be funded by brochure display fees or other cooperative efforts	Brochure fee only supported if part of co-operative package. Strong feedback that all initiatives would be the responsibility of Council to fund. Industry stakeholders do not wish to see a reduction in Council allocation to destination marketing	Council to fund initial initiatives	To note impact on general fund for other initiatives being considered as part of the 2016-2017 budget process
VIC Accreditation	Accreditation research has suggested that it has little relevance to the delivery of quality visitor services and for Council to determine whether to maintain the levels of accreditation (costs mainly associated with opening hours)	Feedback noted that VICs visitation is in decline, and that VICs may cease to exist in their current form in the future. Felt that PMHC should not be among the first to reduce accreditation levels, particularly whilst further research is currently being undertaken by Tourism Australia	-	To consider further in the future
Brochure Displays		Not a Sandwalk Partners recommendation, however brochures could be outsourced - improving the range at the VIC and consistency at other sites	Implement a trial	-
Data		Not a Sandwalk Partners recommendation, but some feedback suggested better use of data	Consideration to be given to the development of meaningful KPIs to support future decision making	-

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Sandwalk Partners Recommendation	Recommendation	Stakeholder Feedback	Phase 1	Phase 2
Total Additional Cost			\$30,000	Up to \$100,000 initially, and up to \$240,000 annually
<p>* The intention is for the brochures to remain in this location, however, on occasion, and typically outside of VIC opening hours, this space may be required for Glasshouse events (such as a major Gallery exhibition opening). Brochures would be returned before VIC opening hours on the following day. This flexibility is consistent with the Glasshouse Strategic Plan 2014-2017.</p>				

In summary, it is considered that the phase 1 improvements identified above, address many of the key characteristics of successful / best practice visitor information centres as identified in the consultant's report, and seeks to address the key concerns raised by tourism industry stakeholders in relation to the current VIC located at the Glasshouse.

Consideration of additional resourcing and funding required for the implementation of improvements beyond the Phase 1 improvements could be deferred to 2016/2017 budget considerations.

Options

Council has the option to either adopt the recommendations of this report, to amend, or not to adopt. Options include:

- Do nothing now, and defer further consideration of all potential improvements until the 2016-2017 budget process; or
- Implement all potential improvements now noting the financial implications of funding these initiatives.

Community Engagement & Internal Consultation

External Consultation

Various briefings, presentations and workshops have been conducted with a range of stakeholders as follows:

- | | |
|--|-------------------|
| • Councillor Briefing session | 26 August 2015 |
| • Glasshouse Sub Committee (GSC) | 1 September 2015 |
| • Economic Development Steering Group (EDSG) | 2 September 2015 |
| • Tourism Industry stakeholders | 17 September 2015 |
| • Glasshouse Sub Committee (GSC) | 6 October 2015 |
| • Councillor Briefing session | 7 October 2015 |

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Internal Communication

Internal consultation has taken place with:

- Director, Corporate and Organisational Services
- Group Manager, Economic Development
- Group Manager, Commercial and Business Services
- Acting Venue Manager, Glasshouse
- Destination Management Coordinator

Planning & Policy Implications

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

Financial & Economic Implications

This report recommends that Council allocates a budget of \$30,000 in the current 2015-2016 works program for the implementation of the recommended phase 1 improvements. This allocation will be funded through an Internally Restricted Reserve.

The report also recommends that further consideration be given to the future requirements for the delivery of visitor information services across the LGA as part of Council's 2016-2017 budget process.

Attachments

- 1 [View](#). Sandwalk Partners Report - Review of Visitor Information Services - June 2015

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Item: 11.02

Subject: COMMERCIAL ACTIVITIES ON COUNCIL-MANAGED LAND - DRAFT POLICY

Presented by: Community & Economic Growth, Tricia Bulic

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

1. **Agree the exhibition of the draft Commercial Activities on Council-managed Land Policy for the period 26 October 2015 to 23 November 2015.**
2. **Request the General Manager report to the December 2015 Council meeting advising of community feedback received during the exhibition period, rescinding the existing policy and presenting a proposed policy for adoption.**

Executive Summary

Council staff have been working with local business stakeholders to consider future management options for the use of our parks, beaches and reserves by commercial operators. Typically, these 'Council-managed lands' are Crown Land for which Council is the trust manager. This conversation was prompted by the fact the existing Policy is very dated, there has been increased levels of feedback from the local community, and increased demand for and diversity of commercial use of our public spaces. The message from the community was that the growth in commercial activities is starting to impact on shared public spaces. Businesses have flagged and raised concerns with staff that there is inconsistency in the current approach to licensing commercial operators.

Council is seeking to find a way to ensure these spaces can be used safely, enjoyed by all and adequately maintained. A draft Policy outlining a proposed way forward has been developed following research on how such places are managed by other metropolitan and regional Councils and initial consultation with some key local business stakeholders. Exhibition of this draft Policy will allow staff to further engage with stakeholders and to get their feedback about both the draft and proposed fee structure.

Discussion

Council is looking to support and encourage the sustainable use of Council-managed land for commercial purposes. Our aim is to determine a management approach

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which balances the interests of local business, the community and Council. Essentially, Council's approach to this matter aims to ensure:

1. that overcrowding is not an issue;
2. that commercial activities are conducted in a safe manner;
3. there is capacity for commercial activities to take place and contribute to the vibrancy of our places;
4. our community has fair and equitable access to public spaces.

In recent times, staff have received increased community feedback about commercial users of our Council-managed parks and reserves - specifically that some commercial users are having a negative impact on the amenity of these spaces by placing fitness equipment on walkways, using park benches for step-ups etc. At the same time, there has been an increase in the number and diversity of commercial activities being conducted or proposed on Council-managed land. It is acknowledged that these activities contribute to vibrant public spaces and offer valued services to locals and visitors. That said, there is also a need for a shared approach to the safe use and maintenance of public spaces.

Council's existing Policy, 'Use of Reserves and Beaches by Private Enterprise Policy', is very dated and not relevant to the breadth of commercial operations now occurring in these spaces (refer Attachment 1). This Policy includes a requirement for commercial users to complete a Development Application (DA), and apply for a Temporary Licence (in-line with Crown Lands requirements, where Council is the trustee of the land).

As part of recent attempts to reduce red tape, staff have removed the need for a DA for commercial users of Council-managed land (where there are no associated permanent structures to be erected). This change has been well-received by current licence holders. Commercial activities such as water sports (surf schools, stand up paddle, kayaks etc) and other new activities (rock climbing, chair hire etc) are currently managed via this temporary licence system, which has an associated annual fee of \$950. To date, however, there has been no mechanism for the regulation of users such as personal trainers and group fitness providers.

In considering a new approach, discussion with existing commercial operators (licenced and unlicenced) raised the following as key considerations:

1. Any revised Policy should apply to all commercial users of Council-managed land - there needs to be a 'level playing field'.
2. All commercial users of Council-managed land must have a valid temporary licence and identify themselves as being licenced.
3. Council support in identifying/promoting licence holders would be seen as a positive 'value-add' to local business.
4. All commercial users of Council-managed land must have the appropriate insurances and provide evidence to Council that insurances are current.
5. Fees associated with any licence system should be reinvested in improvements to the spaces being used.

Whilst discussion with business on licencing did initially prompt concern around additional 'red tape', there was an acknowledgement that the current situation is not equitable and that there would be benefits to such a system. For example, a Council licence indicates legitimacy of business, and licencees could be listed on Council website for customer/community information. Discussions around a licence fee

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centred on what is affordable to the range of commercial operators, how this compares to operating costs of those who already have fixed business premises (and wear that cost) and how any revenue would be reinvested in the site, for which Council is the manager. There are currently ten Temporary Licence holders each paying \$950.00 per annum. Currently, this is a fixed fee irrespective of the type of activity and the number of locations nominated for that activity.

There are many different fees and charges models adopted by Councils across Australia but most are based on the number of locations nominated by the commercial operator. The fees and charges included in the draft Policy have been developed with a focus on affordability, a sliding scale depending on the extent of use of Council-managed land and a reduced rate for operators who are already may be already paying a business rate because they operate from other fixed premises:

Fee Description	Charge
Application Fee per annum	\$ 115.00
Temporary Licence per annum (up to 2 nominated locations)	\$ 460.00
Temporary Licence per annum (per additional location) *	\$ 100.00
Temporary Licence per annum (per additional location) **	\$ 50.00

*Applies if the applicant does not pay a business rate directly related to the Temporary Licence activity. i.e. the business is solely conducted on Council-managed with no fixed premises.

**Applies if the applicant pays a business rate directly related to the Temporary Licence activity. For example, a personal trainer also has a business premises such as a gym.

The cost of a Temporary Licence using the proposed fee structure equates to a minimum charge of \$8.85 per week up to a maximum of \$18.25 per week. To assist seasonal and start up businesses, it has been suggested that 3 month, 6 month or 12 month Temporary Licences (charged on a pro rata basis) also be considered. This is currently being trialled with some new licenced operators

The minimum charge for a Temporary Licence based on existing Crown Lands Policy is \$460 per annum. The above Fees and Charges schedule has been designed to ensure that no existing Temporary Licence holder will be disadvantaged by the new Policy. There is an opportunity for some existing Temporary Licence holders to pay less than the current rate of \$950, if the number of nominated locations is reduced noting some existing licence holders nominate up to seven locations.

All revenue from Temporary Licences will be reinvested in the maintenance and upgrade of Council-managed land used for commercial purposes. Any Policy change is not intended as a revenue raiser and is solely focused on creating a safe, sustainable and vibrant environment where commercial users and the community can co-exist.

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Options

Council may choose to:

- Exhibit the draft Policy to allow further stakeholder engagement and refinement prior to making any formal Policy change; or
- Request that further work be undertaken on the draft or in reviewing management models with stakeholders. (It should be noted that consultation to date has indicated that there is little support for a Policy based around tendering for the lease of popular locations, as has occurred in some local government areas).

Community Engagement & Internal Consultation

The review of commercial activities on Council-managed land has been undertaken by staff from the Recreation and Buildings, Community Place and Economic Development units of Council. Recreation and Buildings has an interest in maintaining safe environments where the community and commercial operators co-exist, Community Place and Economic Development has an interest in creating great and vibrant spaces which support and encourage commercial activities which offer valued services to our community and visitors. Property Services and Compliance staff have also been engaged in the development of the draft Policy, noting their potential involvement in licencing and monitoring/compliance.

In developing the draft Commercial Activities on Council-managed Land Policy Council staff reviewed a range of existing policies from other Councils. These policies were often complex documents which set parameters around the number and type of commercial activities permitted in every Council-managed location. The proposed Port Macquarie-Hastings approach is far simpler and is reflective of our intention to reach a balance between legitimate commercial and community use that is appropriate to our specific region.

A discussion forum with local industry stakeholders was hosted by Council on 13 August 2015. The forum was deemed to be the best way to inform the development of a draft Policy and specifically:

1. Bring stakeholders and Council together and gather early feedback from stakeholders on their experiences, and current and potential future management approaches.
2. Put forward Council's idea to capture new and existing users of public spaces and motivations behind this proposal.
3. Determine what is a fair fee structure for a Temporary Licence and how the revenue raised will be expended.

Over 40 businesses believed to be operating on Council-managed land were invited to attend and to circulate the invitation to colleagues within their respective industries. Thirteen (13) individuals accepted the invitation to attend and numerous others provided feedback via telephone separately. The range of businesses represented included surf schools, the fitness and health industry, adventure tour operators (paragliding) and other water based operators (stand up paddle board, kayak tour and hire).

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The notes from the forum are at Attachment 2. The information gathered was used to develop the Policy which captures all commercial users of public spaces via the Temporary Licence system to ensure public spaces are being used in a regulated yet fair and equitable manner.

Planning & Policy Implications

The exhibition of a draft Policy has no immediate direct planning or Policy implications. Should Council choose to adopt the draft Policy in the future, the existing 'Use of Reserves and Beaches by Private Enterprise Policy' would need to be formally rescinded.

Should Council agree to the exhibition of the Policy, the following outlines the timeline for consideration and implementation:

1. Report to Council recommending adoption of final draft Policy (December 2015)
2. Education and Awareness Campaign (January to March 2016) to ensure that all commercial operators are aware and captured by the new Policy.
3. Processing of Temporary Licence Applications for previously unlicensed operators (May to July 2016).
4. Monitoring and compliance (on-going from 1 August 2016) to ensure that commercial operators are operating in accordance with the conditions of the Licence.
5. Review of new Policy (in consultation with industry stakeholders) by mid 2017.

The draft Policy is supported by the Crown Lands Act 1989 and the adopted Hastings Regional Crown Reserve-Precinct A Plan of Management which authorises a reserve trust to grant a temporary (maximum) one year licence.

The draft Policy has a compliance element. Section 626 of the Local Government Act makes it illegal to "engage in trade or business without approval". Temporary Licence compliance will be monitored by Council's Regulatory Services unit.

Financial & Economic Implications

Any changes to the Commercial Activities on Council-managed Land Policy will have a financial impact - both in terms of staff resources and Council income from the temporary licence fee. It is difficult to calculate the likely revenue to be raised from the proposed new Policy as there is a lack of data around exact number of commercial operators, however it is estimated that it would be in the range \$15 000 to \$25 000 per annum. The current income from licenced operators is estimated at \$9500.00 for 2015/16.

As noted previously, the draft Policy is not intended to stifle economic activity in our public spaces, but to help ensure safe, accessible and vibrant public spaces for both the community and business.

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Attachments

- 1 [View](#). Use of Reserves and Beaches by Private Enterprise Policy
- 2 [View](#). Discussion Forum Notes
- 3 [View](#). Draft Commercial Activities on Council-managed Land Policy
- 4 [View](#). Draft Temporary Licence Application Form

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: DA2015 - 0350 - DWELLING AND SWIMMING POOL INCLUDING
CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS)
OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL
PLAN 2011 AT LOT 15 DP 1074785, NO. 6 OCEAN RIDGE TERRACE,
PORT MACQUARIE

Report Author: Matt Rogers

Property:	Lot 15 DP 1074785, No. 6 Ocean Ridge Terrace, Port Macquarie
Applicant:	A S & W M Evans
Owner:	A S & W M Evans & Weshkeal Pty Ltd
Application Date:	26 May 2015
Estimated Cost:	\$798,380
Location:	Port Macquarie
File no:	DA2015 - 0350
Parcel no:	46394

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 0350 for a Dwelling and Swimming Pool Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 15, DP 1074785, No. 6 Ocean Ridge Terrace, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a Dwelling and Swimming Pool Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one submission has been received.

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.

As the variation sought in this application is 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.

“That it be recommended to Council that DA 2015 - 0350 for a Dwelling and Swimming Pool Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 15, DP 1074785, No. 6 Ocean Ridge Terrace, Port Macquarie, be determined by granting consent subject to the recommended conditions.”

Existing sites features and Surrounding development

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:



PORT MACQUARIE
HASTINGS

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2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a dwelling and swimming pool.

Refer to attachments at the end of this report.

Application Chronology

- 26 May 2015 - Application lodged.
- 2 June 2015 to 15 June 2015 - Application publicly notified (one written submission received).
- 15 June 2015 - Site inspected by assessing officer.
- 24 June 2015 - Additional information requested from Applicant.
- 26 August 2015 - Additional information and amended plans received from Applicant.
- 23 September 2015 - Application considered by Council's Development Assessment Panel.

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:

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

State Environmental Planning Policy 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

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 71 – Coastal Protection

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71.

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

Having regard to clauses 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage;
- g) reduce the quality of the natural water bodies in the locality.

The site is predominately cleared and located within an area zoned for residential purposes.

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

A BASIX certificate (number 610219S) 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 R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the dwelling (or ancillary structure to a dwelling) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*

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- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality. The proposal contributes to the range of housing available in the local government area.

- 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 as being 8.5m. The proposed development has maximum overall height of 10.1m in the south-west corner of the building, which exceeds the maximum permitted height by 1.6m (19% of the development standard).

The part of the building having a maximum height of up to 10.1m is part of a roof over the rear balcony. There is also a minor variation for a small section of roof over the ‘Meals’ room, which has a maximum height of 8.6m above existing ground level.

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 dwelling presents as single storey at the street frontage and two storeys at the rear where the land slopes away steeply. The floor space ratio of the dwelling is significantly below the maximum permitted for the area, and the bulk of the building is satisfactorily broken down by the building design. The proposed development is considered to be compatible with the character of the locality.

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

Comment:

The part of the building exceeding the height limited is part of a roof over the rear balcony and a small section of roof over the ‘Meals’ room. These parts of the building are located at the rear of the site and would not have a significant visual impact.

The proposed variation does not result in any loss of solar access or loss of privacy to adjoining properties.

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See detailed comments regarding disruption of views later in this report. The proposal is considered to be satisfactory in this regard.

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

Comment:

Not applicable.

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

Comment:

Nearby land in the locality is all subject to the same 8.5m height controls as the development site. The land is therefore not intended to provide a transition in land use intensity or built form to another area.

The applicant has lodged a written request in accordance with Clause 4.6 of the LEP objecting to the 8.5m building height standard applying to the site which is established under Clause 4.3 (see comments below).

- Clause 4.4, the floor space ratio of the proposal is 0.53:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- 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 2.3 and 4.3 above, the proposed development would satisfactorily achieve the objectives of the R1 General Residential zone and Height of Buildings standards. It is therefore considered that the proposed variation is not contrary to the public interest.

The Applicant's written request has satisfactorily demonstrated that compliance with the development standard is unnecessary in the circumstances of the case as the proposal complies with the objectives of the development standard, despite the non-compliance with numerical controls.

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

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- The site has a significant slope from front to rear and also a significant crossfall. There is a change in level of approximately 7.5m from the front of the site to the rear, and a 3m change in level across the site. The slope is particularly steep in the south-west corner of the site, where the non-compliance with the Height of Buildings standard occurs.
- The variation to the height of buildings would not result in any adverse amenity impacts in terms of privacy, solar access, visual impact, or disruption of views.
- The height, bulk and scale of the development are compatible with existing development in the locality.

It is therefore considered that the proposal satisfies the requirements of Clause 4.6 and it is recommended that the proposed variation be supported.

- Clause 7.13, satisfactory arrangements are in place for provision of essential services.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	Pergola structure over swimming pool at minimum 2.12m front setback.	No*
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 4.5m local road. 	6.4m setback to local road.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	7.04m setback and 4.92m pergola structure.	Yes
	6m max. width of garage	5.0m wide and 26% width	Yes

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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
	door/s and 50% max. width of building	of building.	
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	5m wide and 32% of site frontage.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Minimum 3.11m rear setback to balcony and 4.11m rear setback to wall of dwelling.	No*
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	Zero ground floor side setback to proposed covered barbeque area and pergola. Ground floor walls of the dwelling setback a minimum of 1.07m from the side boundaries. First floor side setback 1.21m to north-east boundary and 3.05m to south-west boundary. Reduced first floor setback to north-east boundary would not reduce solar access to adjoining properties. Satisfactory wall articulation proposed for dwelling.	No*
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	42.5m ² of ground level private open space at rear, plus first floor balcony of similar area, plus approximately 100m ² in front courtyard. Private open space includes 4m x 4m area at maximum 5% grade and accessible from living area.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping 	1.8m high front fence built to the front boundary for less than 6m in length and including infill panels to achieve required 25%	Yes

Looking After Our Environment

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances • Front fences and walls to have complimentary materials to context 	transparency. Remainder of front fence setback from boundary and landscaping provided forward of the fence.	
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	Privacy adequately protected through building design. Elevated rear balcony is setback more than 3m from the property boundary and does not require privacy screening.	Yes

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	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	Yes

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DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		immediate area.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Up to 2m of fill outside the perimeter walls.	No*
2.3.3.2	1m max. height retaining walls along road frontage	Retaining wall along north-east boundary forward of the dwelling is a maximum of 0.7m high.	Yes
	Any retaining wall >1.0 in height to be certified by structure engineer	Condition recommended requiring certification of retaining walls higher than 1m.	Yes
2.3.3.8	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	None proposed to be removed.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	Access to local road.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Single domestic driveway. No significant loss of street parking.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	Double garage.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.14	Sealed driveway surfaces unless justified	Condition recommended requiring concrete surface.	Yes

The proposal seeks to vary Development Provision 3.2.2.2 in relation to the front setback of the proposed pergola structure over the swimming pool.

The relevant objective is that front setbacks should support attractive streetscapes.

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

- The setback of the structure ranges between 3m at the eastern end and 2.12m at the western end. The minor encroachment is partly due to the angular front boundary alignment.
- The pergola is an open, un-roofed structure and would not be dominant in the streetscape.
- The proposed finished level of the outdoor area containing the pergola is below the street level and the structure would be substantially obscured from view behind the proposed front boundary fence.

The proposal seeks to vary Development Provision 3.2.2.4 in relation to the rear setback of part of the balcony.

The relevant objectives are:

- To allow natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide useable yard areas and open space.

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

- The rear balcony is a curved shape and a significant proportion of the structure complies with the minimum 4m rear setback.
- The balcony is an open structure and would not significantly affect natural light or ventilation between the development and neighbouring dwellings and open space.
- The development has been designed with its main outdoor space in the north-east corner of the site, where better solar access is available.

The proposal seeks to vary Development Provision 3.2.2.5 in relation to the proposed side setback of the covered barbeque area and pergola.

The relevant objectives are:

- To reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy.
- To provide for visual and acoustic privacy between dwellings.

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

- The wall of the covered barbeque area has a length of 6.5m and a height ranging between 2.2m and 3.2m as is not considered to be perceived as bulky.
- The boundary wall does not contain any windows that would result in loss of visual or acoustic privacy.
- The wall is located adjacent to garage of the adjoining dwelling to the east and would not affect the amenity of any living areas.

The proposal seeks to vary Development Provision 2.3.3.1 in relation to the extent of fill proposed to be carried out more than 1m from the building walls.

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The relevant objectives are to ensure that the building or structure integrates with the topography of the land to:

- Minimise the extent of site disturbance caused excessive cut and fill to the site.
- Ensure there is no damage or instability to adjoining properties caused by excavation or filling.
- Ensure that there is no adverse alteration to the drainage of adjoining properties.
- Ensure that privacy of adjoining dwellings and private open space are protected.
- Ensure that adequate stormwater drainage is provided around the perimeter of buildings and that overflow paths are provided.

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

- The slope of the site is particularly steep at the rear and filling to achieve a useable space is considered reasonable.
- The development is capable of achieving satisfactory stormwater drainage without impacting on neighbouring properties.
- Conditions have been recommended to ensure that retaining walls have appropriate engineering certification, to prevent damage or instability to adjoining property.
- The proposed filling would not result in significant adverse privacy impacts to adjoining property.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

(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.

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 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:

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Context & Setting

The locality is characterised by one to three storey dwellings and dual occupancy developments. The land slopes towards the east and south and properties in the locality enjoy water views in these directions.

The site is burdened by a restriction on the use of land 1.5m wide adjacent to the rear boundary in the following terms:

No alterations to ground levels or installation of fences or structures that would obstruct the free flow of surface water is permitted within the area marked "C" without the consent of Hastings Council

The proposed retaining wall at the rear of the site is clear of the restricted area.

Overshadowing

The proposal does not cause adverse overshadowing to adjoining living areas or main areas of private open space for more than 3 hours between 9.00am and 3.00pm on 21 June. The Applicant has submitted shadow diagrams for the development. These have been overlayed on aerial photography from Council's GIS to review impacts on neighbouring property.

The proposal would overshadow part of adjoining Lot 14 DP 1074785 (No. 4 Ocean Ridge Terrace) between 9.00am and 12.00pm. This site is currently vacant and there are no approvals on Council's records for residential development. The extent of overshadowing from the development is not likely to preclude a future dwelling on the adjoining property being designed to achieve satisfactory solar access to living area windows and private open space.

The development would also partially overshadow a north facing living room window in the dwelling on adjoining Lot 11 DP 835241 (13 Lillian Court) in the afternoon. However the overshadowing would not be for more than 3 hours between 9.00am and 3.00pm and is therefore considered to be satisfactory.

View Sharing

The public exhibition of the proposal resulted in concerns being raised in relation to loss of views from the adjoining dwelling at No. 8 Ocean Ridge Terrace.

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.

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Comments: The affected view is to the south-west and includes North Brother Mountain and the ocean. The ocean views do not include the interface between land and water. North Brother Mountain is considered iconic in the local context, while the ocean views are considered highly valuable.

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 affected view is obtained from a sunroom in the dwelling at No. 8 Ocean Ridge Terrace across a side property boundary. Views are available from both standing and sitting positions, with sitting views towards North Brother Mountain slightly reduced due to existing trees on the western side of the development site.

As noted above views across side property boundaries are more difficult to protect and the expectation to retain side views is often unrealistic.

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 proposed development would result in loss of views to North Brother Mountain to the south-west. Ocean views in this direction would be largely retained from most locations in the sunroom. No. 8 Ocean Ridge Terrace also enjoys significant views to the ocean and Tacking Point Lighthouse to the east. These views would be unaffected by the proposed development.

The overall impact on the existing extensive views is considered to be minor.

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.

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Comments: The proposal includes a variation to the LEP maximum building height, as discussed earlier in this report. The non-compliant part of the building is a small section of roof over the rear balcony and a small section of the roof over the 'Meals' room. The section of roof over the balcony would be visible from the sunroom window of No. 8 Ocean Ridge Terrace. With the angle of the view, the balcony roof would project into the skyline, and is not considered to impact on the important elements of the view.

Of the four variations proposed to the DCP controls, only the rear setback of the balcony has the potential to impact on views. Variations to front and side setbacks and the extent of fill would have no impact on views. As noted above, the angle of the view would mean that the balcony roof would project into the skyline, and is not considered to impact on the important elements of the view. The development is therefore considered to be reasonable in this context.

Having regard to the planning principle, the view sharing of the proposed development is considered to be satisfactory.

Access, Transport & Traffic

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Access

The development proposes a new access from Ocean Ridge Terrace. The submitted plans indicate that an AUSPEC compliant driveway profile is achievable. Details will be required with the Section 138 application.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

There is an existing interallotment drainage system at the rear of the site and the proposed development is capable of draining to this system. Details will be required with S.68 application.

The proposed retaining wall at the rear of the site will need to be designed to avoid any impact of the stormwater infrastructure in the south-west corner of the property. A condition is recommended confirming this requirement.

Water

Service available – details required with S.68 application.

Sewer

Service available – details required with S.68 application.

The submitted plans show a retaining wall located over the sewer main and junction in the south-west corner of the site and in proximity to the vertical inspection shaft. Condition recommended requiring a minimum clearance of 1m between the retaining wall and vertical inspection shaft and for the retaining wall to be designed to avoid loads on the sewer infrastructure.

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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.

Flora & Fauna

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

Waste

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

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

Noise & Vibration

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

Natural Hazards

No natural hazards identified that would affect the proposed development.

Contamination Hazards

See comments earlier 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.

Social Impact in the Locality

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

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and associated flow on effects (i.e. increased expenditure in the area).

Site Design and Internal Design

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

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Construction

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

Cumulative Impacts

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

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

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

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

One written submission has 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:

Submission Issue/Summary	Planning Comment/Response
Encroachment of wall on living room window of No. 8 Ocean Ridge Terrace - loss of light and views.	The northern wall of the proposed development would be separated by approximately 5m from the living room window, which is considered reasonable in an urban residential context. Submitted shadow diagrams indicate that the development would not overshadow the window between 9.00am and 3.00pm on 21 June. See comments earlier in this report regarding view sharing.
Loss of property value	A development of the nature proposed could be reasonably expected to be carried out on a vacant residential lot. No evidence has been provided to support the claim that property values of nearby land would be reduced.

(e) The Public Interest:

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

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4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will not 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 not be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

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](#). DA2015 - 0350 Plans
- 2 [View](#). DA2015 - 0350 Submission - Haire
- 3 [View](#). DA2015 - 0350 Recommended Conditions

Looking After Our Environment

Item: 12.02

Subject: DA 2012 - 507 - PART DEMOLITION OF EXISTING MOTEL AND CONSTRUCTION OF TOURIST AND VISITOR ACCOMMODATION AND GROUND FLOOR COMMERCIAL TENANCIES INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (BUILDING HEIGHTS STANDARD) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 1 DP 515434 AND LOT 2 DP 505781, 25-29 CLARENCE STREET, PORT MACQUARIE

Report Author: Matt Rogers

Property: Lot 1 DP 515434 & Lot 2 DP 505781, 25-29 Clarence Street, Port Macquarie
Applicant: Wayne Ellis Architects
Owner: Gemtaf Pty Ltd
Application Date: 2 October 2012
Estimated Cost: \$12,469,350
Location: Port Macquarie
File no: DA2012 - 507
Parcel no: 35512 & 4484

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2012 - 507 for a Part Demolition of Existing Motel and Construction of Tourist and Visitor Accommodation and Ground Floor Commercial Tenancies including Clause 4.6 Variation to Clause 4.3 (Height of Buildings Standard) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 515434, & Lot 2 DP 505781, No. 25-29 Clarence Street, Port Macquarie, be determined by granting a deferred commencement consent subject to the following being satisfied within 2 years from the date of determination and the attached conditions:

1. Adequate arrangements for sewer main realignments and servicing shall be provided including provision of any adjoining owner's consents to the satisfaction of Council.
2. Amended basement parking plans shall be submitted to improve parking areas circulation to the satisfaction of Council.
3. An amended ground floor plan shall be submitted which includes widening of the driveway to a two way access on the Sunset Parade

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frontage of Lot 1 DP 499501 (similar to Drawing No. D05/1 Level 3 floor plan prepared by Wayne Ellis Architects dated 5 April 2012), to the satisfaction of Council.

Executive Summary

This report considers a development application for a residential flat building for tourist accommodation and ground floor commercial tenancies at the subject site and provides an assessment in accordance with the Environmental Planning and Assessment Act 1979.

The DA has been active for a significant length of time primarily due to significant infrastructure matters and implementing an adjoining pathway on courthouse land and the application has been amended numerous times. It was considered unreasonable to determine the application earlier by way of refusal.

Following neighbour notification of the application, no submissions have been received.

Due to the height variation in part being more than 10% of the standard the application is required to be reported to an Ordinary Meeting of Council for final determination.

This application was reported to Council's Development Assessment Panel (DAP) on 23 September 2015. DAP resolved the following at this meeting:

'That it be recommended to Council that DA 2012 - 507 for a Part Demolition of Existing Motel and Construction of Tourist and Visitor Accommodation and Ground Floor Commercial Tenancies including Clause 4.6 Variation to Clause 4.3 (Height of Buildings Standard) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 515434, & Lot 2 DP 505781, No. 25-29 Clarence Street, Port Macquarie, be determined by granting of a deferred commencement consent subject to the following being satisfied within 2 years from the date of determination, and the attached conditions:

- 1. Adequate arrangements for sewer main realignments and servicing shall be provided including provision of any adjoining owner's consents to the satisfaction of Council.*
- 2. Amended basement parking plans shall be submitted to improve parking areas circulation to the satisfaction of Council.*
- 3. An amended ground floor plan shall be submitted which includes widening of the driveway to a two way access on the Sunset Parade frontage of Lot 1 DP 499501 (similar to Drawing No. D05/1 Level 3 floor plan prepared by Wayne Ellis Architects dated 5 April 2012), to the satisfaction of Council.*

The following changes to conditions of consent:

- *Amend condition E3 to read:*

'Consolidation of all allotments comprising the site of the proposed development including Lot 1, DP 499501 prior to issue of the Occupation Certificate or proposed as part of the application for a Subdivision Certificate.'

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- *Additional condition in Section E of the consent to read:*
'Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied. '
- *Additional condition in Section E of the consent to read:*
'Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.'

1. BACKGROUND

Existing sites features and Surrounding development

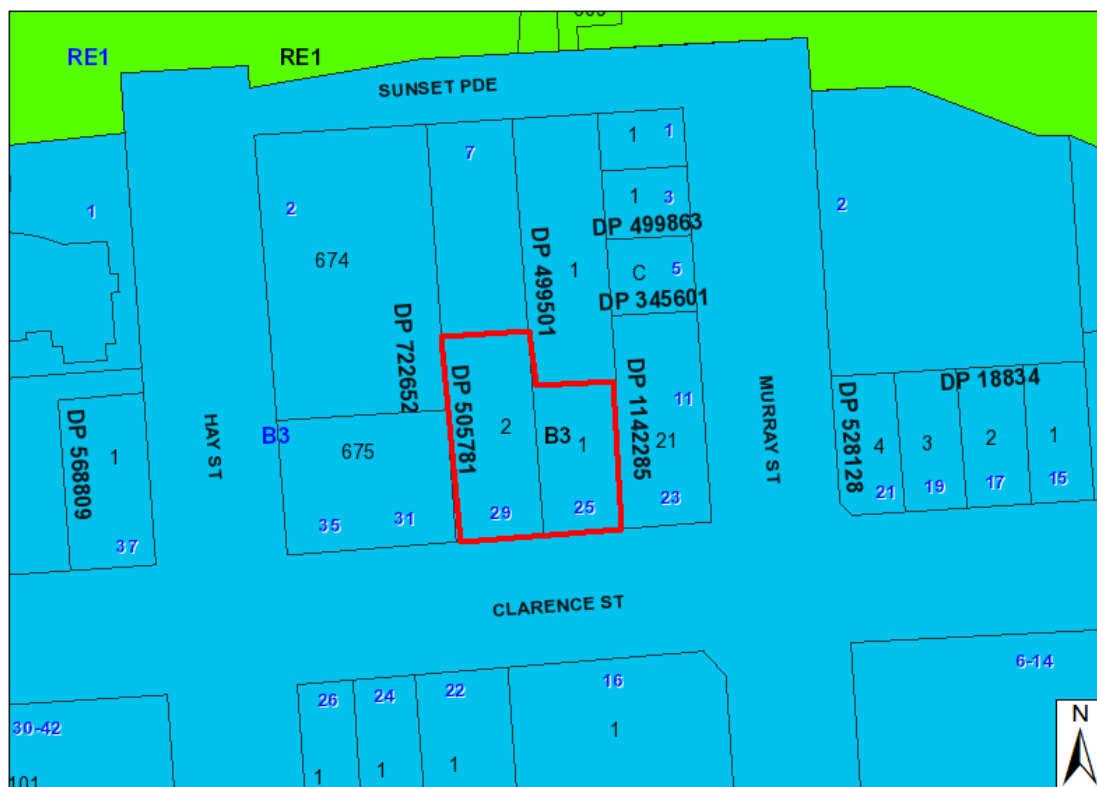
The site has a combined lot area of 1663m2.

The site is adjoined by other commercial development, residential units and a historical state significant courthouse to the west of the site.

The site is also associated with adjoining Lot 1 DP 499501 which is the subject of a historical Building Approval 185/67 which has been recently modified.

The site is zoned B3 commercial core in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:

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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 part of the existing 56 unit El Paso Motor Inn.
- Construct a Resort Hotel referred to as 'The Anchorage' comprising a 6 storey building with ground floor commercial units and 65 tourist units above. The majority of the units are dual key apartments.
- Car parking provided will be underground in two levels of basement parking, providing a total of 92 additional parking spaces on site.
- The proposal is interrelated with an existing Building Approval BA185/67 (as modified) associated with the Sunset Parade frontage which is yet to be completed. This resort is known as the 'Waterfront Resort'.
- The buildings are connected by a common courtyard and pool area.

Refer to attachments at the end of this report.

Application Chronology

- 2 October 2012 - DA lodged.
- 19 October to 2 November 2012 - Neighbour notification
- 17 October 2012 - SEPP65 Design Review Panel meeting
- 23 October 2012 - SEPP65 Design Review Panel report
- 23 October 2012 - Discussion with Applicant regarding DRP comments
- 31 October 2012 - Meeting with Applicant to discuss assessment issues
- 12 November 2012 - Referral of DA to the NSW Heritage Council
- 12 November 2012 - Additional information requested from Applicant
- 13 November 2012 - Referral advice received from Council's nominated Heritage Advisor
- 22 November 2012 - Meeting with Applicant to discuss assessment issues
- 29 November 2012 - Further additional information requested to address process for acquisition of laneway on courthouse land
- 13 November 2012 - Further additional information requested to address process for acquisition of laneway on courthouse land
- 3 January 2013 - Advice received from NSW Heritage Council
- 27 March 2013 - Preliminary land valuation of section of Courthouse land to provide public laneway
- 15 March 2013 - Meeting with Applicant to discuss assessment issues
- 10 May 2013 - Follow up status of additional information with applicant
- 20 May 2013 - Follow up status of additional information with applicant
- 10 September 2013 - Clarification of stormwater concerns provided
- 10 September to 23 October 2013 - Additional stormwater information received
- 25 November 2013 - Additional stormwater information received
- 11 February 2014 - Followed up status of outstanding additional information with applicant
- 10 March 2014 - Applicant queries on additional information request
- 11 March 2014 - Clarification response provided to additional information request
- 8 April 2014 - Clarification response provided to additional information request
- 30 July 2014 - Meeting with Applicant to discuss assessment issues
- 31 October 2014 - Clarification response provided to additional information request to address stormwater concerns

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- 7 November 2014 - Additional information received
- 2 February 2015 - Followed up status of outstanding additional information with applicant
- 15 April 2015 - Additional information received including amended plans

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No.55 – Remediation of Land

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

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its' location, the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the nearby Hastings River approximately 100m from the site.

State Environmental Planning Policy No. 64 – Advertising and Signage

The application includes new building identification signage to be attached to the proposed building. In accordance with clause 7, this SEPP prevails over LEP 2011 in the event of any inconsistency. The following table assesses the specific requirements of this policy.

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed identification signage is consistent with the objectives of the policy.	Yes
Schedule 1(1) Character of the area.	The signage is consistent with the character of the area.	Yes
Schedule 1(2) Special areas.	The signage will not detract from any identified special areas.	Yes
Schedule 1(3) Views and vistas.	The signage will not obscure any important views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The size and form of the signage is appropriate to the streetscape.	Yes

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Schedule 1(5) Site and building.	The signage is compatible with scale and characteristics of the site and buildings.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	No devices or logos proposed.	Yes
Schedule 1(7) Illumination.	No illumination nominated however it reasonable to assume the entrance signage will be illuminated at night. No adverse impacts anticipated.	Yes
Schedule 1(7) Safety.	The signage will not reduce safety to road users or pedestrians.	Yes

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

In accordance with clause 30, the proposal was referred to the Council's nominated Design Review Panel (DRP).

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

DRP comment	Comments in response
<p>The Panel notes that the documentation reviewed was unclear, incomplete and contradictory and is not considered adequate for development application assessment, lacking the necessary reliability for development certainty. The following items are not shown; arrival + reception area, external communal area, landscape, fire services power distribution, electrical substations, rubbish bin storage, letterboxes.</p> <p>The following are unclear: driveway access, ramp structure, ramp height clearance, existing and proposed levels, the location of DCP required laneways, their expression or effect on the west elevation, openings and balconies on the west elevations, soil depth in notional landscape areas, use of the undeveloped lot on the eastern side (Murray St), BCA compliant egress exceeding 6m in length to a single fire stair (D07/1/).</p> <p>A survey plan was not included with the documents reviewed.</p>	<p>Satisfactory amended plans have been submitted to address all matters raised.</p>

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1. Relationship to the context of the proposal

The Panel supports the building alignment along the Clarence Street boundary, but requests that this be clarified on the drawings. Currently slight steps in alignment are indicated, which the Panel considers are unnecessary.

The steps are minor and occur on the upper levels where there is façade articulation and the construction is not to have differing finishes finishing flush. On ground level there is no stepping only some splayed corners to accentuate entry and expose the potential laneway in the future. Satisfactory amended plans have been submitted to address these matters.

The proposal does not incorporate the new lanes required in the DCP, even though the laneway parallel to Clarence Street could be enabled by the consolidated site ownership. This site ownership has potential to substantially improve the Clarence street frontage by freeing it from servicing and vehicle access requirements. We recommend that vehicle access be required from the Murray Street frontage or a new laneway to protect the Clarence Street frontage in accordance with the DCP intent.

The Applicant has provided the following response:

The DRP claims that the proposal doesn't include the new laneways. On the contrary, the rear laneway parallel to Clarence Street is a future possibility and it is the Proponent's intention to establish it once the Council Laneway system is a realistic option. Noted are the numerous conversations with Council re: such establishment. The Proponent does see the future benefit in a thru site Laneway system specifically for Commercial Tenancy potential.

The Courthouse Laneway has been the subject of discussion between Council and the Proponent for some time and it has reached the point for it to be progressed the Proponent has to expend considerable monies. It is the Proponent's position to accept a Condition in the DA approval making the acquisition/ establishment of the Laneway contingent prior to a Construction Certificate being released. Murray Street access as the DRP would like is not possible at this stage with the development of the required land being subject to recent DA approval for a Car park.

The response provided from the Applicant satisfactorily responds to the key issues raised. The matter of the laneway can be resolved without need for a condition as the western side of the building has been set in. The laneway can be progressed during, prior to, or after completion of the development.

The width of vehicle access should be

The car park entry width has been

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minimised from 6.5m. The Australian Standard minimum requirement should be adopted.	reduced as suggested by the DRP and is capable of complying with AS2890.
The Panel does not support the proposed frontage and relationship to the historic courthouse to the west of the site, it in no way responds to the urban potential. If the public laneways and pathways required by the DCP are not required as a condition of approval of this application, then we recommend that the positioning of the west wall of the building enable proper outlook toward the courthouse, simple BCA compliant openings and removal of the proposed fire escapes. To assist we suggest a 3m building wall setback with projecting balconies above would make a park-edge walkway suitable for the main residential access and perhaps alfresco café seating.	<p>The Applicant has provided the following response:</p> <p><i>The prior approval had the building aligned with the boundary and no such Condition. In this instance the Proponent is happy for a Condition ensuring the Laneway is established prior to CC being issued. This proposal does have upper level units fronting the Court House and this DA proposal has 3 levels not the former 4 fronting the Courthouse with Units and Balconies overlooking. This proposal has a 2.1m set back proposed for the Courthouse boundary enabling pedestrian access to Commercial Tenancies and activating the frontage.</i></p> <p>The response provided and amended plans have satisfactorily responded to the issues raised. The matter of the laneway can be resolved without need for a condition as the western side of the building has been set in. The laneway can be progressed during, prior to or after completion of the development.</p>
2. The scale of the proposal	
See comments above and below.	Noted.
3. The built form of the proposal	
The Panel suggests that the building modelling more strongly unify and reinforce the Clarence Street frontage, and be developed as a more coherent 3 dimensional form. The stepped height needs further design refinement. The massing could be clarified if considered as paired three storey and six storey building elements, or alternatively as a podium + addition. Minor setbacks and off sets shown in section appear unnecessarily fussy relative to the overall scale of the proposal.	<p>The Applicant has submitted amended plans and the following response:</p> <p><i>The changes to the West façade have resulted in the side wall west facing balconies reading on the Clarence street façade and, by virtue of the fact they are set back and not as high as the main block, they provide a better transition to the lower Western end of the building. The top 2 floors are significantly different in façade treatment to the floors below, deliberately lighter in the building elements, i.e. glass and small profile perimeter frames, so as to detach its appearance from the lower floors which extending the full length of block promote the Street aligned façade the DRP are after.</i></p> <p>The response provided by the applicant</p>

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	and amended plans have satisfactorily responded to the issues raised.
Currently the second swimming pool is set up above the floor slab. If relocated or removed, an additional (4th) storey may be possible within the 13 m height control (west side, neighbouring the courthouse), comprising 3 x 3m + 1x 4m, to improve the urbanity of the Clarence Street frontage.	<p>The Applicant has provided the following response: <i>The DRP suggest an option of removing the pool and replacing it with another level of units. This was not incorporated, the pool is necessary and ideally located. Adding bulk adjacent to the Court House doesn't seem to be a preferred outcome in retaining its level of importance.</i></p> <p>The response provided has satisfactorily responded to the issues raised.</p>
Given the open, park-like character of the Court House, the western facades would be important and highly visible elements in the central Port Macquarie. Greater height, less continuous bulk and a revised more open ground floor should all be investigated. The upper levels should have modelled balconies and the like facing west, rather than a half-projecting lift shaft. The Panel supports a useable roof terrace facing west above level 4 – it could have inset, light-weight balustrades and the like to minimise its presence.	In response the Applicant submitted amended plans with the façade being remodelled. Upper level units have west facing balconies and the ground floor has been opened up for commercial use and set back 2.1m to allow pedestrian access.
4. The proposed density	
No comments.	Noted.
5. Resource and energy use and water efficiency	
Ceiling fans in all habitable rooms should be provided and shown on the DA drawings. Air conditioning should not be needed or provided in this location. Wherever possible internal bathrooms should be naturally ventilated and lit. Windows should be designed and specified to be secure when open to permit cross ventilation and weather protection. The window design should optimise ventilation opportunities for all apartments and their method of operation should be clearly marked on the elevations.	<p>The Applicant has advised that the proposal will include ceiling fans as well as air conditioning units. As far as is practical the units have maximised the areas of openable windows.</p> <p>The response provided has satisfactorily responded to the issues raised.</p>
No stormwater storage tank is shown on the drawings and could be added.	Provision of a stormwater tank for water reuse on-site will dependant on the final stormwater design. There is no requirement for a BASIX certificate therefore there is no mandatory provision for water storage and reuse.

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6. The proposed landscape

<p>The Panel requires a more detailed landscape plan, prepared by a qualified landscape architect.</p> <p>This should include drawings of the proposed paving and levels, furniture, lighting, soil depth, soft landscape treatment, tree species and the like, illustrated in section and plan.</p>	<p>Additional landscape details have been provided on the amended plans.</p>
<p>The layout of the basement car park is unnecessarily inefficient. Aisle widths of 10m, waste space and construction materials and compromise the potential of the landscape design above. A more efficient car park layout would provide free deep soil landscape and allow significant tree plantings.</p>	<p>The Applicant has advised that the aisle widths cannot be reduced, there is a need to comply with AS2890 at the base of the ramp and there is a need to provide access to the stair and lift in the NW corner of the car park.</p> <p>Refer to comments later in this report with suggestions for an improved car parking layout.</p>

7. The amenity of the proposal for its users

<p>More than 90% of the sole occupancy apartments are single orientation, more than 40% of the apartments face south, which is not acceptable under the RFDC.</p>	<p>The Applicant has provided the following response: <i>The DRP's comments relate specifically to long term residential units and don't apply to double loaded corridors that are typical in short term hotel style buildings and as are proposed in this development. The compromise to yield in a proposal compliant with the RFDC would render the project unviable. The corridor does open at one end providing ventilation and natural light. Because the East wall is effectively a party wall no openings can be achieved.</i></p> <p>The response provided has satisfactorily responded to the issues raised.</p>
<p>The common circulation lacks natural lighting and ventilation, which is not acceptable under the RFDC. The dual common circulation corridors on levels 4 and 5, lack clarity and are spatially confused.</p>	
<p>The common areas should be reconsidered and efficiently redesigned to substantially improve the amenity, legibility and environmental performance of the building. Investigate passive environmental design with BCA compliant options to enhance amenity and well being with access to natural light and fresh air. For example the stairs and lifts could remain in the centre, with open galleries on each side. Open both ends of the central circulation space on each level to light and air and reduce the buildings excessively high reliance on energy for lighting, cooling, heating and ventilation, which would be reflected in high operating costs.</p>	
<p>Open the ends of the central circulation space to light and air, consider the design benefits of its expression as an open airy gallery. This would also significantly reduce the unrelieved bulk of</p>	

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the end elevations.	
The excessive building depth and absence of operable top light windows, needs to be rectified.	
8. The safety and security characteristics of the proposal	
Independent BCA advice should be sought in relation to building access and fire, and the recommendations incorporated into the DA drawings.	The Applicant has advised that the building is BCA compliant under the Deemed to Satisfy and Performance provisions. There is however a deemed to satisfy compliance issue with the western elevation that will need to be resolved with the application for Construction Certificate. The provision of laneway on the Courthouse land could resolve this matter.
9. Social issues	
While additional housing of the kind proposed is very suitable in this location, the proposal has a limited apartment mix.	The Applicant has advised that the style of apartments proposed, i.e. Studio and dual key 1 bed units responds best to the Tourist demand in Port Macquarie.
10. The aesthetics of the proposal	
The proposal appears to be for a rendered and painted building, requiring significant maintenance in this corrosive maritime environment. The construction materials are not identified apart from powder coated aluminium. We suggest that an enduring material palette, suitable to the maritime environment, be adopted to reduce the maintenance costs over the buildings life and to promote a pleasing appearance over time.	The Applicant has advised that they consider that the powder coated elements are suitable in the Port Macquarie environment. The texture coating proposed is similarly durable noting that a significant proportion of the exterior is glazed.
As required by the RFDC, 1:50 wall and roof sections need to be provided describing the construction, detail and finishes such as roof lights, roof insulation, rainwater management, wall construction, sunshading, window type, balustrades, screens etc. Smaller scale sections should extend to the neighbouring properties to indicate fence heights, ground lines, window positions etc.	

On balance, it is considered that the information provided by the applicant including amendments to the proposal following the DRP meeting has satisfactorily addressed the issues raised. There are not considered to be any specific or cumulative impacts as a result of the amended design that would be of sufficient grounds to refuse the application.

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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:

SEPP 65 design principles

Requirement	Proposed	Complies
Principle 1: Context	Design of the proposal responded to the desired future character of the area as. The proposal is generally consistent with the built form controls DCP2013 and will be of an appropriate scale, reflecting desirable future aspects within the existing locality undergoing transition. In particular Court House, a significant heritage item, is immediately adjacent and the proposal is scaled down to three storeys at the boundary with an awning and façade that address this important item.	Yes
Principle 2: Scale	Design of proposal is satisfactory in terms of future desired bulk and height and is suitable to the scale of the existing adjoining and adjacent buildings and streets. When viewed from Clarence Street, the proposal reduces the perceived scale by stepping back the top storeys and through building form create a defining horizontal 'top' at the fourth level. This combined with the strong horizontal awning line leaves the middle three storeys as the dominant mass to gauge scale from. The proposal incorporates a minor variation to the LEP controls for building height, which is considered acceptable - refer to clause 4.6 of LEP comments in report below.	Yes
Principle 3: Built form	Design of proposal will achieve a satisfactory built form for the sites and buildings' purpose in terms of building alignments, proportions, building type and the manipulation of building elements. Design of proposal has responded to and will define the existing and intended future (future laneways) public domain. Significant contribution will be made to the existing desired future character of streetscapes and will provide a satisfactory amount of internal amenity and outlook.	Yes
Principle 4: Density	Density of proposal will be appropriate to the site and its' context within a locality. The proposal has a compliant floor space ratio and stepped built form as desired by the LEP and DCP controls.	Yes
Principle 5: Resource,	Design of proposal will be sufficiently energy efficient and will be required to comply with the	Yes

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energy and water efficiency	Building Code of Australia. The development incorporates limited passive solar design principles, is capable of providing efficient appliances and mechanical services.	
Principle 6: Landscape	The proposed landscaping serves the following function: <input type="checkbox"/> To soften the interface between the two resorts at ground level. <input type="checkbox"/> To provide privacy to both the ground level units and to the pool users. The height of such planting will be limited to 1500mm. <input type="checkbox"/> The landscaped portion between the two resorts is not a recreation area, it is a mode of enhancement and privacy partially concealing guests that access the pathway or use the pool. The planting beds will be dense and lush and tiered up from the sides of the path.	Yes
Principle 7: Amenity	Design of proposal will provide a satisfactory amount of amenity with appropriate room dimensions and shapes, adequate access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and a satisfactory level of accessibility.	Yes
Principal 8: Safety and security	Design of proposal will provide satisfactory safety and security, both internally to the development and with respect to its relationship with the public domain. The proposal adequately addresses the principles of Crime Prevention Through Environmental Design.	Yes
Principal 9: Social dimensions	It is considered that the proposal has responded to the existing social context and demand for tourist accommodation and commercial tenancies which are preferred in the CBD location.	Yes
Principle 10: Aesthetics	Aesthetics of proposal has appropriate composition of building elements, textures, materials and indicative colours which reflect the use, internal design and structure of the development.	Yes

Overall, the proposal is considered to satisfy the design quality principles of SEPP 65.

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71. The site is further identified as being within a sensitive coastal location.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

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- a) any restricted access (or opportunities for access) to the coastal foreshore;
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage; and
- g) reduce the quality of the natural water bodies in the locality.

In particular, the site is in an established central business district context.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned B3 commercial core.

In accordance with clause 2.3(1) and the B3 zone landuse table, the proposed development for a commercial premises and tourist and visitor accommodation is a permissible landuse with consent.

The objectives of the B3 zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure that new residential accommodation and tourist and visitor accommodation within the zone does not conflict with the primary function of the centre for retail and business use.*
- *To provide for the retention and creation of view corridors and pedestrian links throughout the Greater Port Macquarie city centre.*

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

- the proposal is a permissible landuse;
- the proposal will add additional appropriate commercial tenancies and tourist accommodation to the Port Macquarie Central Business District.

In accordance with Clause 2.6AA, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.

In accordance with clause 4.3 and 4.4, the following table provides an assessment of compliance with building height and floor space ratio standards.

Port Macquarie-Hastings Local Environmental Plan 2011:

Requirements	Proposed	Complies
4.3 Building height		
13m west	13m	Yes
19m front east	19m	Yes
16m rear east	Rear 5m portion of Level 8 = 19m	No*
(See below)		

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4.4 Floor space ratio

2.5:1 west

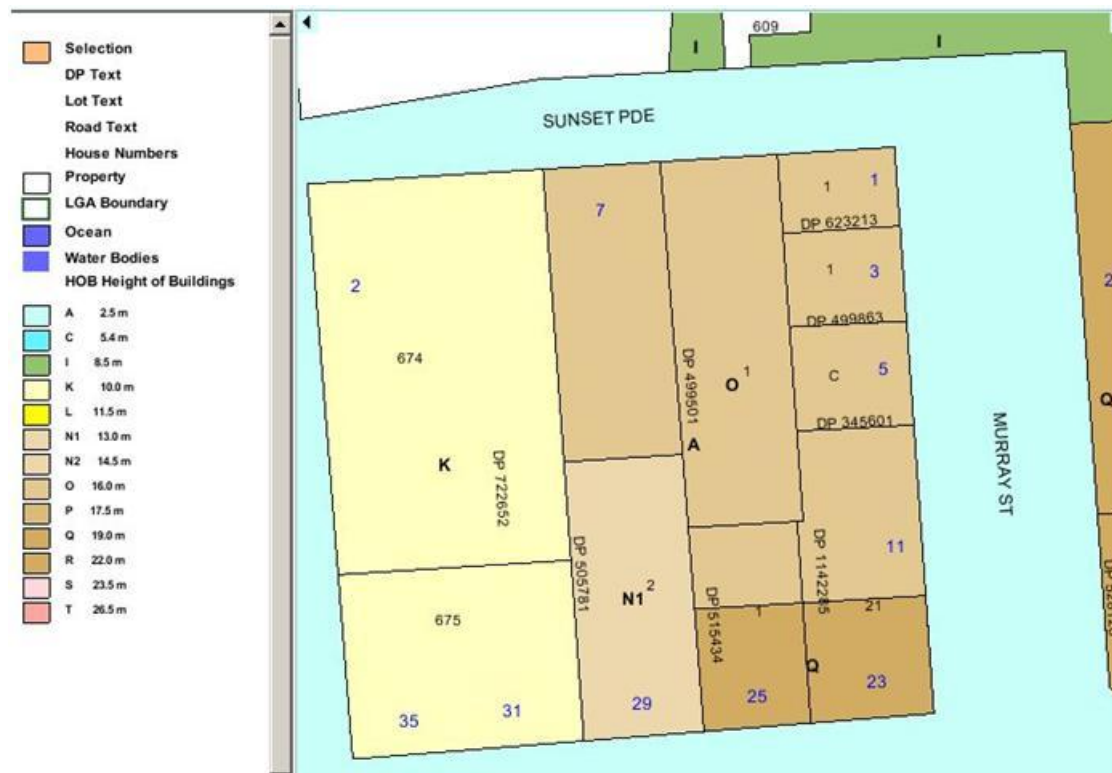
3.5:1 front east

3:1 rear east

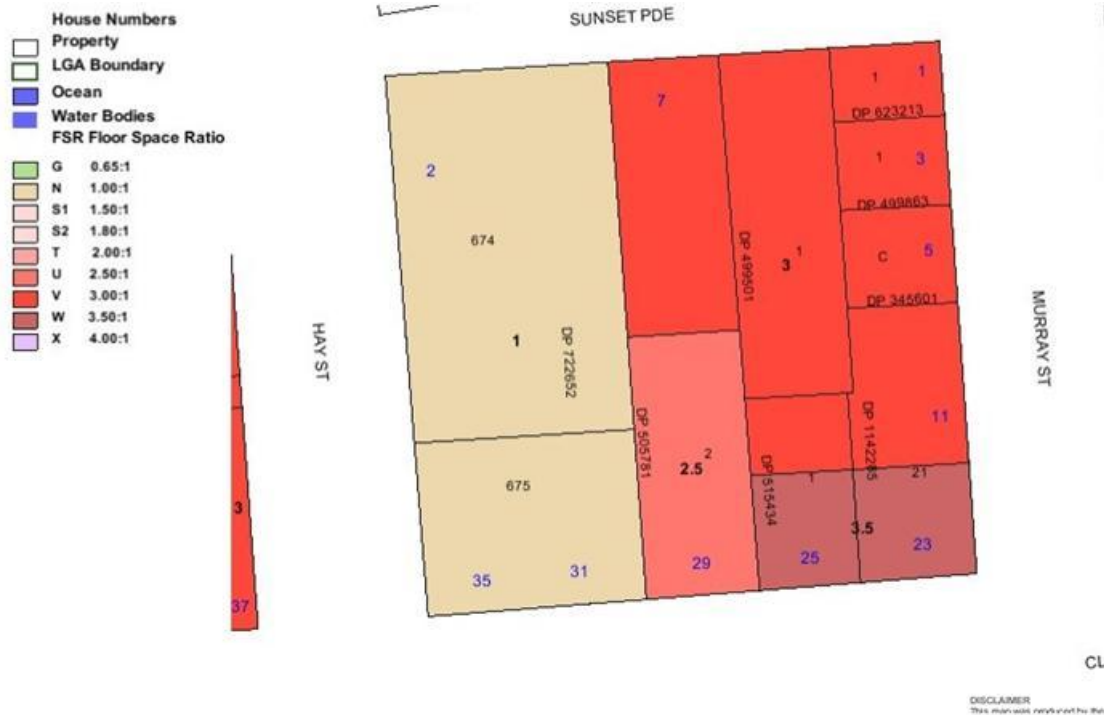
See below

Total FSR 2.1:1

Yes



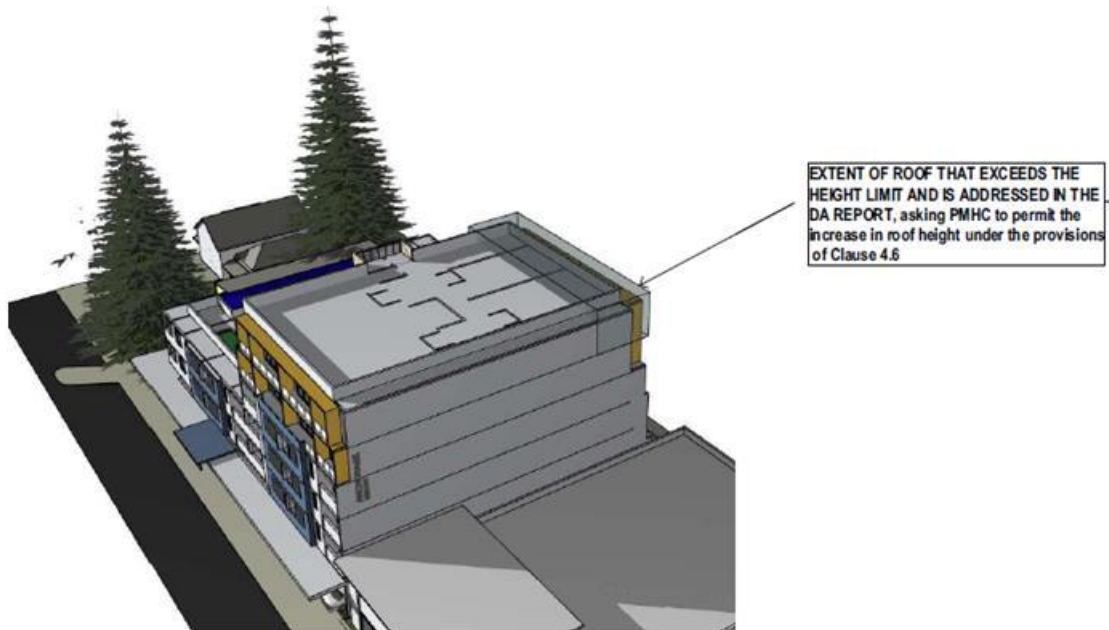
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Clause 4.6 – exceptions to development standards. As stated in the above table the height of a section of the rear of the building exceeds in part the maximum recommended building height. The Applicant has lodged a building height variation as follows:

Compliance is unreasonable and unnecessary in this case: Precedence exists in the area. The Waterfront approval which is 6 storeys and the same RL: 24.5 runs south to the north. This proposal encroaches 5.5m into the 'O' LEP height zone of 16.0m.

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The proposal does not adversely affect the neighbouring properties in respect of views or privacy nor does it contribute to any overshadowing. The proposal has 4 units in the contravening zone, level 6 being a duplication of the levels below, and deletion of these units will severely affect the economic viability of the development.

(1) The objectives of this clause are as follows with comments supporting this application noted.

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

Comment: The Waterfront approval will see the height limit exceeded by 8.5 m for a length of 52m. The enforcement of the height restriction on a small part of the Anchorage Resort on the North side away from the public domain has no supporting logic

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment: The outcome financially is better for the proponent and the outcome for Tourist accommodation is better.

The variation is considered minor and is recommended to be supported. The variation will not result in any significant impact on neighbouring properties and will not result in an additional perceived bulk.

Clause 5.10 – The site is beside the Port Macquarie Court House being a State significant listed item of heritage significance, opposite other items of significance (Garrison Building and Hastings Historical Society Museum) and on a site which has identified archaeological heritage significance.

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With regard to the potential archaeology on the site the application has been referred to the NSW Heritage Council. The Heritage Council acknowledged that a previous DA2006 - 300 was approved by Council and the proposal has similar works proposed. The same heritage related conditions are recommended and are included in the draft conditions attached to this report.

With regard to impact on the context of the adjoining Courthouse, the Applicant has submitted a Statement of Heritage Impact prepared by Cracknell & Loneragan Architects and Heritage Consultants which was originally submitted with a previous DA2006 - 300 for the site in August 2005. The application has been referred to Council's nominated heritage advisor for comment. The heritage advisor raised concerns primarily with the western façade not being set back from the west boundary and not being activated. These concerns have been satisfactorily addressed with the amended proposal. These amendments have activated the western façade of the building and provide the ability for a future public lane to be created between the building and courthouse to further activate the area.

In accordance with clause 7.1, the site has part class 3 potential acid sulfate soils. The proposed development includes a basement car park which could disturb potential acid sulphate soils on-site. A condition is recommended to address potential disturbance and treatment of soil.

Clause 7.4 – Flood risk management – land between the flood planning area and the line that is shown as the probable maximum flood level on the Flood Planning Map and/or land surrounded by the flood planning area. The site is partly within a mapped area. There is sufficient emergency access from the site in the event of a major flood event above a 100 year ARI event.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in:

Development Control Plan 2011 (as in force at time of lodgement of DA):

Requirements	Proposed	Complies
P3 Crime Prevention DP 1.1	Generic principles of crime prevention addresses in accordance with Crime Prevention Through Environmental Design guidelines	Yes
P3 Environmental Management		
DP 1.1 & 2.1 Archaeological	Heritage impacts have been addressed	Yes
DP 5.1 Cut and fill max 1.0m	No exposed cut over 1m	Yes
P3 Stormwater DP 12.1	Refer comments later in this report	
P3 Traffic, Access, Parking		
DP 2.3 Minimal driveway numbers and width	1 driveway entry from Clarence approx. 4.5m width	Yes
DP 3.1 Off-street parking		
<i>1 per 30m² GLFA commercial</i>	92 additional parking spaces	No*

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1.1/unit + 1/2 employees + 1/on-site manager	provided on site – historical shortfall and credit available	Refer to commentary at the end of the table.
DP 5.3 On-street parking AS 2890.5	Street parking maximised retention in Clarence Street and improvement on existing situation.	Yes
DP 7.1 Visitor and customer parking located to be easily accessible	Access to additional basement acceptable	Yes
DP 7.4 & 8.1 Parking design AS 2890.1&2 AS 1428	Capable of compliance if disabled space amended	Yes
DP 14.1 Sealed parking areas	Sealed carpark	Yes
DP 17.1 & 3 Parking designed to not concentrate water runoff & not direct discharge to kerb and gutter	Refer to stormwater comments later in this report	Yes
P4 Tourist and mixed use development		
DP 1.1/2.1/3.1 Site analysis plan	Site analysis details provided	Yes
DP 5.1 Min. 2.7m floor to ceiling height habitable	2.7m floor to ceiling habitable levels	Yes
DP 6.1 FSR needs to be >1:1	FSR >1:1	Yes
DP 8.3 Primary openings aligned to street or to rear of site	Primary openings aligned to rear and Clarence Street frontage	Yes
DP 10.1/11.1 Party wall development may be requires if site amalgamation is not possible	Party wall proposed adjoining eastern property	Yes
DP 14.1/Hotel developments Max. 18m building zone depth	Approx. 31.5m building zone depth (tourist building components)	No - tourist building acceptable Yes
DP 15.1 Buildings sited across the frontage of site	Building sited across Clarence Street frontage	
DP 16.1 Buildings orientated main indoor and outdoor living spaces towards north and east	Main living spaces of tourist apartments orientated to north and south	Yes/No - Tourist use acceptable No - tourist building acceptable
DP 16.2 Buildings to have thin cross section	Approx. 31.5m building zone depth (tourist building components)	No- tourist building acceptable Yes
DP 16.3 Single aspect apartments 8m depth max.	12.5m depth approx.	
DP 16.4 Windows designed to catch prevailing winds	Openable windows provided	No - not

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DP 16.5 Operable top lights to sliding doors to allow for ventilation and security	Not provided - not a reason for refusal	considered critical matter
DP 16.6 Explore ventilation to internal rooms and underground carparking	Can be explored as part of Construction Certificate process and subject to Building Code of Australia requirements	Capable
DP 16.7 Heating and cooling to target required areas only	Tourist development only. Fans to be incorporated. Building Code of Australia compliance at construction stage.	Yes
DP 16.8 Lobbies, stairwells and corridors to utilise natural light and ventilation	No natural ventilation or light - not a reason for refusal with tourist development	No
DP 16.9 Major entrances into lobby to be isolated from living areas	Main entrance isolated space from tourist apartments	Yes
DP 16.10 Front doors provided with security screen doors	Front doors at street level commercial standard	N/A
DP 18.1 Internal clothes drying space provided	No formal internal drying area - tourist development	Yes
DP 18.2 Energy efficient heating and cooling provided	Design of proposal will be sufficiently energy efficient subject to the Building Code of Australia.	Yes
DP 18.3 Preference for ceiling fans provided	Ceiling fans to be provided	Yes
DP 18.4 Solar hot water systems provided	None proposed	N/A
DP 18.5 Photovoltaic arrays installed where practical	None proposed	N/A
DP 19.1 Landscaping including 3m width	Internal landscaping central rear of site + roof top	Yes
DP 36.1 Busy noisy areas within apartment face street and quiet areas face rear	Tourist use - not residential	Yes
DP 37.1/37.2 Noise transmission between apartments minimised	Uses are couple internally	Yes
DP 41.1 AS1428 access provided	Capable of compliance subject to detailed checking at Construction Certificate Stage.	Yes
DP 44.1 Provide:		
- higher ceilings ground and first floor	Ground floor higher ceiling only	Yes
- separate entries for ground floor	Commercial entries separate on ground floor	Yes
- align structural building components between floor levels	Building components between floor levels aligned	Yes
- service ducts to accommodate change in uses	VOIDS within building	Yes

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DP 48.1/48.7 Variations and interest in roof form DP 48.4 Lift over runs integrated into roof structures DP 49.1/49.2 Façade composition balance horizontal and vertical and define top middle base DP 50.1 Building colours and elements to compliment street DP 51.1-51.6 Entrances from street identifiable, safe and functional DP 51.7 -51.9 Circulation spaces size appropriately with min 2.5m width, 3m height and long corridors minimised with windows DP 52.1-52.4 Balcony/apartment with min. 2.0m width and 8.0m2 area directly accessible from living area DP 52.5 Balconies/balustrade balance views DP 53.1 Screens/shutters etc provided to balconies DP 53.2 Balconies recessed DP 53.3 Solid balustrade discouraged DP 54.1 Air conditioning not visible from street DP 58.1 Hierarchy of space clearly defined from public to private DP 60.1/60.2 Communal waste storage provided DP 61.1-61.4 Utilities	Variations in roof form	Yes
	Lift over run integrated	Yes
	Façade balance satisfactory with top, middle and base defined	Yes
	Building elements and colours modern and will compliment street	Yes
	Entrance clearly defined from Clarence Street and entrance width generous	
	1.8m wide corridor - acceptable for tourist	No
	Tourist apartments - balconies provided	N/A
	Balconies/balustrade balance views	Yes
	Shutters provided	Yes
	Balconies recessed	Yes
P4 Business and Development DP 2.1 Zero m front setback DP 6.1 Shopfront widths 15-20m with max. 30m DP 6.2 Max. length of similar façade treatment 22m DP 6.3 Side and rear façade treatment same as front façade	Solid balustrade acceptable given other architectural treatment	N/A
	Unknown	N/A
	Public versus private defined	Yes
	Garbage storage area in basement	Yes
	Utilities acceptable	Yes
	Zero m front setback	Yes
	Down to 6.5m wide approx. tenancy. Acceptable given no lengthy shop fronts and character of other narrow shop fronts in Clarence Street	No
	Façade treatment varied fronting Clarence Street	Yes
	West, North same treatment. East party wall	Yes

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DP 6.4 Complimentary building materials and glazing	Glazing provided to ground floor commercial	Yes
DP 6.5 Articulation zone to tourist levels 1.8-4 m	Articulation provided to building façade fronting Clarence Street	Yes
DP 7.1/7.2 Architectural detailing provide visual interest to streetscape and façades reflect orientation	Architectural details creates visual interest to Clarence Street and facades reflect orientation	Yes
DP 8.1 Security grills inside building behind glazing	No security grills detailed however will likely be provided	Yes - capable
DP 11.1/11.2 Min. 50% ground floor level glazed with active frontage	>50% glazing shopfront and shop fronts provided	Yes
DP 11.3 Ground floor commercial at same level as street	Ground floor commercial at same level as street	Yes
DP 13.1-14.8 Awnings 3.2m height with 2.5m width	3.6m height awning and 3.5m width awning	Yes/No - Condition to have awning set in 600 from kerb
DP 17.1 Landscape plan	Landscape plan submitted	Yes
DP 26.1-28.3 Waste Management	Waste communal area provided	Yes
DP 29.2-29.5 Number vehicle crossovers kept to minimum and max. 6m width	Single vehicle crossover to Clarence Street with approx. 4.5m width	Yes
DP 29.7 Stairs and elevators clearly visible within carpark	Stairs and elevators will be in visible location within basement	Yes - capable
DP 31.1 Internal finishes of underground carparks consistent with external materials where visible from Street	Internal wall finishes can be resolved at construction stage	Yes - capable of compliance with BCA
DP 31.2 Natural ventilation to underground carpark	Unknown except for vehicle access	Yes - capable
DP 31.3/31.4 Garage door to compliment building materials in remainder of building and 25% transparency	Garage door unknown.	Yes - capable
DP 32.1-34.2 Access AS1428 and pedestrian movement separate to vehicle movement	Capable compliance with AS1428	N/A
DP35.1 Street numbers	Unknown	Yes
DP 35.2 Illumination of parking areas	Assumed will be provided	Yes - capable
DP 36.1 Bicycle parking	No specific bicycle parking area	

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provided	provided. Space available to provide	
P4 Mixed use development DP 40.1 Mixed use provide in key business location with good public transport accessibility DP 41.4 Security entries provided DP 42.1 Buildings simple structural grid DP 42.2 Number of internal, apartment structural walls minimised DP 42.3 Ceiling heights min. 3.6 ground and first floors	Location of site within CBD Port Macquarie Unknown but assumed to be proposed Building simple structural grid Internal walls minimised 3.4m approx - suitable for commercial use - first floor 2.9m approx.	Yes Yes - capable Yes Yes No - floor to floor ceiling heights acceptable - non compliance not a reason for refusal
Part 5 Town Centre Area based controls – Block 2 - Materials pale coloured masonry with timber elements - Amalgamations desirable - with min. 1200m2 - Max. 30m shopfront - Break up roof design where possible - Make roofs into top recreation areas for tourist accommodation - Block 2 laneway and pathway provided - Ground floor max. build depth entire site minus Block 2 lane - Max. 20m building depth first floor and above - - Zero front setbacks except for top floor min. 3m - Rear setback to laneway zero except top floor min. 3m - Side setback Block 2	- Mixture of materials and colours - - - Amalgamation of 3 sites for 1 development >1200m2 - <30m shopfront - Roof design acceptable - - Roof top recreation area provided - Block 2 laneway not provided however opportunity for. Building now setback from western boundary - Ground floor building depth satisfactory with opportunity for future laneway at rear - 31.5m building depth first floor and above - acceptable for tourist use - Zero front setback including Level 7 - Rear setback to laneway zero m including level 7 -	Yes Yes Yes Yes Yes No/future opportunity Yes No Yes Yes Yes

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<p>pathway zero m</p> <ul style="list-style-type: none"> - Façade enclosure min. 60% ground 50% min first and 40% other - Façade articulation zone zero m ground, Min. 1.8m max. 4m first floor and above 	<ul style="list-style-type: none"> - Zero m west side setback to future pathway - Façade enclosure acceptable - - Zero m shop fronts Clarence Street & range to 2m above ground floor articulation zone. 	<p>Yes</p> <p>Yes</p>
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*DP 3.1 Off-street parking

Requirements:

1 per 30m2 GLFA commercial

1.1/tourist unit + 1/2 employees + 1/on-site manager

The following parking calculations are provided demonstrating compliance with the DCP parking requirements acknowledging the significant historical credit under the Waterfront BA185/1967 applying to the site:

- There is currently 46 existing parking spaces provided on-site for 56 hotel rooms;
- The current approval (which remains active but is yet to be completed) would result in a total of 91 hotel rooms, restaurant and commercial space. Under this approval no additional parking is required to be provided on-site;
- Under current guidelines, parking requirements would be (if BA 185/67 is completed) 114 spaces for 91 hotel rooms, restaurant and commercial tenancies. This represents an on-site shortfall in parking = $114 - 46 = 68$ spaces, which is considered as a parking credit;
- 44 of the 91 hotel rooms (yet to be completed) will be relinquished to allow for new Anchorage Apartments;
- 47 units will then be proposed for the Waterfront Resort;
- Only 12 of the current 46 parking spaces on-site will be retained;
- 92 spaces are proposed in the basement parking area under the proposed Anchorage building + 12 spaces (to be retained) under the Waterfront Building (BA185/67). A total of 104 spaces are proposed to be provided on-site.
- The development proposes an additional 28 dual key serviced apartments + 9 single serviced apartments.
- There is no specific parking rate under Council's DCP for dual key apartments. Previous assessments undertaken by Council staff (e.g. DA2007-270) have applied a merit-based assessment and assumed a 75% occupancy rate for dual key apartments.
- Therefore 28×2 dual key = 56 (single) = $56 \times 0.75\%$ occupancy rate = $42 \times 1.1 = 46.2$ parking spaces required. 9 single units $\times 1.1 = 9.9$ spaces required. Anchorage Units: $46.2 + 9.9 = 56.1$ parking spaces + Commercial floor area $478/30m^2 = 15.9$ spaces required + 12.7 staff/ $2 = 6.4$ spaces
- Total parking required for the Anchorage Resort on its own = $56.1 + 15.9 + 6.4 = 78.4$ spaces;
- Total required for both resorts on the site is 130.1 spaces under today's guidelines. The proposal has provided for 104 spaces. This would normally represent a shortfall of 26.1 spaces. However, with the 68 space credit sufficient parking is provided with a surplus parking credit of 41.9 spaces.
- There is a total of $47 + 65 = 112$ tourist units (up from 91 original units in 1967, however 56 of them are now dual key).

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- If all dual key units were counted as single tourist units (not 75% occupancy approach) there would still be a significant parking credit on the site, being 27.9 spaces.

The parking provision is therefore considered to comply with the DCP requirements.

A condition is recommended to require the sites to be consolidated so that the parking for both resorts can be shared.

(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:

NSW Coastal Policy 1997

The proposed development is consistent with the objectives and strategic actions of this policy.

Demolition of buildings AS 2601 – Clause 92

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

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

No coastal management plan applies to the 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 and setting

The site has a general south street frontage orientation to Clarence Street, Port Macquarie.

The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain and potential future public domain with a laneway on the Courthouse land.

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

The proposal does not have any identifiable adverse impacts on existing view sharing.

The proposal does not have any identifiable significant adverse lighting impacts.

There are no significant adverse privacy impacts.

There are no adverse overshadowing impacts to any neighbouring residences.

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Roads

Clarence Street and Murray Streets are both 30m wide road reserves with 23m wide formations. Murray Street has parallel edge parking and centre parking, while Clarence Street currently has nose in angle parking both sides.

Sunset Parade has a 10m wide formation with parallel parking both sides. All three streets in proximity are fully formed with kerb and gutter both sides. Works are currently be completed by Council in Clarence Street.

Any required works within Clarence Street are recommended to be conditioned to conform with Council's Town Centre Master Plan.

Traffic and Transport

Access to the new Clarence St carpark will be from a driveway off Clarence Street. Access and egress will also be permitted from Sunset Parade because of the connecting ramp between the two developments.

Loading bays for delivery trucks are not required according to the DCP 2011 for commercial areas less than 500 sq metres. The commercial areas for shops have an area of 368 m² therefore the non-provision of loading bays is acceptable.

The existing road network has sufficient capacity to cater for the anticipate increase in traffic.

Site Frontage & Access

Vehicle access to the development is proposed through a multiple access driveways to Clarence Street (entry only) and Sunset Parade (entry and exit). All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

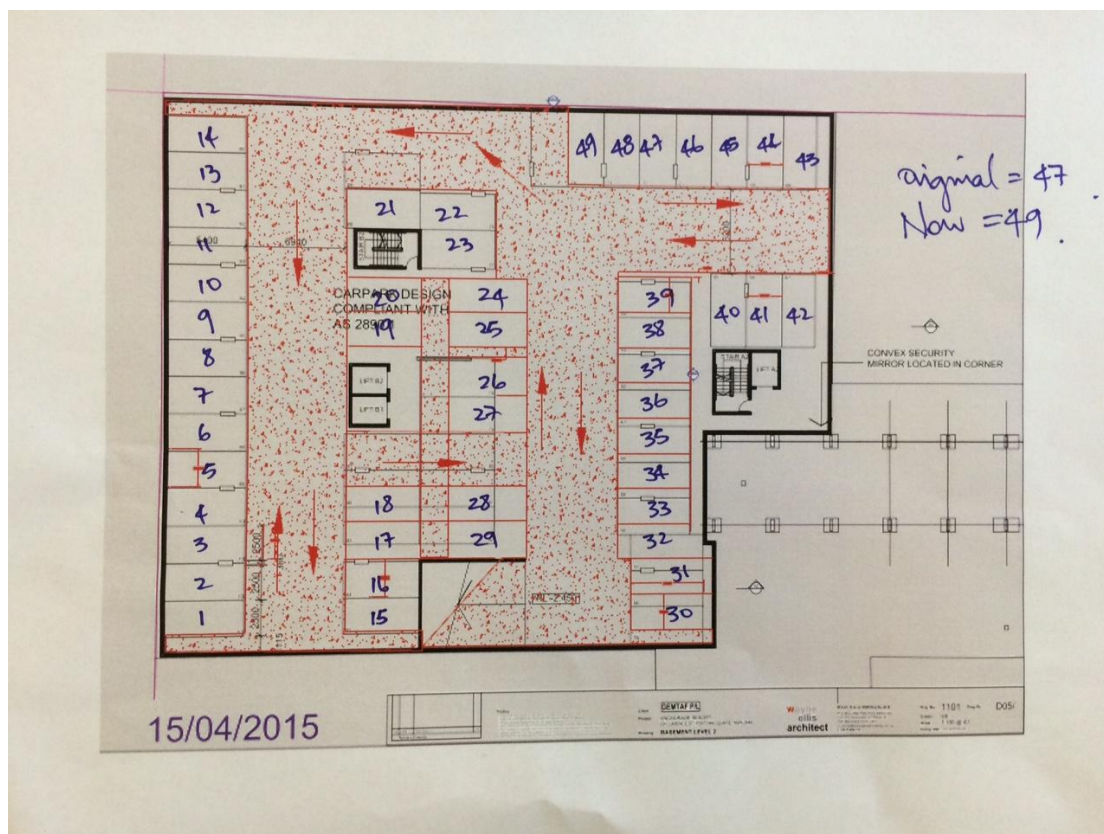
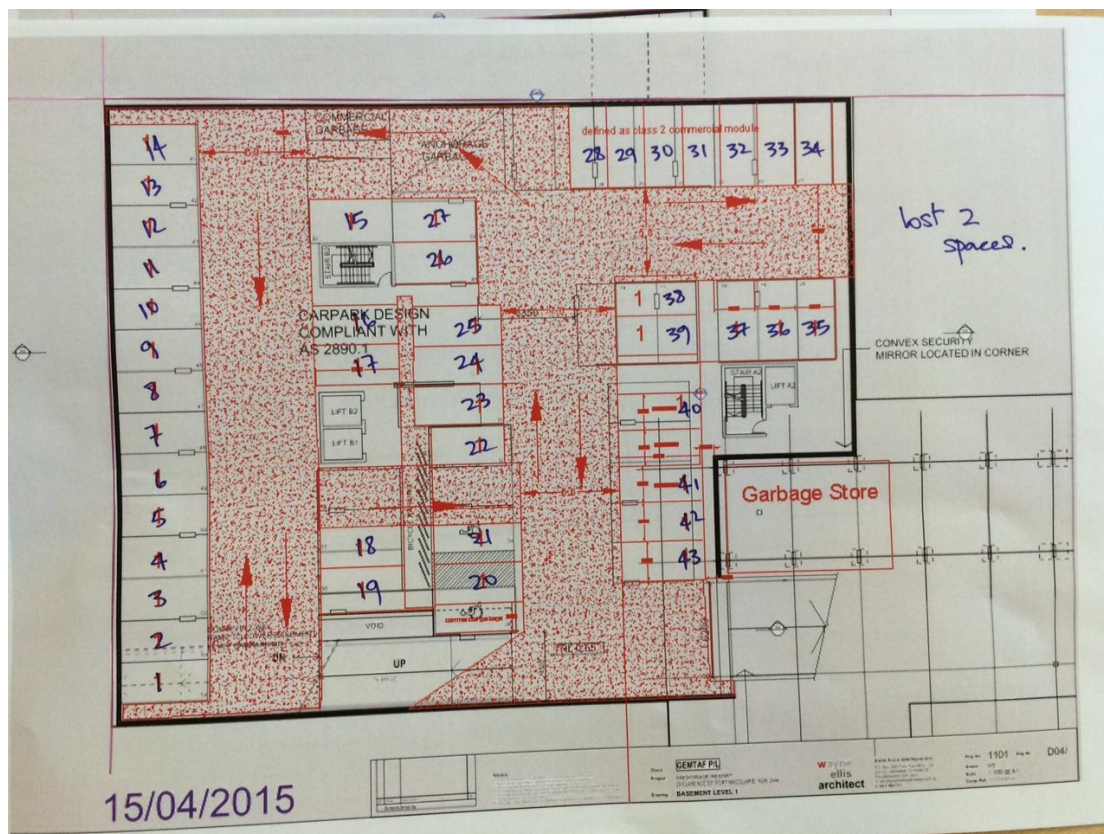
Parking and Manoeuvring

A total of 104 parking spaces (including 2 disabled spaces) have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Detailed assessment of the plans concludes that additional design works are required for the parking layout to comply.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. The current plans do not indicate adequate circulation, however detailed assessment has concluded that a redesign is possible to achieve compliance with AS2890 to provide adequate parking modules and circulation throughout the carpark areas - refer to below diagrams. A deferred commencement condition is recommended to reflect these requirements. Refer to relevant conditions of consent.

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The proposal will be unlikely to have any adverse impacts within the immediate locality in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Water Supply Connection

Records indicate that the development site has 25mm and 50mm metered water services from the 150mm PVC water main on the same side of Clarence Street and the 250mm DICL water main on the same side of Sunset Parade.

Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development site as a whole, as well as fire service coverage and backflow protection requirements.

Sewer Connection

There are outstanding sewer issues that require attention.

Excavation for the underground car park to RL -2.5 AHD will demolish the existing live sewer main that traverses the lot to manhole PM 03P064. This manhole is currently buried under a paved area and therefore is inaccessible. It will also be under the proposed building, which is not acceptable under the adopted AUSPEC D12.

A Drainage Strategy Plan by Hopkins Consultants submitted with the DA documents shows the sewer mains across the site labelled “remove all existing sewer lines”. This plan is the only mention of action on the sewer mains but does not offer an alternative.

Removal and relocation of this section of main will benefit the sewer system in the area by eliminating the inaccessible manhole, removing another existing manhole (PM03P003) currently located in the carpark under the “Waterfront Resort” building and relocating four (4) existing junctions, which serve adjacent properties, from under both resort buildings.

The junctions to four (4) adjacent lots will have to be reconnected to new mains replacing the main to be removed.

The applicant will be required to consult with Council sewer design section prior to submitting, with the application for a Construction Certificate, a sewer strategy plan which replaces the existing mains and provides for all existing connections. This work is to be included in phase 1 development (Anchorage resort building) to avoid problems if the second phase (Waterfront Resort) does not proceed.

A deferred commencement condition is recommended and additional conditions in the consent to address these requirements.

Stormwater

The site is currently serviced via direct connections to an existing public stormwater pipeline which traverses the development site and that drains adjoining Clarence Street. This pipeline is proposed to be removed and redirected as part of the proposed development on the grounds that the development includes basement levels that clash with this existing Council stormwater asset.

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The legal point of discharge for the development is defined as Council's existing piped drainage system downstream of the site. In this regard, the applicant has demonstrated that Council's existing piped drainage system in Hay Street can be extended to the frontage of the site to allow direct piped connection from the development site into the public drainage system. The applicant has also demonstrated conceptually that this pipeline extension can also be sized to cater for the re-diversion of the existing public piped drainage system that currently traverses the site.

During the DA process, many options for the proposed pipeline diversion were explored with the developer's representatives, in conjunction with options to facilitate the physical construction works. The chosen option to extend the pipeline to Hay Street has been determined to be the most suitable option on the basis that the pipeline is located wholly in the road reserve (not private property as currently exists), and that it provides the landowner with more developable land (no easements required which would limit available space).

The exact alignment of this pipeline extension and the scope of restoration works has not been quantified at this time due to uncertainties regarding the timing of works and the likely impacts on existing vegetation and services. These matters require finalisation prior to the issue of a Construction Certificate.

Whilst concept plans and modelling has demonstrated the feasibility of this approach, Construction Certificate plans must include detailed modelling and calculations to demonstrate that the proposed pipeline extension and diversion does not compromise the capacity of the existing downstream drainage system. Specifically, the modelling shall demonstrate that the pipeline extension and downstream system both comply with the requirements of AUSPEC D5. Where deficiencies are found, the existing downstream system must be upgraded to ensure full compliance in this regard.

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a CC.

In addition to the above and in accordance with Council's AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention facilities, and
- Water quality controls

Refer to relevant conditions of consent.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

There are items of potential archaeological heritage and other items of state and local heritage significance in the immediate locality. Potential impacts on these items have been addressed earlier in this report under the LEP. No adverse impacts anticipated.

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Other land resources

No adverse impacts anticipated. The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle. It is noted that the basement construction has the potential to interfere with the existing water table. Appropriate precautionary conditions are recommended to address any potential ground water aquifer interference in this regard.

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 and acid sulphate soil management plan to be in place prior to and during construction.

Earthworks

The applicant will be exporting excavated material from the site. Details of the haul route have not been provided with this Development application. A Section 138 application will be required as a condition to determine likely approved haul routes, dilapidation reports with before and after damage assessments of the haul route.

Air and microclimate

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

Flora and fauna

Construction of the proposed development will not require 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.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. Waste is capable of being managed on the site.

Energy

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

Noise and vibration

No adverse impacts anticipated. The site is located within an existing commercial precinct with other existing commercial uses. Condition recommended to restrict construction to standard construction hours.

Safety, security and crime prevention

The Applicant has submitted a report detailing how the design of the building has addressed crime risk prevention. The report is acceptable.

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

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Social impacts in the locality

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

Economic impact in the locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and ongoing operation phase will provide significant support to the local economy.

Site design and internal design

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

Construction

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

Cumulative impacts

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

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

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

Existing site constraints of access and likely infrastructure impacts have been adequately addressed subject to deferred commencement requirements and recommended conditions of consent.

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

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

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions 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, open space, community cultural services, emergency services and administration buildings.

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5. CONCLUSION

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

Issues raised during assessment 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 a deferred commencement and conditions provided in the attachment section of this report.

Attachments

- 1[View](#). DA2012 - 0507 DA Plans
- 2[View](#). DA2012 - 0507 Additional Plan
- 3[View](#). DA2012 - 0507 Recommended DA Conditions.
- 4[View](#). DA2012 - 0507 NSW Heritage Council Conditions.pdf

Looking After Our Environment

Item: 12.03

Subject: DA2015 - 0448 - RELOCATION OF CENOTAPH - LOT 7312 DP 1161732 RES 82306 & HORTON STREET ROAD RESERVE, HORTON STREET, PORT MACQUARIE

Report Author: Matt Rogers

Property:	Lot 7312 DP 1161732 RES 82306 & Horton St Road Reserve
Applicant:	RSL Sub Branch (Port Macquarie) c/- Jeff Gillespie
Owner:	Port Macquarie-Hastings Council
Application Date:	29 June 2015
Estimated Cost:	\$30,000
Location:	Port Macquarie
File no:	DA2015 - 0448
Parcel no:	61692 and Adjacent Road Reserve

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 0448 for Relocation of the Port Macquarie Cenotaph at Lot 7312, DP1161732, Horton Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for the relocation of the Port Macquarie Cenotaph (War Memorial) from its current location on Town Green to the intersection of Clarence and Horton Streets (southern end of the future Horton Street - Town Square plaza precinct) and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition and advertisement of the application, five (5) submissions were received.

Having regard for Council's the Development Applications - Conflict of Interest Policy, the application relates to development on Council land and objections have been received following exhibition. Under the Policy the application is required to be determined by Council.

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The proposal was considered by the Development Assessment Panel on 23 September 2015 where it was resolved:

"That it be recommended to Council that DA 2015 - 0448 for Relocation of the Port Macquarie Cenotaph at Lot 7312, DP1161732, Horton Street, Port Macquarie, be determined by granting consent subject to the recommended conditions".

1. BACKGROUND

Existing sites features and Surrounding development

The lot which the cenotaph currently situated upon has an area of 4008m². The cenotaph will be located within the proposed 'Town Square' precinct which will have an area of approximately 3500m². Note: this area only includes the Town Square precinct plaza area only, the total area surrounding the site; including the Horton / Clarence Street road reserve areas (which are anticipated to be available in special ceremonial occasions - ANZAC day etc) totals approximately 4500m².

Both sites are zoned RE1 - Public Recreation 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:

- Removal of the cenotaph from its current location on Town Green.
- Restoration of the current cenotaph site so that it is reverted back to a grassed open area.
- Offsite repair of the cenotaph prior to its re-installation on the new site.
- Installation of the cenotaph at its new location at the southern end of the future 'Town Square' precinct on the intersection of Clarence and Horton Streets.
- Integration of the cenotaph into the future 'Town Square' precinct. Conditions of consent have been recommended so that the cenotaph can only be relocated once the Town Square detailed design plans have been finalised.

Refer to attachments at the end of this report for further details, including the concept plans for the Town Square precinct upgrade.

Application Chronology

- 29/6/2015 - Application Lodged with Council.
- 1/7/2015 - Notification of neighbours undertaken.
- 6/7/2015 - Application referred to OEH (Heritage Council) under Clause 5.10 (7) of the LEP.
- 10/7/2015 - 24/7/2015 - Advertisement of application.
- 14/7/2015 - Council's Heritage Adviser reviewed the application & provided comment.
- 17/7/2015 - 21/7/2015 - Submissions Received.

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- 22/7/2015 - Application considered by Town Centre Masterplan Committee.
- 24/7/2015 - Application forwarded to Essential Energy.
- 1/9/2015 - Comments received from Office of Environment Heritage (Heritage Council).

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

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

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

State Environmental Planning Policy No.55 – Remediation of Land

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

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its' location, the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the nearby Hastings River approximately 12m to the north of the site.

State Environmental Planning Policy 71 – Coastal Protection

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71.

The site is further identified as being within a sensitive coastal location in accordance with clause 18 of SEPP 71 (land within 100m of mean high water mark of an estuary bay - in this case, the Hastings River).

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

Having regard to clauses 2, 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore (see comments under DCP assessment below);
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast (see comments under DCP assessment below);
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area
- f) any identifiable adverse impacts on any items of archaeological/heritage (including Aboriginal / European) - (See comments under 'Heritage' heading below);

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- g) reduce the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts of the proposed development on the environment;
- i) development within a zone to be consented to as if it were in a neighbouring zone.
- j) development relying on flexible zone provisions. (refer to clause 5.3 of LEP 2011 - Development near zone boundaries unable to be undertaken when SEPP 71 applies).

In particular, the site is predominately cleared and located within an area zoned for recreation purposes.

State Environmental Planning Policy (Infrastructure) 2007

The application has not been referred to the NSW Roads and Maritime Service (RMS) as the Horton Street / Clarence Street intersection is a local road under the ownership and control of PMHC.

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 RE1 - Public Recreation. In accordance with clause 2.3(1) and the RE1 zone landuse table, the proposed development for a Cenotaph is best characterised as a 'community facility', which is a permissible landuse with consent.

The objectives of the RE1 zone are as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

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

- the proposal is a permissible landuse;
- the proposal directly contributes to the significance of the recreational public open space and is a highly valued item.

In accordance with Clause 4.3, the maximum overall height of the structure above ground level (existing) is 6.8m (approx). There is no maximum standard height limit applying to the site.

In accordance with 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 addressed below, however none apply to the site.

In accordance with Clause 5.9 - No listed trees in Development Control Plan 2013 require removal. However an existing Street Tree (Tuckeroo - Cupaniopsis Anacardiodes) which is located in close proximity to the proposed cenotaph will ultimately require removal once the cenotaph is constructed. The application has been referred to the Parks & Gardens Section of Council for comment and no issue was raised to the potential removal of this tree. It is noted that the long term Town

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Square concept plan shows this tree as being removed, therefore it is likely that regardless of this application the tree will require removal in the near future.

In accordance with Clause 5.10 – Heritage. The site contain and adjoins known heritage items or sites of significance. See comments under ‘Heritage’ section below. The development is considered to satisfy the requirements of this section of the LEP.

In accordance with Clause 7.1, the site is mapped as potentially containing class 3 acid sulfate soils. However the proposed development does not include any excavation extending 1.0m below the natural surface level, therefore no adverse impacts are expected to occur to the acid sulphate soils found on site.

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

No draft instruments apply to the site.

(iii) any Development Control Plan:

Port Macquarie-Hastings Development Control Plan 2013

No specific development controls apply to this development under DCP 2013.

The development is considered to meet the overall objectives of the Port Macquarie Town Centre precinct controls. The development meets the provisions of the Town Centre precinct by providing the following:

- The development facilitates a range of other functions that are imperative to the social fabric the Port Macquarie–Hastings region.
- The development allows the town centre to function as an environment that provides opportunities for social interaction and engagement, for recreation and for entertainment.
- The development enhances the town centre by providing a cultural quality which contributes towards the natural, architectural and social qualities that abound within the CBD.

(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 & Assessment Officers Assessment Table under section (b) for assessment against Coastal Policy Objectives)

Demolition of buildings AS 2601 - CI 66 (b)

Demolition of any existing structures (Pebblecrete pavement etc) which are not proposed to be relocated with the Cenotaph are capable of being demolished in compliance with this Australian Standard.

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- 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 street frontage orientation to the Horton and Clarence Street Intersection & the Town Green precinct.

The existing cenotaph site is located within the Town Green precinct. The proposed cenotaph site will be located within the Town Square precinct. The cenotaph is proposed to be located within the southern extremity of the Town Square near the intersection of Horton & Clarence Streets.

Adjoining the site to the west is an existing residential and commercial building (Quay North) comprising multiple units and commercial uses over 5 storeys. Adjoining the site to the east and south are the Heritage Listed Macquarie Hotel Building and the Ritz Cinema Buildings respectively. Adjoining the site to the north is the Town Green Precinct and Lady Nelson Wharf.

With regard to the nearby built Heritage items it is anticipated that the proposed cenotaph location will not adversely impact on the heritage significance of these structures. The Ritz Theatre, the Royal Hotel and the Macquarie Hotel are all items of local environmental significance and are in the immediate vicinity of the proposed relocated cenotaph. The proposed location is considered to be compatible with these buildings given that there will be no adverse impacts on views from the proposed location of the cenotaph towards the heritage items, nor from the heritage items towards the cenotaph.

It is considered that the proposed cenotaph location will be well situated in terms of context and setting with regard to the Town Square upgrade concept plans.

It is also considered that the proposed location of the cenotaph is desirable given that the cenotaph will be within 20m to its original location when unveiled in 1921.

Conditions of consent have been recommended to ensure the relocation of the cenotaph is integrated into the final designs for the Town Square.

Access, Transport & Traffic

The proposal will be unlikely to have any adverse impacts within the immediate locality in terms access, transport and traffic.

The concept plans for the Town Square precinct show the cenotaph being located within a plaza space which is largely used as a carpark/roadway, however when necessary it can be used as an open space area which is not accessible to traffic.

The concept plans for the Town Square show the cenotaph being located within an open strip which is accessible to pedestrians at all times. This location is conducive

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to foot traffic as it will be located near the informal crossing points at the Horton/Clarence Street intersections and will encourage visitation of the cenotaph.

Water Supply Connection

A water service is available to the road reserve within which the cenotaph is proposed to be located. The application does not propose a water supply connection, however Council staff have requested that a hose cock be provided in proximity of the cenotaph to aid in maintenance of the structure and its surroundings. Water servicing will be dealt with throughout the formulation of the final detailed design plans for the Town square precinct.

Heritage

Following a site inspection (and a search of Council records), known items of Aboriginal heritage and European heritage significance exist on the existing/proposed subject sites. A search of Council's archaeological mapping shows that the development site has the potential to contain archaeological items associated with the use of the site during the convict era. An aboriginal grave has also been located nearby and is located within a garden bed at the northern extremity of Horton Street.

Council's Heritage Advisor has assessed the application and raised no objection to the works proposed. However some omissions and oversights were noted and have been required to be addressed in subsequent plans (see points 1-5 below). The development has been conditioned so that the Heritage Advisor's comments, suggestions and requests are met prior to works commencing. Refer to attached conditions for details.

The Heritage Advisor's comments were as follows:

This area is close to the original location of the Memorial, which was located in the centre of the abovementioned intersection. So its repositioning is in line with good interpretation policy.

Earlier discussions were held in February 2015 with Council staff to identify any heritage related issues arising from the proposed relocation and new location of the War Memorial "Cenotaph".

The issues raised have been generally addressed in the documentation that accompanied the Development Application.

Public consultation has not been addressed in the documentation however there have been local newspaper articles relating to the Memorial and its impending move as well as the advertising required in the DA assessment process.

The Office of Environment and Heritage have been provided with the DA submission and invited to comment. As the site is in the area of Item S.08 of the Archaeological Management Plan, the OEH may have some recommendations further to those stated in the SOHI and the AMP.

From the documentation provided there are a number of questions to be answered to clarify the ultimate arrangement and design of the re-sited memorial.

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1. *The flagpoles form an inseparable part of the memorial. They should be incorporated within the enclosure and the paving selected, extended around the base of the flagpoles.*
2. *There is no indication of a lighting design, for security and as highlighting the memorial at night as a landmark element.*
3. *The raised Bluestone/Basalt base course with raking sides is considered appropriate particularly as the memorial will be in close proximity to vehicular traffic and the intersection of Clarence and Horton Streets.*
4. *This end of Horton Street has developed into a focal urban space within the CBD and the location selected for the Memorial provides better circulation, and visibility within the townscape.*
5. *The detailed design for the Horton Street upgrade is still in progress, and the paving material and colour has not been selected. It is considered that the paving for the Memorial area should be of a noble material and compatible with the materiality of the monument. Materials should also be locally sourced if possible. Any pebble-crete or concrete paving is not considered to be appropriate. My suggestion is for a honed basalt similar to the proposed base stone.*

Beyond this, I don't believe there are any heritage related issues that would preclude the relocation of the Memorial to its proposed location

Pedestrians and Public Domain

The proposed site for the cenotaph is a within prominent position in the streetscape and within an area that will cater well with crowds that attend ANZAC Day and other commemorative services.

The proposal is considered appropriate as the memorial will be located within a new purposely designed plaza that is anticipated to better cater for the expected increase in attendances at special commemorative services. It is expected that once the cenotaph is relocated it will be in a prominent position which in itself will ensure the long term survival of the cenotaph as it will provide for enhanced usage capacity.

Water

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle subject to implementation of standard conditions requiring sediment and erosion control.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of erosion and stability.

Air & Micro-climate

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 adverse impacts on biodiversity or threatened species of flora and fauna.

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Waste

No adverse impacts anticipated.

Noise & Vibration

No adverse noise or vibration impacts are expected as a result of undertaking the development.

Natural Hazards

No natural hazards have been identified which would be prohibitive to the carrying out of this development.

Contamination Hazards

The site is not identified as being contaminated.

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. There is good casual surveillance of the cenotaph.

Social Impact in the Locality

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

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development.

Site Design and Internal Design

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

Construction

Whilst it is acknowledged that the potential for adverse impacts on neighbouring properties exists with the construction of the proposal, the impacts are considered acceptable due to the short term nature of the construction activities required on site.

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:

It is considered that the proposed development is compatible with other development in the area and directly contributes to the purpose and function of the recreational open space.

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

Five (5) 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:

Submission Issue/Summary	Planning Comment/Response
<p>The War Memorial should be left where it is. The Town Green is a better place to take crowds of people. Port Macquarie is growing fast and to move it would be a waste of money. Spend the money on a garden around the Memorial</p>	<p>See comments under 'Pedestrians and Public Domain' heading above.</p> <p>The proposed location for the cenotaph is considered to be more conducive to large crowds. The cenotaph will be located within an open plaza adjacent to the Horton/Gordon Street intersection, which, when closed off on special ceremonial occasions, will provide a larger area for public gatherings than is currently provided by the current Town Green location.</p> <p>While the cost of the development is not a matter for consideration in the determination of the development application, it should be noted that the RSL are the application and the Council will not be funding the proposal.</p>

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I do not agree to the new location as it is hard enough for motorists to travel along Horton Street now and if the community was to lose more car parking places it would be stupidity. I think it would be better left where it is or take it away from the town centre all together. I do believe we should remember the fallen soldiers as my grandfather was in the first world war. Port Macquarie has a problem with parking as it is and I would prefer to see it in a more suitable place.	Based on the concept plans for the Town Square precinct there will be no net loss in parking spaces available within the northern end of Horton Street. The proposed cenotaph location does not result in a reduction in available spaces the northern end of Horton Street.
The cenotaph is already in a perfect spot to allow for public access at all times and is located with a perfect backdrop for commemoration ceremonies. Don't waste money needlessly moving it. Put the money to better use fixing the roads in and around Port Macquarie.	Refer to above comments.
I think this is an ideal position for the Memorial. I came to Port in 1949 and that is where it was then so I know it will work.	Noted.
The proposal of putting it on the corner of Horton St and Clarence St, I think is a very good move.	Noted.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Development contributions are not required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.

Development contributions are not required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

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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](#). DA2015 - 0448 Plans
- 2[View](#). DA2015 - 0448 Recommended Conditions.pdf
- 3[View](#). DA2015 - 0448 Statement of Heritage Impact - Relocation of War Memorial, Port Macquarie
- 4[View](#). DA2015 - 0448 Town Square Detail Concept Design
- 5[View](#). DA2015 - 0448 Submission - Cook
- 6[View](#). DA2015 - 0448 Submission - Doyle
- 7[View](#). DA2015 - 0448 Submission - Hackett
- 8[View](#). DA2015 - 0448 Submission - Hall
- 9[View](#). DA2015 - 0448 Submission - Leeson

Looking After Our Environment

Item: 12.04

**Subject: NEW WASTE COLLECTION CONTRACT - COMMUNITY SURVEY
AND WASTE AUDIT RESULTS**

Presented by: Development & Environment Services, Matt Rogers

Alignment with Delivery Program

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

RECOMMENDATION

That Council note this report on the community survey, waste audit and evaluation.

Executive Summary

At the Ordinary Council Meeting on 16 July 2014, Council resolved that a community survey of the new waste services be undertaken to seek feedback on its implementation. Council also resolved to undertake a waste audit in mid 2015 to determine the change in waste separation behaviours resulting from the new waste collection service.

Community survey

A community (telephone) survey of 612 households was undertaken in April 2015. Feedback was sought on; the Choose Your Bin campaign, bin delivery and retrieval, and waste education and waste management behaviours.

The results of the survey indicate the community were very aware of the Choose Your Bin campaign and that Council's communication program has been effective.

The delivery of new bins was also shown to be successful with only a small number of problems encountered. The most frequently used means of seeking information was the 'Bin Hotline or customer service call centre', followed by 'Council's website'. The predominant comment given regarding the experience was that the service received had been positive/helpful/effective.

A high percentage (78%) of residents indicated awareness of waste management measures. The community's commitment to waste management is echoed in their highly perceived understanding of proper waste sorting, where 98% claimed some degree of knowledge.

Reaction to the new waste service was largely positive, with 84% of residents expressing some degree of support.

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Waste audit

A kerbside bin audit of the domestic residual waste (red), recycling (yellow) and organics (green) bins was undertaken during April and May 2015. 225 households were targeted for each bin type.

The results supported Council's commitment to waste reduction strategies by identifying a substantial increase in the organics bin weights collected compared to 2014, including a substantial increase in the amount of food in the organics bins.

The audit also identified an increase in the recycling bin weights compared to 2014 and a reduction in the residual waste bin weight.

Evaluation of the outcomes of the new waste collection service

The results of the community survey indicate the community are very aware of Council's communication program and the delivery of new bins was generally a success with only a small number of problems encountered. There is a high percentage of residents with waste management awareness.

Recycling and organics diversion from the residual waste bin have increased in this audit compared to 2014.

The survey and waste audit have identified areas for continuing waste education, including;

- reducing the contamination rate of recycling bins,
- further improvements to the diversion of food into the organic bins,
- general waste minimisation.

Council's *Waste Education, Communication and Marketing Program* will to provide ongoing waste education that aims to further address these issues.

Council is well positioned to improve on the very successful waste collection changes and to further improve waste diversions from landfill and increase resource recovery.

Discussion

At its Ordinary Council Meeting date 16 July 2014, Council resolved:

12.06 NEW WASTE COLLECTION ARRANGEMENTS - COMMUNICATIONS AND MARKETING STRATEGY UPDATE AT THE END OF PHASE 1

RESOLVED: Griffiths/Roberts

That Council:

1. Note the report.
 2. Undertake a survey of the new service to seek community feedback on its implementation by March 2015.
 3. Undertake a waste audit in mid 2015 to determine the change in waste
-

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- separation behaviours resulting from the new waste collection service.
4. Request the General Manager to present a report to Council in October 2015 that provides the results of the waste audit, and an evaluation of the outcomes of the new waste collection service.

CARRIED: 8/0

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

AGAINST: Nil

This report details the results on the community survey and waste audit including an evaluation of the outcomes of the new waste collection service.

Community survey

Council engaged *Micromex Research* to undertake a community (telephone) survey of 612 households in April 2015. Feedback was sought on; the Choose Your Bin campaign, Bin Delivery and Retrieval, and Waste Education and Waste Management Behaviour. Below is a summary of the key findings.

Choose Your Bin campaign

- 89% of residents were aware of the campaign, with the majority of residents having heard about the campaign via 'letter/flyer in mail', 'Council newsletter with rates notice', 'advertisement in newspaper, radio, TV, or billboard', and 'news story in local media'. These outcomes suggest that Council's communication regarding the program has been effective.
- 82% responded to the campaign by selecting a service level – of these, 47% used 'Council's website/online form' and a further 35% used the 'reply paid postal form'.
- Ratepayers were more likely to be aware of the 'Choose Your Bin' campaign, to have heard via a rates notice, and to select a service level, suggesting that homeowners have a stronger engagement with the issues.
- The campaign was successful in migrating residents to less frequent waste collection services, with 93% of those who responded selecting one of the fortnightly options. Furthermore, the most common reason cited for failing to respond was being 'happy to receive the default service', confirming general support for the campaign.

Bin Delivery and Retrieval

- 92% of respondents reported receiving the correct bins by the new service start date.
- Over three-quarters of residents indicated that they had received the information booklet accompanying the new bins. Of these, the vast majority (93%) 'read/flipped through it', again indicating broad interest in waste management issues among local residents.
- Over half of the residents (52%) disposed of their old bin by leaving it to be collected by Council, while a further 37% chose to keep their bin for personal use.
- 87% reported no problems with the start of the new waste service, an encouraging outcome.

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- Similarly to the 13% who experienced problems, 11% of residents reported seeking information about the new service. The provided avenues for advice were effective, with 94% indicating that they had found the information they were looking for.
- The most frequently used means of seeking information was the 'Bin Hotline or customer service call centre' (42%), followed by 'Council's website' (35%). The predominant comment given regarding the experience was that the service received had been positive/helpful/effective.

Waste Education and Waste Management Behaviour

- At least 78% of residents indicated awareness of each of the prompted waste management measures, with ratepayers again more likely to be aware of waste-related issues. The community's commitment to waste management is echoed in their highly perceived understanding of proper waste sorting, where 98% claimed some degree of knowledge.
- A majority of residents (69%) claimed to use their kitchen bin daily, with the most common impediment to greater use being a lack of food waste generated.
- Reaction to the new waste service was largely positive, with 84% of residents expressing some degree of support.
- 86% of residents reported a positive outcome of the new service on their red bin waste levels, with 47% having actually reduced their waste levels. Despite this, 36% of residents did report issues with the new fortnightly collection, predominantly dissatisfaction with unpleasant smells and insect infestations resulting from the longer period between collections.
- Interest in the proposed areas of education ranged from 34% to 62%. Among those who expressed an interest in accessing information regarding waste sorting, 'recyclable materials', 'plastics', and 'food waste' were the materials most frequently cited as being of concern. 20% of residents were not interested in any of these education areas. This could reflect a high existing level of knowledge within the community or perhaps a degree of apathy among some respondents.

The full report on the Choose Your Bin and New Waste Survey is attached.

Waste audit

Council engaged *EC Sustainable* to conduct kerbside bin audit of the domestic residual waste (red), recycling (yellow) and organics (green) bins during April and May 2015.

Previous audits were conducted in 2011 and 2014, through the regional waste group, Midwaste

This audit was undertaken in accordance with '*NSW EPA Guidelines for Conducting Household Kerbside Residual Waste, Recycling and Garden Organics Audits in NSW Local Government Areas*'.

A 225 households were targeted for each bin type.

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The objectives of the audit were:

- 1: Resource recovery – Highlight information to contribute to potential household garbage reduction strategies, particularly for the reduction of resource loss and increased diversion.
- 2: Residual waste data – Provide a one-off snap shot of the state of domestic residual waste stream composition to guide improved resource recovery including analysis of waste composition, bin capacity usage, bin presentation rate, hazardous waste liabilities and unrecovered resources.
- 3: Recycling data – Provide a one-off snap shot of the state of domestic recycling stream composition to guide improved recycling compliance including contamination rates, bin capacity usage and bin presentation rates.
- 4: Organics data – Provide a one-off snap shot of the state of domestic organics stream composition to guide improved compliance including contamination rates, bin capacity usage and bin presentation rates.
- 5: Waste minimisation and avoidance – Provide information that will identify potential household reduction of residual waste, the minimisation of unwanted kerbside waste and education opportunities.

The audit included a comparison of the new collection system's performance for the service changes, and assesses objectives 1 to 5 in the context of the service changes.

The overall composition of each waste stream is shown in Figures 1, 2 and 3.

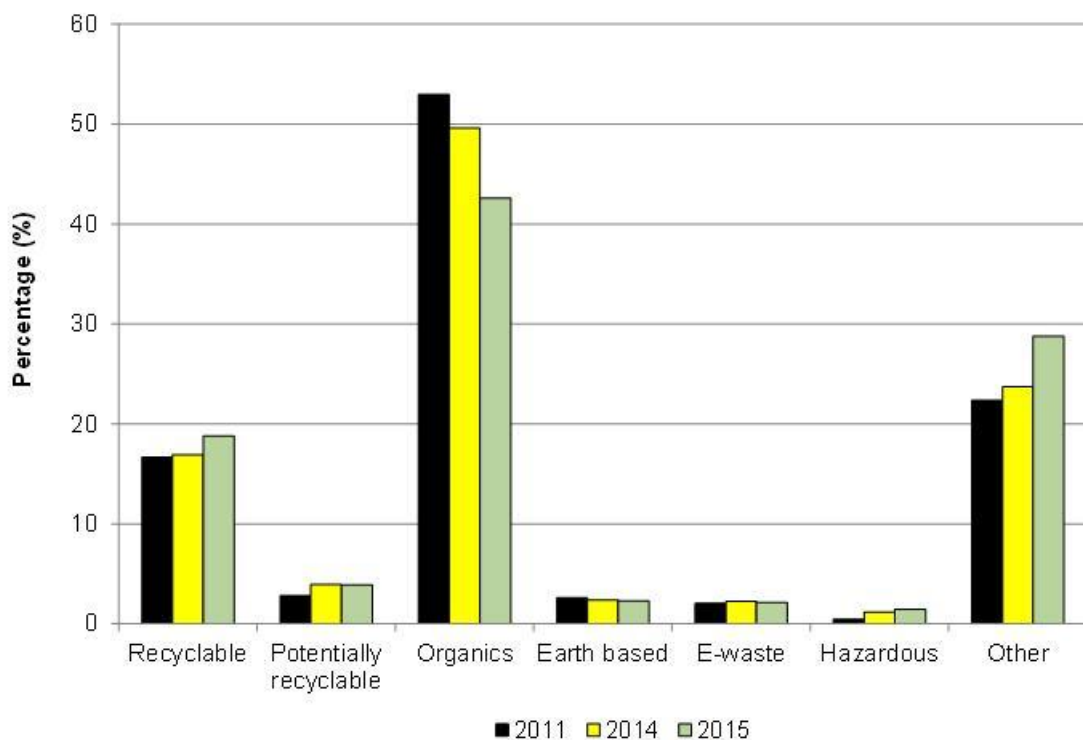


Figure 1 - Summary composition of residual waste stream (red bin)

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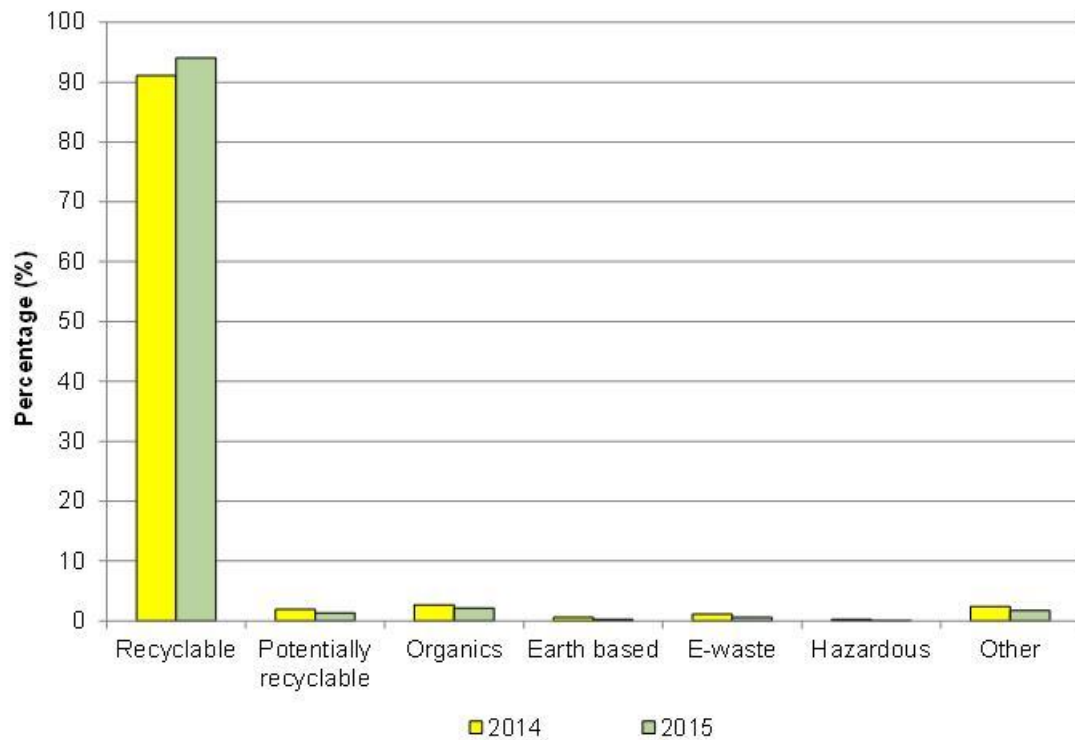


Figure 2 - Summary composition of recycling stream (yellow bin)

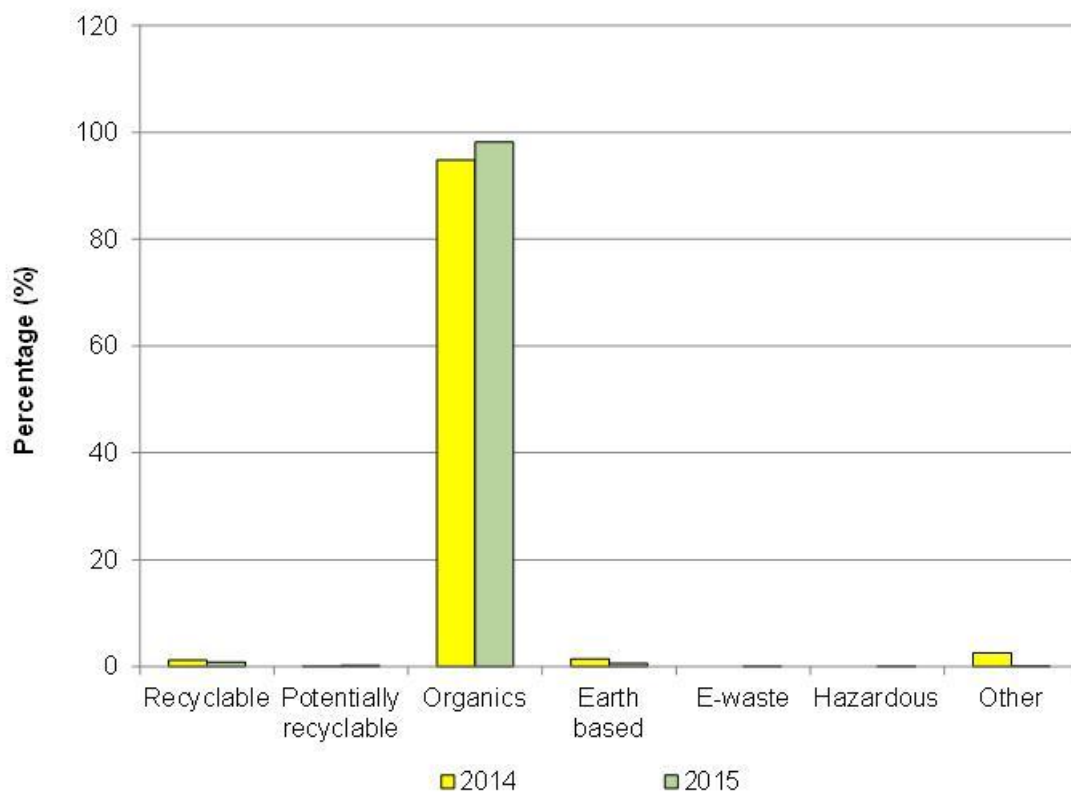


Figure 3 - Summary composition of food and organics stream (green bin)

Looking After Our Environment

A summary of the results of the audit in relation to the audit objectives is provided below.

Objective 1: Resource recovery

- Council's commitment to waste reduction strategies is demonstrated by:
 - A substantial increase in the organics bin weights collected in this audit compared to 2014, as well as the resource recovery rate of organics.
 - A substantial increase in the amount of food in the organics bins in this audit compared to 2014, as well as the resource recovery rate of food.
 - An increase in the recycling bin weight in this audit compared to 2014, as well as the resource recovery rate of recycling.
 - A reduction in the residual waste bin weight in this audit compared to 2014, as well as in turn compared to 2011.
- Recycling and organics recovery bin diversion rates have increased in this audit compared to 2014.
- Council has an increased overall resource recovery rate for recyclables compared to the 2014 audit. However, Council should seek to improve the resource recovery across all materials, but particularly plastics 1-7, steel packaging and aluminium packaging.
- Council should seek to improve the resource recovery rate for compostable material. The resource recovery of garden organics was high in both audits, and the food resource recovery rate increased substantially. However, there is still scope for further improvements in the recovery of food.

Objective 2: Residual waste data (red bin)

- There has been a reduction in the residual waste bin weight in this audit compared to 2014, as well as 2011. The reduction is mainly due to less food waste in the residual waste stream.
- The reduction in food waste is greater than the reduction in the overall residual waste stream bin weight. Therefore, households have reduced food waste, but used a portion of that bin space for something else.
- There has been a substantial increase in other waste in this audit compared to 2014. This may be household items that would otherwise have not been disposed in the bin system.
- The level of food waste in biobags in the residual waste increased in the 2015 audit compared with the 2014 audit. This means some residents have made an effort to bag their food waste with the changes to food waste recycling. However, the bagged material was then placed into the residual waste bin instead of the organics bins.
- There is less food waste in the overall bin systems in this audit compared to 2014. The increase in the amount of food waste recovered in the organics bins, is less than amount that has been reduced in the residual waste bins.

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Therefore, householders appear to have avoided food waste, as well as recovering food waste.

Objective 3: Recycling data (yellow bin)

- There has been an increase in the recycling bin weight in this audit compared to 2014, as well as the resource recovery rate of recycling.
- The 360L recycling bin households did not have a lower level of unrecovered resources in their residual waste bins and they did not recover a higher percentage of their overall recycling generated across all bin systems. While the 360L recycling bin households presented more recycling, they also had more recycling generated across all streams. This could be due to the 360L bin services being opted into by larger households with larger premises or larger family sizes.
- Council has reduced the contamination rate of recycling as a percentage. This has been achieved through an increase in amount of compliant recycling recovered. The average weight of contamination in a bin has remained stable.
- Further work can be done to reduce the contamination rate of household kerbside recycling bins, which was still slightly higher than the average contamination rate for the 2008 EPA audits.
- Further work can be done to further reduce the high percentage of households that have used their full bin capacity for recycling. The optional 360L recycling bin introduced in September 2014 appears to have had some effect in reducing full or overfull bins.

Objective 4: Organics data (green bin)

- There has been a substantial increase in the organics bin weights collected in this audit compared to 2014.
- There has been a substantial increase in the amount of food in the organics bins in this audit compared to 2014, as well as the resource recovery rate of food.
- Council's organics resource recovery rates for non-garden organics materials have some scope for further improvement, particularly other organics such as soiled paper based food containers.
- Council has substantially reduced the organics contamination rate as a percentage and as a weight per household. The 2015 audit rate is lower than the average contamination rate for the 2008 EPA audits.
- Further work can be done to reduce the high percentage of households that have used their full bin capacity for organics.

Objective 5: Waste minimisation and avoidance

- Council should continue to target waste minimisation options as well as waste recovery through education and community awareness, particularly for packaging and container waste minimisation.

The full report on the Domestic Kerbside Bin Audit is attached.

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Evaluation of the outcomes of the new waste collection service

The results of the community survey indicate the community were very aware of the Choose Your Bin campaign and that Council's communication program has been effective.

The delivery of new bins was also shown to be successful with only a small number of problems encountered. The most frequently used means of seeking information was the 'Bin Hotline or customer service call centre', followed by 'Council's website'. The predominant comment given regarding the experience was that the service received had been positive/helpful/effective.

A high percentage (78%) of residents indicated awareness of waste management measures. The community's commitment to waste management is echoed in their highly perceived understanding of proper waste sorting, where 98% claimed some degree of knowledge.

Reaction to the new waste service was largely positive, with 84% of residents expressing some degree of support.

The survey and waste audit have identified areas for continuing waste education, including;

- reducing the contamination rate of recycling bins,
- further improvements to the diversion of food into the organic bins,
- general waste minimisation.

Council's *Waste Education, Communication and Marketing Program* has been developed to provide ongoing waste education that aims to:

- motivate and reinforce waste behaviour change, namely to
 - o encourage people to reduce their red bin rubbish
 - o recycle more into the yellow bin
 - o and place all food and garden waste in the green bin.

In addition, the program aims to:

- reduce contamination across all waste streams
- increase resource recovery
- reduce the amount of waste going to landfill
- raise awareness of illegal dumping
- and inform/remind residents of the current arrangements around:
 - o the kerbside collection service
 - o tip tickets
 - o hazardous waste disposal
 - o and Council's waste facilities.

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Council's *Waste Education, Communication and Marketing Program* has commenced with promotions based on the red, yellow and green bins undertaken or planned to be undertaken this year.

Council is well positioned to improve on the its successful waste collection changes and to further improve waste diversions from landfill and increase recourse recovery.

Options

This report is intended as an update and no specific options have been identified.

Community Engagement & Internal Consultation

The results of the community survey and waste audit will assist in developing further waste education campaigns.

Planning & Policy Implications

This report has no significant planning or policy implications.

Financial & Economic Implications

This report has no significant financial or economic implications, being an evaluation of existing initiatives that are already being implemented by Council.

Attachments

1 [View](#). Choose Your Bin and New Waste Service Survey

2 [View](#). Domestic Kerbside Bin Audit 2015

Looking After Our Environment

Item: 12.05

Subject: RECOMMENDED ITEM FROM COAST, ESTUARY & FLOODPLAIN
ADVISORY SUB-COMMITTEE - PORT MACQUARIE-HASTINGS
FLOOD POLICY

Presented by: Development & Environment Services, Matt Rogers

Alignment with Delivery Program

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

RECOMMENDATION

That Council adopt the Port Macquarie-Hastings Flood Policy (September 2015).

Executive Summary

The Coast, Estuary & Floodplain Advisory Sub-Committee met on 29 September 2015, reached consensus on Item 08 (attached) and now submits the above recommendation for Council consideration.

Attachments

1 [View](#). Item 8 Coast, Estuary & Floodplain Advisory Sub-Committee 2015 09 29

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: THREE VILLAGES SEWERAGE SCHEME INDEPENDENT REVIEW

Presented by: General Manager, Craig Swift-McNair

Alignment with Delivery Program

5.5.3 Plan, investigate, design and construct sewerage assets.

RECOMMENDATION

That Council note the information contained in this report.

Executive Summary

The purpose of this report is to provide information relating to a recent external independent review of the Three Villages Sewer Scheme (TVSS) project. At the 16 September 2015 Ordinary meeting of Council, Council resolved the following:

*13.01 Three Villages Sewerage Scheme Independent Review
Resolved: (Levido/Cusato)*

That Council:

- 1. Note the process and Terms of Reference for an independent project review for the Three Villages Sewerage Scheme.*
- 2. Request that the General Manager undertake an independent review of the Three Villages Sewerage Scheme in line with the process and Terms of Reference as included in this report.*
- 3. Request that the General Manager report the findings of the review to Council as soon as practicable following receipt of the report.*

Carried: 8/0

For: Besseling, Cusato, Hawkins, Intemann, Levido, Roberts, Sargeant and Turner

Against: Nil

As per Resolution two (2) listed above, an independent review has now been undertaken in line with the Terms of Reference (TOR) tabled at the 16 September 2015 meeting of Council.

This report addresses Resolution three (3) above, with the presentation to Council of the findings of the recently undertaken independent review of the TVSS.

The findings of this review are detailed further in this report; however the independent reviewer concludes that:

'While the estimates of construction cost have increased, it should be noted that Council has been advised of this prior to the decision to commence construction. Therefore the bulk of expenditure has not yet taken place.'

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Options to reduce the delivery cost are being considered and it is still possible to suspend these projects and service the villages differently.

As has been noted in the report, value for money goes beyond the capital cost and should consider full life costs of the facility. Therefore, before any choice between options is made, it would be appropriate to compare the annualised cost or Net Present Value over the life of each option.'

Discussion

At an extraordinary meeting of the Village Sewerage Scheme Steering Group (VSSSG) held on Tuesday 15 July 2015, consensus from that meeting was to present a report to Council outlining the current construction estimates for the three villages sewerage schemes; the allocated budgets; funding opportunities and a value for money outcome. To this end a report was tabled at an extraordinary meeting of Council held on Wednesday 29 July 2015. For information and background, a confidential copy of the 29 July 2015 Council report is attached to this report (*This report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act 1993 – Section 10A(2(c)).*)

At the above-mentioned extraordinary Council meeting held on 29 July 2015, the following was resolved by Council:

Resolved: (Griffiths/Hawkins)

That Council:

- 1. Apply for funding for the villages of Comboyne, Telegraph Point and Long Flat through the Restart NSW funding program.*
- 2. Remove the requirement for the sewerage schemes for the villages of Comboyne, Telegraph Point and Long Flat to be completed by September 2016, to explore re-design opportunities, new grant funding opportunities and other potential cost savings.*
- 3. Request the General Manager provide a report to Council, as soon as reasonably practicable, as to options available to Council (including financial details) to deliver fit-for purpose and value-for-money sewerage schemes for the villages of Comboyne, Telegraph Point and Long Flat; and*
- 4. Request the General Manager provide a report to the September 2015 meeting of Council as to the terms and process of an independent review to be undertaken as to the three villages sewerage scheme project (relating to Comboyne, Telegraph Point and Long Flat) as a case study for Council's design processes, financial estimates and project reporting including a recommendation as to the undertaking of the independent review.*

Carried: 8/0

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

Against: Nil

The General Manager tabled a report to the 16 September 2015 meeting of Council as per Resolution four (4) above, which set out the TOR to the proposed independent review. A copy of the 16 September 2015 report to Council (which includes the TOR), is attached to this report for information.

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Following the resolution of Council from the 16 September 2015 Council meeting, the General Manager engaged Mr. Michael Parkinson to undertake the independent review. For information, please find attached to this report the resume of Mr Parkinson.

The independent review took place the week commencing 21 September 2015. A final report was provided to the General Manager in early October and is now tabled for the consideration of Council.

The key findings as detailed in the independent review are provided below, noting that they follow the order of the TOR adopted by Council. Expanded explanations relating to each finding are available in the full review report which is attached to this Council report. Following the findings listed below is the conclusion to the independent review.

Findings

1. *Has the Small Village Sewer Scheme project adhered to Council's current project management policy and framework and is it continuing to do so?*

No. Arguably the PHMC "Gateway" methodology should have been used. Nevertheless, an acceptable project management method was used and it is unlikely that the details of the method used had any bearing on the outcome. Had the three villages been treated as independent (rather than parallel) projects, some of the cost estimates based on final design might have been delivered earlier. The escalation in cost estimates may have been noted in March rather than July.

2. *Were / are the documented deadlines and milestones for this project achievable and have they been regularly monitored?*

The milestones were achievable and were being monitored. It is arguable that initial slippage in deadlines for delivery of concept designs (in particular for Long Flat) did not prompt the correct response, given the extremely tight timetable of the project as a whole.

While such a response may have given slightly earlier warning of the design issues that led to the escalation in estimates, it is unlikely that they would have been prevented. The Council may have had the opportunity to modify project requirements in March (the first Concept Designs were available in October 2014) rather than in July. This would, however, have been contingent upon SMEC having sufficient resources to undertake detailed design work at Comboyne and Telegraph Point whilst still completing the concept design at Long Flat.

3. *What role has the Village Sewer Scheme Steering Group (VSSSG) played in the development and monitoring of this project?*

VSSSG has been active since September 2013, meeting monthly to consider progress. Other than the failure to act on what may, at the time, have seemed to be an unimportant delay, they have fulfilled the appropriate monitoring and gatekeeper role.

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4. *Have the project risks been adequately identified and effectively addressed throughout this project?*

It is not the role of risk management to prevent surprises or eliminate uncertainty. Its purpose is to limit unfavourable consequences (or promote favourable ones). In this case, the project management process has functioned as it should and has brought the issues to the attention of Council so that appropriate action may be decided.

5. *Were the processes for the selection and engagement of third parties (specifically in relation to design components and overall project management) adequate?*

Yes. The selection processes were adequate.

6. *Were the design processes (third party versus internal resources) undertaken for this project effective?*

Yes. The design processes were effective. The design was prepared to meet the stated objective.

7. *How were the original estimates determined and how have these estimates been updated as the project has progressed?*

Estimates were made based upon a functional design appropriate for the small communities involved. These estimates were routinely updated and reconfirmed.

8. *How have the project costs been managed to ensure the project is completed within available budgets?*

While there has been an escalation in the estimates related to delivery of this project, expenditure has been limited to \$1.5m so far. The cost estimate variance has been referred to Council before any further commitments have been made. The Council may now consider whether to proceed, terminate or modify the project to fit budget.

9. *Did the project cost estimation involve significant cost related risk and, if so, how has this been managed?*

No. Standard project contingency is intended to accommodate relatively minor variations brought about by site-specific issues. In this case significant design changes were necessitated by clarification of performance requirements.

10. *Were any value-for-money assessments undertaken during the life of this project?*

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Yes. The average cost per equivalent tenement (ET) was visible throughout the project. It was only in July 2015 that this measure showed any significant alteration.

11. Was the project budget consistent with the project requirement, assumptions, risks and contingencies?

Yes. However the assumptions inherent in the estimates changed between original concept and final design. The final design was a significantly different configuration from the initial.

12. Have there been effective hold points and signoffs during the project

Yes. Each stage of the project has been properly approved and issues referred to Council as appropriate.

Review Conclusion

While the estimates of construction cost have increased, it should be noted that Council has been advised of this prior to the decision to commence construction. Therefore the bulk of expenditure has not yet taken place.

Options to reduce the delivery cost are being considered and it is still possible to suspend these projects and service the villages differently.

As has been noted in the report, value for money goes beyond the capital cost and should consider full life costs of the facility. Therefore, before any choice between options is made, it would be appropriate to compare the annualised cost or Net Present Value over the life of each option.

Options

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

Community Engagement & Internal Consultation

There has been no external community engagement in relation to this report. The independent consultant undertook some internal consultation in the development of his report, details of which are included in the consultant's report.

Planning & Policy Implications

There are no direct planning or policy implications as a result of this report. It should be noted as previously reported to Council, that the adopted Project Management Policy and Framework is currently being reviewed, with this due for completion in the first quarter of 2016.

Financial & Economic Implications

There are no direct financial or economic implications as a result of this report. This is not to say that there are not financial implications related to the TVSS project, however this report is only dealing with the recently undertaken independent review.

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The cost of this engagement was approximately \$13,000 and is to be funded from operational Sewer budgets.

Attachments

- 1 [View](#). Council Report - Three Village Sewer Scheme Construction Update - 29 July 2015 (Confidential)
- 2 [View](#). Council Report - Three Village Sewer Scheme Independent Review - 16 September 2015
- 3 [View](#). Resume - Michael Parkinson
- 4 [View](#). Three Villages Sewer Scheme - Review of Project Management - October 2015

Planning and Providing Our Infrastructure

Item: 13.02

Subject: ACQUISITION OF EASEMENTS WITHIN THE HENRY KENDALL RESERVE AT WEST HAVEN

Presented by: Corporate & Organisational Services, Rebecca Olsen

Alignment with Delivery Program

5.5.3 Plan, investigate, design and construct sewerage assets.

RECOMMENDATION

That Council, in its capacity as the Reserve Trust Manager of the West Haven (R210080) Reserve Trust, consent to the acquisition of the easement for electricity purposes and the easement for the drainage of sewage as shown in Deposited Plan 1212278.

Executive Summary

A report to consider the acquisition of easements within the Henry Kendall Reserve at West Haven arising from the upgrade of the Camden Haven Sewer Pumping Station number 22.

Discussion

Situated on a parcel of Council owned land within the Henry Kendall Reserve at West Haven is the Camden Haven Sewer Pumping Station No 22. The pumping station is contained within Lot 1 Deposited Plan 809107.

The Henry Kendall Reserve is Crown Reserve No 210080 which is managed by Council in its capacity as the Reserve Trust Manager of the "West Haven (R210080) Reserve Trust."

As part of an upgrade of the sewer pumping station, an easement for underground electricity and an easement for the drainage of sewage are to be acquired.

A locality plan depicting the land comprising sewer pumping station (edged by blue line) and approximate location of the easements to be acquired (red line) is attached. The survey accurate plan of the easements to be acquired being Deposited Plan 1212278 is also attached.

As the Reserve Trust Manager has an "interest" in the land (as defined by the Land Acquisition (Just Terms Compensation) Act 1991), the Reserve Trust Manager is required to consent to the acquisition of the easements in order that the Port Macquarie-Hastings Council can proceed to acquire the easements. The Reserve Trust Manager is advised that the land owner, NSW Crown Lands, has provided its written approval for the acquisition of the easements by the Port Macquarie-Hastings Council.

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Options

The Reserve Trust Manager has the option to:

Consent to the acquisition of the easements; or
Not consent to the acquisition of the easements.

Community Engagement & Internal Consultation

None required.

Planning & Policy Implications

Not applicable.

Financial & Economic Implications

There are no financial or economic implications for the Reserve Trust Manager.

Attachments

1 [View](#). Locality Plan

2 [View](#). Deposited Plan 1212278

Planning and Providing Our Infrastructure

Item: 13.03

Subject: ADDITIONAL FEDERAL ROADS TO RECOVERY (R2R) FUNDING FOR 2015-2016 AND 2016-2017

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.2.1 Plan and implement traffic and road safety programs and activities addressing pedestrian, cyclist and vehicular needs.

RECOMMENDATION

That Council increase the High Traffic Road Resurfacing allocation in the 2015-2016 Operational Plan by \$1,069,000 (Action 5.1.1.4 (a)), being the additional Roads to Recovery funding.

Executive Summary

The Federal Government has determined to redistribute some of the fuel excise tax to Council's to be used on road works. The mechanism by which they will achieve this is by providing additional funds through Roads to Recovery (R2R) grants for the periods 2015-2016 and 2016-2017.

Discussion

The Federal Government collects significant taxes as part of the fuel excise, levied on motorists when paying for fuel. This revenue is, in theory, then supposed to be placed back into road infrastructure. Following lobbying from different quarters, a portion of the fuel excise is to be put back into local roads. The mechanism by which this funding will return to Council's is through additional funding in the R2R grants for the periods 2015-2016 and 2016-2017.

This announcement of additional funding for PMHC is as follows:

- 2015-2016 - \$1.069M
- 2016-2017 - \$2.868M
- Total - \$3.937M

The Roads to Recovery Guidelines State:

2.1 Objective

The objective of Roads to Recovery is to contribute to the Australian Government Infrastructure Investment Programme through supporting maintenance of the nation's local road infrastructure asset, which facilitates greater access for Australians and improved safety, economic and social outcomes.

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It does this by providing grant funding to LGAs for the maintenance and/or construction of roads in order to help maintain the local road network, essential to Australia's social and economic infrastructure.

There are a number of conditions attached to R2R funding. Of these conditions, the most onerous on Council is the need to meet very specific "own source" funding. This is funding used by Council on all its transport assets (capital and maintenance) that is sourced entirely through Council's own means, for example rates, investment incomes, loans etc. External funding such as grants from the State or Federal Government cannot be included.

The Federal Government calculated the level of "own source" funding that Council must use on its roads each year in order for Council to secure the R2R grant. If Council fails to use enough of its "own source" funding, the Federal Government will require the R2R funding to be repaid or an increase in "own source" funding to be made the following year to cover the underspend.

Council's "own source" funding requirement for 2014-2015 was \$9.8M and we narrowly met this target. It is vital to ensure that we do not remove any "own source" funding from transport, or try to replace current "own source" funds with this additional grant money.

The calculation for the required "own source" funds is based on the past five years spend or three years, dropping the highest and lowest of the five. Each year with our R2R acquittal we provide the last five years worth of "own source" funding for the Department to then determine our reference amount; that is, the "own source" funding we must achieve the following year. Last financial year was \$9,831,640; however this was higher than the original \$7,994,336. This increase was required to ensure coverage of previous years where "own source" funding was not available when Council was required to take specific financial steps following issues such as the Global Financial Crisis, Link Road and Glasshouse construction. We are currently estimating that our "own source" reference amount may be the original \$7,994,336, however this will not be confirmed until we receive information from the Federal Government following our 2014-2015 acquittal.

The issue with "own source" funds is that they must include any loans used by Council. As such, the recent Local Infrastructure Renewal Scheme (LIRS) loans for Stingray Creek Bridge replacement (\$8M) and Hastings River Drive (\$5.6M) will come into future calculations made by the Federal Government. The level of impact will be dependent on when the funds are expended - if it is all in one financial year this will be better than if spread over two financial years (which is most likely given the time frames for both projects). This means that it is likely that we will be required to increase our "own source" funding in future years to accommodate the conditions of the R2R grants.

Clearly there are a number of options and opportunities available to Council that this additional funding could be put towards.

Staff consider that the most prudent and time effective use of the two years funding would be to increase the action 5.1.1.4 (a) High Traffic Road Resurfacing in 2015-2016 and undertake further analysis of options for the funding in 2016-2017 and include this within the consideration for the draft 2016-2017 budget.

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In considering how this funding may best be allocated in 2016-2017, Transport staff will look at how this additional money could provide the best long term outcome for Council. This includes roads that require regular maintenance and that, if improved, would significantly reduce this maintenance burden for some time. Consideration will also be given to major transport routes as well as roads previously identified by Council as requiring specific attention. In addition, consideration will be given to the effect on resourcing to complete any proposed works in the future capital works and maintenance programs.

Options

Council has the option of supporting this recommendation or making one of its own determination. However for ease of completion in this current financial year, increasing and completing major maintenance works such as additional high traffic road resurfacing in line with the adopted road hierarchy can be achieved.

Community Engagement & Internal Consultation

There has been no community engagement completed in relation to this report.

Internal engagement has occurred with various staff within the Infrastructure and Asset Management Division including discussions with the Executive Group and Finance staff.

Planning & Policy Implications

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

Financial & Economic Implications

As detailed in the body of the report, this additional funding is to be used on road related matters and should not for the details highlighted, be used to offset Council revenue due to the financial risks associated with meeting the terms of the overall Roads to Recovery program.

By increasing the action operational plan line item 5.1.1.4 (a) High Traffic Road Resurfacing, staff consider that relevant projects can be completed within the current financial year without creating additional burden on delivery or increase the likelihood of additional carry overs.

Attachments

Nil

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Item: 13.04

Subject: DUAL WATER RETICULATION - AREA 14

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Note the information in this report.**
- 2. Continue to cater for dual reticulation schemes in the Area 13 (Thrumster) and Area 14 (Lake Cathie/Bonny Hills) residential land release.**

Executive Summary

With development in the Lake Cathie/Bonny Hills area (Area 14) continuing to gain momentum, there have been questions raised by the local development industry on the existing requirement to provide for dual reticulation.

This report details the previous decisions taken in respect to dual reticulation for Area 14, providing an update to Council on the current state of its development.

Discussion

At the Ordinary Council Meeting of 5 November 2007 Council resolved to adopt an Integrated Water Cycle Management (IWCM) approach for the Area 14 development that included the following aspects:

- Supply of reclaimed water to dwellings for outdoor use, toilet flushing and laundry cold water (via dual reticulation)
- Irrigation of public open space with reclaimed water, and
- Water sensitive urban design for stormwater management

This approach removed the BASIX requirements for rainwater tanks to be installed. BASIX is a scheme introduced by the NSW Government in 2004 to regulate the water and [energy efficiency](#) of residential [buildings](#).

Water authorities are required to determine how they can achieve water efficiency in new developments, for example, by utilising stormwater/rainwater/ reclaimed effluent to offset household water usage.

At the time of the resolution, achieving dual reticulation for such an area was considered both aspirational and achievable. Unfortunately, the reality currently is

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that the State Government has not approved any dual reticulation schemes in regional NSW.

Approval is sought and granted through a Section 60 application with the Department of Primary Industries (DPI Water); however the process remains very risk averse, guidelines define meeting log reductions for pathogens. Meeting minimum requirements does not guarantee approval. Also there are no operational scheme for water authorities to compare.

As a result, some water authorities are now moving away from dual reticulation as an option, and reverting back to the traditional focus of land application. Future direction from the water industry will potentially see more emphasis on indirect potable reuse, as the benefit of potable offset is simpler to define, manage and the capital cost is less, although once again the current appetite at State level for indirect potable reuse is not clearly defined.

Water authorities that do invest significantly in complex treatment systems, such as Port Macquarie, see significant benefit with indirect potable reuse perhaps more than in pursuing dual reticulation; however this is clearly an issue for broader community consultation and debate over an extended period. This is however, particularly relevant in the case of Port Macquarie where the future intention of constructing a water filtration plant at Port Macquarie Dam would provide both high-level pre-treatment prior to pumping to the Dam, and high-level post-treatment into the reticulation.

Currently, PMHC is continuing with the intention to supply recycled water to Thrumster (Area 13) via dual reticulation to meet BASIX requirements for water efficiency. However, the supply of water is from the Hindman Street facility which is a complicated six-barrier treatment system generally not found in regional areas, essentially being the equivalent of a desalination plant. Treated effluent that would otherwise flow down Kooloonbung Creek to the Hastings River is pumped from the Lake Road effluent ponds to the Hindman Street facility. This treatment system consists of:

- Pre-chloramination (chlorine/ammonia) disinfection
- UV disinfection
- Micro filtration
- Reverse osmosis
- Post-UV disinfection, and
- Post-chlorination.

Council obtained BASIX recognition for the Area 13 dual reticulation scheme in 2012, and has renewed this approval on an annual basis through the NSW Department of Planning and Environment. The scheme is programmed to be delivered in 2016 via an extension of the existing Port Macquarie Reclaimed Water scheme. The BASIX approval has been conditioned such that if Council fails to supply reclaimed water via this scheme by mid-2016 or to 100 dwellings, Council is liable to retrofit rainwater tanks to dwellings to achieve the required BASIX water requirements. This is a significant risk to Council as under the *Local Government Act (1993)*, Section 60 approval is required to be issued by DPI Water prior to commencement of the scheme and supply of reclaimed water. This approval has not yet been granted.

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Council is currently pursuing this approval and has engaged reclaimed water experts Atom Consulting to assist with the approval process.

The Section 60 approval process has proven to be lengthy and expensive. This has been the case for a number of regional water utilities (such as Ballina Council) that are also seeking approval for dual reticulation schemes. As already identified, to date there have been no approvals issued for dual reticulation schemes in regional NSW. Council has ongoing contact with DPI Water and is confident that the Area 13 dual reticulation scheme will receive approval due to the nature of the treatment process outlined earlier.

To date, Council has not obtained BASIX recognition for the Area 14 dual reticulation scheme meaning that any new development will need to install a rainwater tank to meet the requirements of BASIX. Any BASIX approval for this scheme would again be conditioned (as per the Area 13 approval) and may include an allowance for compensatory water saving measures in the event that the dual reticulation supply is not available by a specified date.

The Bonny Hills Sewage Treatment Plant (STP) that would supply water for the Area 14 scheme involves a treatment process less advanced than the Port Macquarie reclaimed scheme. It has been identified in the recent Reclaimed Water Strategy document completed by Hunter Water, that the Bonny Hills STP would require further augmentation to potentially achieve Section 60 approval for dual reticulation, at a minimum, this would require installation of a UV disinfection system and additional treatment processes depending on DPI Water requirements.

The intention of Council to pursue dual reticulation for Area 14 was to meet its effluent management objectives; however dual reticulation will also provide benefit on potable demand through offset usage.

Council also resolved in March 2004 to continue to develop a southern effluent pipeline system based on the concept by Hunter Water Australia and referred to as the Hastings Effluent Management Strategy (HEMS), transporting effluent from the Bonny Hills STP for reuse in the southern area of the LGA.

Since adoption of the IWCMP in 2007, the Bonny Hills STP has undergone significant augmentation and the HEMS main from the Bonny Hills STP to the Port Macquarie Golf Course has been completed. Completion of these projects has alleviated the effluent management requirements with the augmented STP now producing an effluent that no longer places strain on the existing beach exfiltration discharge system due to the higher quality. Modelling undertaken by Hunter Water as part of the Reclaimed Water Strategy has shown that the Bonny Hills STP would not be able to meet peak demands for supply of both the Port Macquarie Golf Club (currently finalising Section 60 approval) and the dual reticulation of Area 14. The previous plan included the opportunity of using effluent from the Dunbogan STP. The Dunbogan STP was subsequently augmented retaining the ideals of meeting the future needs for dual reticulation. There is still also potential to supply effluent to other users that were originally identified in the Hunter Water HEMS study.

Recent development of the Ocean Club Resort and Ocean View Estate (Lake Cathie Public School) has involved the installation of recycled water mains for planned future dual reticulation requirements, paid by the developer.

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In Area 14 at present, Seaside development is at Construction Certificate (CC) stage, Miland's development is at D.A. stage and the St Vincent's development is up to CC for earthworks. At present, staff have continued to impose the need to include dual reticulation on the developers, however the risk is, without a Section 60 approval the reclaimed mains will be serviced from the potable supply therefore removing any potential offset from alternative sources (e.g. rainwater tanks).

Whilst the provision and construction of a dual reticulation network for the new development areas within the LGA may be viewed as aspirational, the investment made to date and the benefit in assisting meeting future water demands for our area is clear.

Options

Council has the option of continuing on with the provision for and seeking approval for a dual reticulation scheme for Area 14 or rescinding the previous Council resolution and remove the requirement to provide for dual reticulation in the development area. This will potentially impact on any future opportunity to commence such a scheme and also require careful consideration of developments which have already provided the infrastructure required.

Community Engagement & Internal Consultation

Consultation on the IWCMP has been held with relevant Council staff.

Planning & Policy Implications

There are no additional planning or policy implications associated with this update report. The previous resolution of Council is being implemented.

Financial & Economic Implications

The continuation of the provision of dual reticulation for development in Area 14 will have a financial implication on Council and developers.

A Hunter Water Report of May 2014 estimated the capital costs to Council in the order of \$5.6 million; however this will be dependent on any conditions attached to an approval.

Attachments

Nil

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Item: 13.05

**Subject: UPGRADE OF JOHN OXLEY DRIVE / INNES LAKE AREA
SEWERAGE RETICULATION**

Presented by: Infrastructure & Asset Management, Jeffery Sharp

Alignment with Delivery Program

5.5.3 Plan, investigate, design and construct sewerage assets.

RECOMMENDATION

That Council:

- 1. Bring forward the upgrade of Port Macquarie Sewerage Pump Station #71 and rising main to provide for future development in the John Oxley Drive/Innes Lake area.**
- 2. Include the upgrade of John Oxley Drive/Innes Lake area sewerage reticulation as a new project in the 2015/16 Operational Plan, with a budget of \$600,000.**
- 3. Consider the inclusion of the upgrade of John Oxley Drive/Innes Lake area sewerage reticulation in the 2016/17 Draft Operational Plan, with a budget of \$2,200,000.**

Executive Summary

As Port Macquarie expands, continued development and growth in new areas contribute to additional load to existing sewerage infrastructure, to a point where pump stations and pipelines require upgrading to cater for increasing flows.

Sewerage reticulation transporting flow from the John Oxley Drive/Innes Lake area to the Port Macquarie Sewage Treatment Plant (STP) in Koala Street has experienced capacity problems in recent years during periods of high rainfall. With recent development pressure in the area associated with Charles Sturt University, including student accommodation and other associated development in the area, the need to accelerate upgrade works has increased in priority.

As development activity increases, additional out-of-sequence upgrades will occur. This report details but one example, another (which will be the subject of a future report to Council) is in the Lakewood/Area 15 catchment. The purpose of collecting developer charges and retaining reserves within the sewer fund is to construct these types of upgrade works as they are required.

Discussion

In order to serve the proposed developments and also provide for future potential growth in the John Oxley Drive/Innes Lake area, Council's preferred service strategy is to upgrade the existing sewerage collection and transfer system to accommodate the additional incoming flow.

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The detailed proposal includes:

- Carry out investigations for the acceleration of works associated with the upgrade of Port Macquarie Sewerage Pump Station # 71 (PMSPS71) (off Wangi Place) and rising main extension. This would include examining the potential for a staged approach to deliver the required capacity corresponding with proposed development needs
- Upgrade of existing PMSPS71. Ultimately the existing 2.4m diameter pump station will be replaced with a 4.0m diameter pump station, including replacement of all mechanical and electrical equipment. Estimated cost to upgrade the pump station is \$1,850,000
- Construction of 1.64 km of new rising main from PMSPS71 directly to the Port Macquarie Sewage Treatment Plant (STP). Currently, PMSPS71 pumps to PMSPS60 (off Greenmeadows Drive), which in turn pumps to the Port Macquarie STP. The new configuration will therefore bypass PMSPS60 and alleviate capacity issues in this pump station catchment. Estimated cost to construct the rising main is \$950,000.
- The estimated total cost of this infrastructure upgrade (pump station and rising main) is \$2,800,000.

The limitation within the existing sewerage system will have a significant impact on prospective development in the John Oxley Drive/Innes Lake area.

Whereas the infrastructure requirements to serve the individual developments will need to be provided by the developer, the Council infrastructure required to transfer this additional flow via the existing sewerage network to the STP will also require upgrade. This is a major trunk system within the network and as such the upgrade will be undertaken by Council as part of their renewal and upgrade program.

Upgrade of the system had not been identified for immediate delivery, however due to the current development from the University and supporting facilities, as well as future development in the area, there is a need to accelerate the works.

It is therefore proposed to bring forward \$600,000 this financial year as a new line item in the current 2015/16 Operational Plan, that will enable investigation and design for the pump station and rising main upgrades, and allow construction to commence. An additional budget of \$2,200,000 will be proposed to be included for 2016/17 financial year to complete the necessary upgrades.

Options

Council has the option of not undertaking the upgrade works, however development in the John Oxley Drive/Innes Lake area will be limited and depending on determined environmental risk, may not be able to proceed until some future time when works are completed.

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Community Engagement & Internal Consultation

Consultation has occurred with the Director Infrastructure & Asset Management and the Water & Sewer Planning section.

Planning & Policy Implications

Development in the John Oxley Drive/Innes Lake area will not be able to proceed without this work being undertaken.

The inclusion of this project will also place additional pressure on the Water and Sewerage Section and Infrastructure Delivery to complete the overall Operational Plan program. Given the current status of the Three Village Sewerage Scheme, which will be the subject of a detailed report to Council in November, it is considered that the inclusion of this project will not have a significant impact on overall project delivery program.

Financial & Economic Implications

Works to be funded total an estimated \$2.8 million which is proposed to be expended across two financial years, with \$600,000 allocated to the 2015/16 financial year and \$2,200,000 for the 2016/17 financial year. There are sufficient funds within sewer reserves to implement these works.

The sewerage fund has a balance of \$33 million in reserves as at end of the 2014/15 financial year. Sewer fund reserves are basically unrestricted in the sense that the monies are retained for the running of the sewer business. Reserves are a combination of monies received from developer contributions and accumulated funds. Although interest rates are currently at an historic low, the healthy reserves balance also provides opportunistic income stream from investment interest payments, currently in the order of \$1-1.2 million per year. Drawing down on reserves will logically reduce this income stream.

Attachments

Nil

Planning and Providing Our Infrastructure

Item: 13.06

Subject: DRAFT LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO 34) - POST EXHIBITION REVIEW [PP2014-15.1]

Presented by: Development & Environment Services, Matt Rogers

Alignment with Delivery Program

5.4.2 Review planning instruments and strategies to ensure currency and facilitate sustainable development outcomes whilst acknowledging the impact on community affordability.

RECOMMENDATION

That Council:

- 1. Defer Issues 4, 6 and 12 from the draft *Local Environmental Plan 2011 (Amendment No 34)*.**
- 2. Take the necessary steps under sections 58 and 59 of the *Environmental Planning and Assessment Act 1979* to finalise *Local Environmental Plan 2011 (Amendment No 34)* as outlined in the report.**

Executive Summary

This report relates to the public exhibition of a Planning Proposal which contains thirteen miscellaneous amendments. The draft LEP was originally considered by Council on 17 December 2104 and was exhibited from 3 to 20 July, following referral to the NSW Department of Planning & Environment.

Two private submissions and three government agency submissions were received during the public exhibition, as detailed in this report. Following consideration of the submissions, this report seeks Council's approval to finalise a group of miscellaneous LEP amendments.

It is proposed that Council defer three of the thirteen issues in the draft planning proposal, relating to:

- Issue 4 - Signage in Zone RE2 zone,
- Issue 6 - Clause 5.9 Preservation of trees or vegetation
- Issue 12 - Diamond Drive, Port Macquarie - split zonings

Discussion

At its meeting on 17 December 2014, Council considered a report relating to amendments to Local Environmental Plan (*LEP*) 2011. The proposed amendment included 13 separate issues. At that time Council resolved:

RESOLVED: Griffiths/Turner

That Council:

Planning and Providing Our Infrastructure

1. *Prepare a draft planning proposal as described in this report, pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to 13 issues listed in this report.*
2. *Forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.*
3. *Request that the Director General of the Department of Planning & Infrastructure issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.*

CARRIED: 7/0

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

AGAINST: Nil

The list of issues in the report to Council on 17 December 2014 was:

1. Clause 1.2 Aims of Plan
2. Land Use Table - Home-based child care, several zones
3. Land Use Table - Agriculture and Extractive industries, Zones RU2 & RU3
4. Land Use Table - Signage in Zone RE2 #
5. Clause 5.3 Development near zone boundaries
6. Clause 5.9 Preservation of trees or vegetation
7. Environmental heritage - Hastings Street, Wauchope
8. 296 Logans Crossing Road, Logans Crossing
9. Part 129 Nancy Bird Walton Drive, Kew #
10. Westport Park, Port Macquarie - height limit #
11. 27 John Fraser Place Port Macquarie - plant nursery #
12. Diamond Drive, Port Macquarie - split zonings
13. Lake Street, Laurieton - Zone B4

- Council has an interest in land affected by this issue.

Issue 4 related to allowing advertising on the five surf lifesaving club buildings, as a way for the clubs to raise additional revenue. The surfing beaches are zoned RE1 Public Recreation, excluding the areas containing the surf lifesaving buildings, which are zoned RE2 Private Recreation, to facilitate ancillary commercial activities. The proposal was to amend the Land Use Table to allow signage as permitted with consent in Zone RE2, which applies to other land parcels as well.

The Department of Planning & Environment review identified that clause 10 of *State Environmental Planning Policy No 64 - Advertising and Signage* contains a restriction that would make the proposed amendment ineffective: the clause prohibits advertisements in a range of zones, including the RE1 and RE2 zones.

Council planning staff are currently investigation alternate means of allowing appropriate advertising associated with surf lifesaving club buildings, in consultation with the Department of Planning & Environment. This expected to be addressed in a further report to Council and it is recommended that Issue 4 be removed from the current draft planning proposal.

Planning and Providing Our Infrastructure

Issue 6, as exhibited, involves the extension of Clause 5.9 of LEP 2011 to the E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living and R5 Large Lot Residential zones. At present tree preservation in these zones is administered under the Native Vegetation Act.

Council staff have undertaken internal consultation during exhibition of the draft amendment to Clause 5.9. As a consequence, it is proposed to defer the draft amendment as further investigation is required to better understand the associated internal resourcing implications. It is expected that this will be reported to Council in a future administrative amendment to LEP 2011.

Issue 12, relating to split zonings on properties in Diamond Drive, Port Macquarie is also recommended to be deferred pending preparation and public exhibition of a related planning agreement. At that time, the proposed planning agreement and planning proposal to amend the zone boundaries will be reported to Council.

The planning agreement in question has been proposed by the proponent in conjunction with the rezoning of the lots in Diamond Drive to address development contribution payments for the remainder of the subdivision and infrastructure requirements associated with the original consent for the Emerald Downs subdivision. A draft agreement has been prepared for review.

Having considered submissions received during community engagement, as detailed below, it is proposed to finalise *Local Environmental Plan 2011 (Amendment No 34)* as attached, in relation to all other issues.

Options

Council could choose to omit or modify the proposal for any of the issues. Council could also choose not to proceed with finalisation of the LEP amendment at this time. It is recommended that Council proceed to amend LEP 2011 for Issues 1 to 13, as described above, with the exception of Issues 4, 6 and 12, which are proposed to be deferred.

Community Engagement & Internal Consultation

The Planning Proposal containing the draft LEP was exhibited from 3 to 20 July (refer Attachment 1), in conjunction with consultation with the following public authorities:

- Forestry Corporation of NSW
- NSW Rural Fire Service
- Environmental Protection Authority
- Department of Trade and Investment (Crown Lands).

Details of their responses are included below

Two private submissions were received during the public exhibition.

Planning and Providing Our Infrastructure

Submission		Issue
1.	John Corrigan (Attachment 2)	Issue 9 - seeks clarification as Council letter infers that his neighbouring property is zoned R5, rather than RU1.
	Response/ Comment:	Letters were sent to the owners of seven neighbouring properties, of which Zone R5 applies to six. A response acknowledging the error for Mr Corrigan's land was sent.
2.	Sonya Hume (Attachment 3)	Lives in adjoining villas, and concerned about: a) Loss of views of open space and river b) Loss of rear gate access to public use land and walkways c) Development too close to mangroves d) Increased traffic near primary school e) Area already has high proportion of aged - why increase?
	Response/ Comment:	The comments appear to assume that the proposed rezoning includes Crown land east of her property, which is not the case. Further information was provided on the extent of the Crown land affected. a) Unlikely, and cannot ascertain without a specific development application to consider. b) Rezoning does not extend beyond the eastern boundary c) Will be considered in any development application. d) Minimal increase, and proximity to shops may reduce vehicle movements. e) There is no policy to cap the proportion of aged persons within the area.
3.	Office of Environment & Heritage (Attachment 4)	OEH generally agrees with the amendments proposed, particularly the inclusion of Clause 5.9(9) in the LEP. Detailed comments are provided on Issues 2, 5, 6 and 8.
	Response/ Comment:	Noted.
4.	Rural Fire Service (Attachment 5)	'The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.'
	Response/ Comment:	Noted.
5.	Crown Lands	Content of email: 'Thank you for the attached consultation documents. Crown Lands has no comment on any of the proposals effecting Crown lands. Please let me know if you have any questions or require additional information.'
	Response/ Comment:	Noted.

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It is considered there is no need for any amendments to be made based on responses received during the public exhibition.

Planning & Policy Implications

The proposed changes are intended to facilitate timely processing of applications for quality development.

Financial & Economic Implications

There are negligible costs for Council, and potential time savings for development application processing.

It is noted that Council has a financial interest in 4 of the 13 issues addressed in this report. There is the potential for an increase in value and/or potential return to Council as a result of the proposed LEP amendments, particularly in relation to Issues 9 and 11.

In all cases, the proposed planning provisions have been determined with regard to good planning outcomes and the expected financial benefits are incidental.

It is not expected that there will be any adverse economic implications associated with the proposed LEP amendments.

Attachments

- 1[View](#). Exhibited Planning Proposal
- 2[View](#). Submission - John Corrigan
- 3[View](#). Submission - Sonya Hume
- 4[View](#). Office of Environment & Heritage response
- 5[View](#). Rural Fire Service response

Planning and Providing Our Infrastructure

Item: 13.07

Subject: LOCAL ENVIRONMENTAL PLAN 2011 - ADMINISTRATIVE
REFINEMENTS (AMENDMENT NO. 38) [PP2015-4.1]

Presented by: Development & Environment Services, Matt Rogers

Alignment with Delivery Program

5.4.2 Review planning instruments and strategies to ensure currency and facilitate sustainable development outcomes whilst acknowledging the impact on community affordability.

RECOMMENDATION

That Council:

1. Prepare a draft planning proposal as described in this report, pursuant to section 55 of the *Environmental Planning and Assessment Act 1979*, for the amendment of the provisions of *Port Macquarie-Hastings Local Environmental Plan 2011*, in relation to the Issues 1 - 9 as described in this report.
2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.
3. Request that the Director General of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.

Executive Summary

Council continually monitors the operation of *Port Macquarie-Hastings Local Environmental Plan 2011* to identify necessary refinements and adjustments to the LEP text and maps. This report considers a number of proposed administrative refinements to *Port Macquarie-Hastings Local Environmental Plan 2011*.

The issues are:

- 1 Zone B5 Business Development - allow Veterinary hospitals
- 2 Clause 7.14 Eco-tourist facilities - additional provisions
- 3 Laurieton Men's Shed, Dunbogan
- 4 Additional permitted uses - Cassegrain winery
- 5 Short-term holiday stays
- 6 Land zoned IN2, corner of High Street and Beechwood Road, Wauchope
- 7 E2 zoning slivers within Mill Hill subdivisions
- 8 Lot 123 DP 1148180, Bronzewing Terrace, Lakewood
- 9 Subdivision of Oxley Club land, Oxley Highway Wauchope
- 10 Primitive camping grounds

Planning and Providing Our Infrastructure

This report recommends LEP amendments in relation to issues 1-9 above. However, in relation to issue 10, the proposal to permit primitive camping grounds within the RU1 and RU2 zones, it is not proposed to amend the LEP due to complications with State Environmental Planning Policy No. 21 - *Caravan Parks*. It is instead proposed that site-specific proposals for camping grounds would be dealt with in a similar manner to other tourism proposals in rural areas, involving assessment of a combined development application and LEP amendment.

Discussion

Details of the proposed amendments are provided below.

Issue 1 - Zone B5 Business Development - allow Veterinary hospitals

Presently, veterinary hospitals are permissible with consent in zones:

- RU5 Village
- R5 Large Lot Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- IN1 General Industrial
- IN2 Light Industrial

A veterinary hospital is defined as a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

Zone B5 Business Development is used:

- in Port Macquarie at Bellbowrie, Hibbard, Lake Road, and the corner of Oxley Highway and John Oxley Drive, and
- in the Thrumster Town Centre.

Given the type of development typically undertaken in B5 zones, it is recommended that veterinary hospitals also be permitted with consent in the B5 zone.

Proposal: that the LEP be amended to permit veterinary hospitals with consent in Zone B5 Business Development.

Issue 2 - clause 7.14 Eco-tourist facilities—additional provisions

Following review of the operation of the eco-tourist facilities LEP provisions, at its meeting on 17 June 2015 Council:

RESOLVED: *Griffiths/Turner*

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.

CARRIED: 8/0

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

AGAINST: Nil

Planning and Providing Our Infrastructure

Proposal: that clause 7.14 of the LEP be amended 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.

Issue 3 - Laurieton Men's Shed, Dunbogan



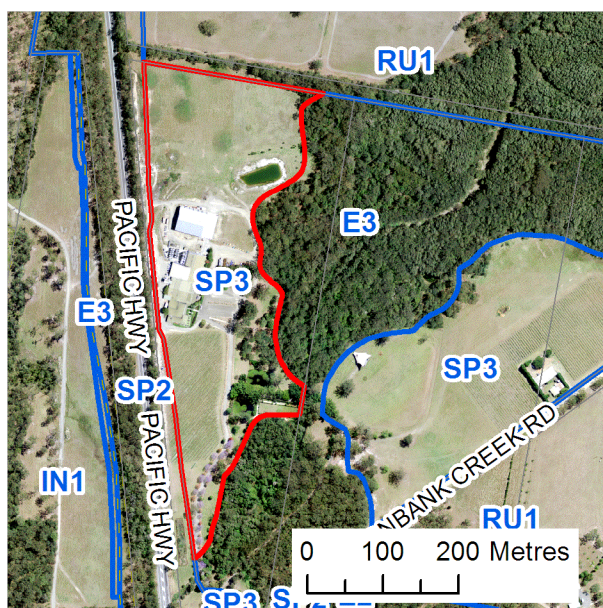
The Men's Shed was constructed on Lot 2 DP 1083711, Diamond Head Road, being land owned by Mr Ross Hanslow. The Men's Shed organisation now wish to have ownership over the leased area (8661 sq m) of Lot 2 that contains the shed. The minimum lot size required is 40 Ha, which can't be achieved for a 2 lot subdivision of a 48 Ha lot.

It is proposed that the LEP be amended to permit subdivision to excise the area containing the Men's Shed from the balance of Lot 2.

This is a site specific amendment that is being considered to support and existing community facility. It is the staff view that this approach will not create an undesirable precedent for subdivision creating undersized rural lots.

Proposal: that the LEP be amended to permit a subdivision which allows separate title of the Laurieton Mens' Shed leased area within Lot 2 DP 1083711, Diamond Head Road, Dunbogan.

Issue 4 - Additional permitted uses - Cassegrain winery



In November 2014 three lots on Fernbank Creek Road (including the winery) were rezoned to part SP3 Tourist and part E3 Environmental Management. In conjunction with the winery there is interest in an associated brewery, which is not a permissible use in the SP3 zone.

The operation of a small scale brewery in conjunction with the existing winery is considered to have potential merit given the nature of existing development and the proximity of the SP3 land to future industrial development in the Sancroix area.

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Accordingly, it is proposed to make agricultural produce industry, cellar door premises, and light industry permissible with consent as additional permitted uses on the land zoned SP3 within Lot 10 DP 1185123.

Proposal: that the LEP be amended to make agricultural produce industry, cellar door premises, and light industry permissible with consent as additional permitted uses on the land zoned SP3 within Lot 10 DP 1185123, Fernbank Creek Road, Fernbank Creek.

Issue 5 - short-term holiday stays

Under LEP 2011 there is a distinction between:

- residential accommodation - '... predominately a place of residence ...', and
- tourist and visitor accommodation - '... provides temporary or short-term accommodation on a commercial basis ...'.

However, there is some ambiguity regarding the use of dwellings for short-term holiday rentals and Council regularly receives enquiries and complaints about the short-term letting of detached dwellings or dwellings within a residential flat building. This is a common issue for many local councils in popular tourist destinations, yet councils generally find it difficult to regulate and manage this type of activity through the planning system.

Historically, Council has not sought development consent for the use of single detached dwellings for short-term holiday letting. Older residential flat buildings and multi-dwelling housing approvals are often silent on the length of stays permitted. Many of these buildings, particularly around the central business district of Port Macquarie and near the beaches, have a combination of short-term and permanent usage.

An amendment to LEP 2011 is proposed in order to clarify the position regarding approval requirements for short-term letting. The aim is to limit approval requirements on small scale, short-term holiday stays, whilst providing for consideration of issues associated tourist stays in larger buildings and in areas with potential emergency access issues.

It is acknowledged that there is potential for poorly managed short-term holiday letting to have impacts on neighbours. Experience has shown that it is less effective to deal with such impacts through the planning system than through alternate regulatory means.

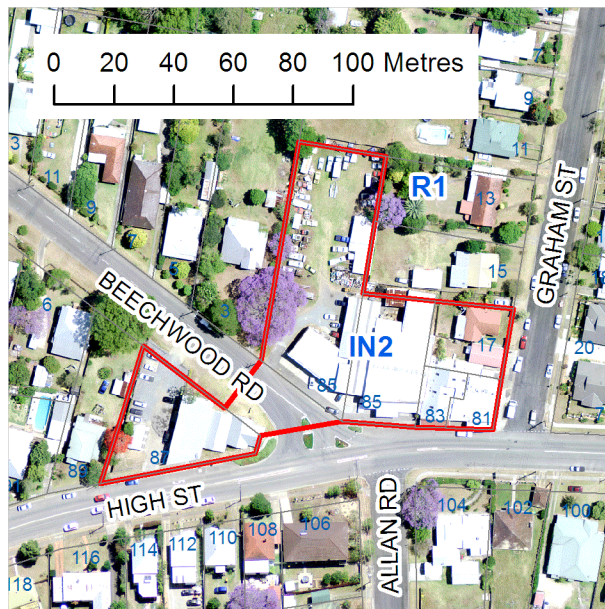
Proposal: that the LEP be amended to make short-term holiday letting exempt development, where:

- 1) The subject dwelling must be located in a zone where dwelling houses or shop-top housing are permitted with development consent.
- 2) The dwelling must be existing and either be a dwelling house or a dwelling within a dual occupancy, multi dwelling housing, residential flat building or shop top housing.
- 3) The dwelling must not contain more than 5 bedrooms.

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- 4) The dwelling must be serviced by a general waste garbage bin of at least 240L capacity.
- 5) At all entry points to the property a legible sign (no larger than 0.25 square metres in area) is displayed, stating the management contact name and telephone details in relation to the dwelling.
- 6) If the dwelling is located in a bush fire prone area, a bush fire emergency management and evacuation plan must be prominently displayed within the dwelling.
- 7) If the dwelling is serviced by an on-site sewage management system, the number of persons occupying the dwelling must not exceed the number of persons stated as the capacity for that system.
- 8) A minimum of one off street car parking space is to be available for the dwelling.

Issue 6 - Land zoned IN2, corner of High Street and Beechwood Road, Wauchope



On the corner of High Street and Beechwood Road, Wauchope a group of properties are zoned IN2 Light Industrial, based on historic land uses. As Wauchope grows, it would be appropriate to facilitate business redevelopment - as long as it is compatible with traffic management at that intersection.

A B4 Mixed Use zone is proposed - which permits a range of commercial uses with consent, including vehicle sales and hire. This zone does not permit new vehicle repair stations, but existing use planning provisions allow ongoing use and modifications for

the existing Wauchope Motors business.

The properties are:

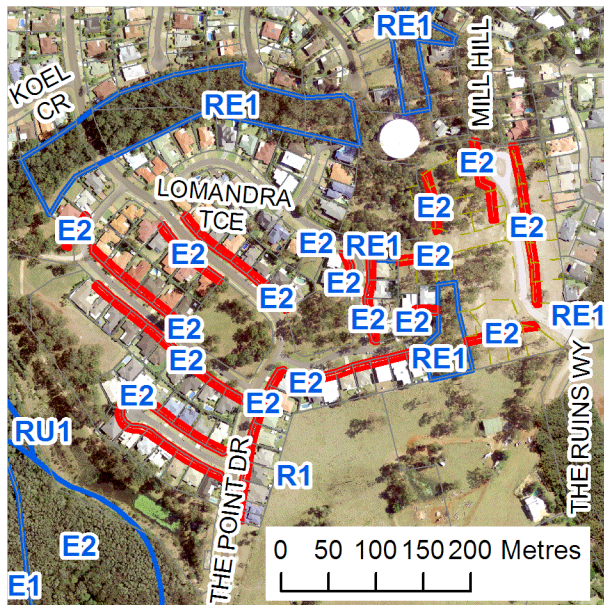
- Lot 4 DP 511245, 17 Graham St
- Lot 2 DP 1182120, 81 High St
- Lot 1 DP 1182120, 83 High St
- Lot 1 DP 745090, 85 High St
- Lot 75 Sec B DP 979174, 85 High St
- Lot 102 DP 1048116, 87 High St.

Proposal: that the LEP be amended by rezoning to Zone B4 Mixed Use the land currently zoned IN2, corner of High Street and Beechwood Road, Wauchope.

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Issue 7 - E2 zoning slivers within Mill Hill subdivisions

The consent for residential subdivision of Innes Peninsula included Koala Plan of Management provisions to protect koala habitat and movement corridors. This included applying strips of E2 Environmental Conservation zone along the front building line of some areas.



This approach has not been successful for multiple reasons and the corridors of trees have been compromised by tree removal.

This is an example of the difficulty in integrating housing into known areas of koala habitat and highlights the need for careful consideration in the Coastal Areas Koala Plan of Management currently being prepared by Council.

The 70 affected properties cover:

- 1-16 Crane Place,
- 16-27 Lomandra Terrace,
- 4-16 Redbill Rise,
- 43, 45, 47, 49, 51, 53-77B

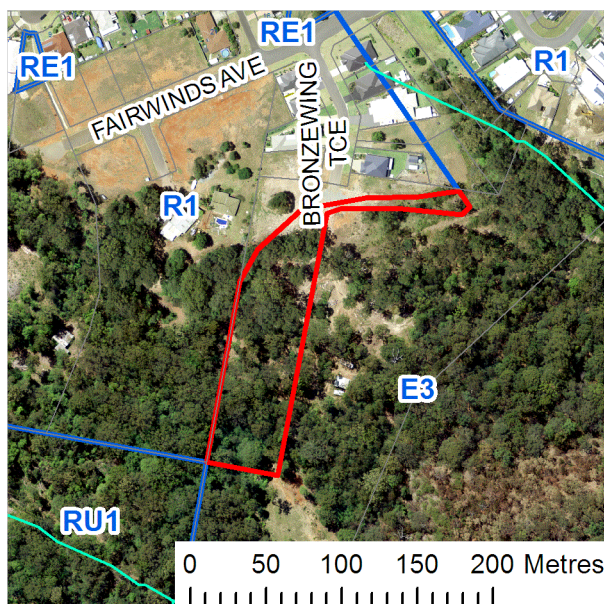
The Point Drive,

- 5-32 Wonga Crescent, and
- undeveloped land owned by Charley Brothers Pty Ltd.

Proposal: that, in relation to the thin strips of land within the Mill Hill subdivisions, Innes Peninsula, zoned E2 zoned and shown above, Council prepare a planning proposal to:

- a) on the Land Zoning Map - apply Zone R1 General Residential,
- b) on the Lot Size Map - apply G - 450 sq m minimum lot size,
- c) on the Floor Space Ratio Map - apply G - 0.65:1, and
- d) on the Height of Buildings Map - apply I - 8.5 m.

Issue 8 - Lot 123 DP 1148180, Bronzewing Terrace, Lakewood



Lot 123 was part of Development Application 2009-0215, for subdivision of land at Lakewood, for which consent was granted in October 2012. During the period it was being processed, LEP 2011 was being prepared and finalised. Given problems with providing adequate water pressure above 30m AHD at Lakewood, the LEP repositioned the boundary of the residential zone to that contour. Consent for the DA was granted on the basis that LEP 2011 was not in

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force, as provided for by clause 1.8A.

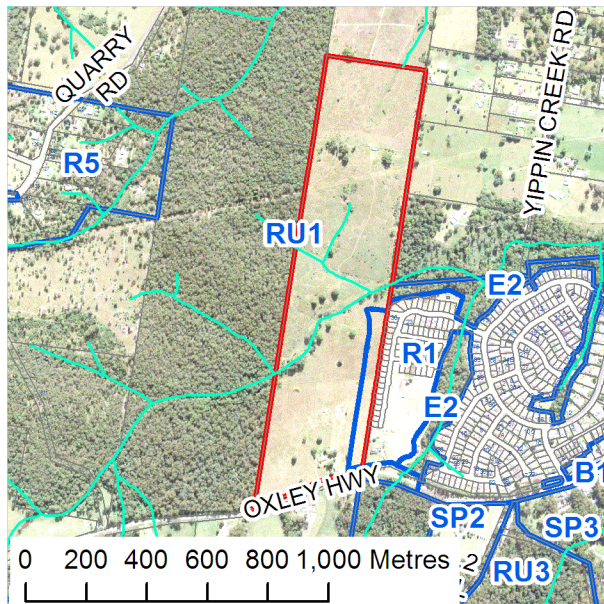
The applicant is seeking to carry out the approved development (subject to a modification currently being considered).

Given that the development is proposed to be completed, it is appropriate to reinstate the previous boundary for the residential zone, so that the new lots have the appropriate zone.

Proposal: that the LEP be amended in relation to part Lot 123 DP 1148180, Bronzewing Terrace, Lakewood, as shown on the map extract:

- on the Land Zoning Map - apply Zone R1 General Residential,
- on the Lot Size Map - apply G - 450 sq m minimum lot size,
- on the Floor Space Ratio Map - apply G - 0.65:1, and
- on the Height of Buildings Map - apply I - 8.5 m.

Issue 9 - Subdivision of Oxley Club land, Oxley Highway Wauchope



Lot 2 DP1036844 Oxley Highway is 47 Ha in area, and is bisected by Yippin Creek. The property is identified in Council's *Urban Growth Management Strategy 2011-2031* as an Urban Investigation area. It is all zoned RU1 Primary Production other than a strip zoned R1 General Residential along the eastern boundary south of Yippin Creek.

Consent has been granted for a mobile home estate on the balance of the southern portion. For ease of management of the different development areas within the lot, it has been requested that Council facilitate subdivision of the property roughly along the creekline,

meaning lots of appropriately 18 ha (including the area zoned R1) and 29 ha.

There are several options for permitting such a subdivision, with the easiest being to apply a minimum lot size of 10 ha to the whole property. Given that urban development is anticipated in the future, it is considered reasonable to apply the 10 ha in this case.

Proposal: that the LEP be amended, in relation to that part of Lot 2 DP 1036844, Oxley Highway Port Macquarie zoned RU1 - to apply a minimum lot size of 10 ha on the Lot Size Map.

Issue 10 - Primitive camping grounds

At its meeting on 15 April 2015 Council considered a report reviewing 12 months' operation of LEP provisions permitting eco-tourist facilities. Council resolved:

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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

Consultation has been undertaken with the Economic Development Steering Group, as discussed under Issue 2 above. As a consequence, it is proposed that clause 7.14 of the LEP be amended 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 addition, the permissibility of camping grounds has been considered in a report to Council at its meeting on 17 June 2015. The report stated in part:

A review of the permissibility of camping grounds has been identified as a possible initiative by Council to permit additional appropriate rural tourism development. It is proposed that this be assessed in more detail and that a separate report be submitted to Council on this proposal.

It had been thought that Council could:

- a) amend the LEP to permit camping grounds within the RU1 and RU2 zones, and
- b) under approvals required under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, restrict camping grounds within those zones to 'primitive camping grounds' (as described in clauses 71-73 & 132).

However, once camping grounds are permitted within the rural zones so are caravan parks (under *SEPP No 21 - Caravan Parks*), and also, for rural-zoned land identified in an approved strategy for investigation for urban development, manufactured home estates (under *SEPP No 36 - Manufactured Home Estates*). Premature development of future urban land by a manufactured home estate can compromise optimal configuration of land uses, development corridors and infrastructure sequencing. Similarly, there are concerns about the potential for inappropriate proposals for large caravan parks in out of town locations.

In accordance with the current Port Macquarie-Hastings Urban Growth Management Strategy, Council is able to prioritise LEP amendments for specific tourist facilities, including camping grounds and caravan parks, where these proposals are considered to have merit. To date, since adoption of the UGMS in 2011, there have been no specific proposals.

Council's *Urban Growth Management Strategy 2011-2031* - the Executive Summary states in part:

Tourism activities in rural and natural areas in the Hastings, such as adventure, food and wine, cultural heritage, adventure and nature-based tourism will also be

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promoted, including "Ecotourist" facilities, subject to consideration of potential impacts and the types and scale of facilities permitted. Larger scale rural based tourism will be considered by Council on merit, taking into account the provisions of the Mid North Coast Regional Strategy and the Settlement Planning Guidelines.

This means that Council can consider a combined rezoning and development application for any camping ground that is proposed and assess the proposal on merit at that time.

Proposal: In relation to primitive camping grounds, it is proposed that no amendment be made to the LEP and that site-specific proposals be dealt with on a similar basis to tourism proposals in rural areas.

Options

Council could choose to omit or modify the proposal for any of the issues. Council could also choose not to proceed with the preparation of a planning proposal at this time. It is recommended that Council proceed with the preparation of a planning proposal to amend LEP 2011 for Issues 1 to 9, as described above.

Community Engagement & Internal Consultation

There has been some internal consultation on the issues in this report. The process for amending the LEP will involve community engagement, with a public exhibition period of at least 14 days.

A further report will be submitted to Council following the community engagement.

Planning & Policy Implications

These proposed minor amendments will facilitate future development through the fine-tuning of the LEP provisions.

Financial & Economic Implications

The preparation of administrative amendments to LEP 2011 is identified in Council's current Operational Plan and is a key function of Council's Land Use Planning Division. There are no expected economic impacts or financial impacts for Council in the proposed LEP amendments.

Attachments

Nil

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 Annual Reporting of Contracts for Senior Staff

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

Item 15.02 Port Macquarie-Hastings Access Sub-Committee Membership 2015

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

Item 15.03 EOI-15-08 Independent Member of the Town Centre Master Plan Sub-Committee

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

Item 15.04 Tender T-14-05 Port Macquarie Indoor Stadium Expansion

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

Item 15.05 Tender T-15-25 Port Macquarie-Hastings Local Government Area Traffic Study

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 15.06 Tender T-15-52 Design for Bridge Replacements - Hyndman's and Harty's Creek Bridges

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 Annual Reporting of Contracts for Senior Staff

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

RECOMMENDATION

Item 15.02 Port Macquarie-Hastings Access Sub-Committee Membership 2015

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

RECOMMENDATION

Item 15.03 EOI-15-08 Independent Member of the Town Centre Master Plan Sub-Committee

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

RECOMMENDATION

Item 15.04 Tender T-14-05 Port Macquarie Indoor Stadium Expansion

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

RECOMMENDATION

Item 15.05 Tender T-15-25 Port Macquarie-Hastings Local Government Area Traffic Study

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.

RECOMMENDATION

Item 15.06 Tender T-15-52 Design for Bridge Replacements - Hyndman's and Harty's Creek Bridges

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.

RECOMMENDATION