



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 19 July 2017

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

**time:** 5.30pm

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

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

**Community Themes**

- ★ Leadership and Governance
- ★ Your Community Life
- ★ Your Business and Industry
- ★ Your Natural and Built Environment

## 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)
- 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 on an Agenda Item' form
- 'Request to Speak in the Public Forum' form

These can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.

Requests can also be lodged on-line at:

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

<http://www.pmhc.nsw.gov.au/About-Us/How-Council-Works/Council-and-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.**

- Council will permit no more than two (2) speakers 'in support of' and two (2) speakers 'in opposition to' the recommendation on any one (1) Agenda Item.
- A maximum of five (5) speakers will be heard in the Public Forum.
- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Consideration of items for which requests to address the Council Meeting have been received will commence at 5:30pm.
- When your name is called, please proceed to the Council Table and address Council.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- Councillors may ask questions of a speaker following an address. Each answer, by the speaker to a question, is limited to two (2) minutes. A speaker cannot ask questions of Council.
- An Agenda Item will be debated by Council following the address.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- If you have any documentation to support your presentation, provide two (2) copies to Council by 12 noon on the day of the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 12 noon on the day of the Meeting.
- The following will **not** be considered in the Public Forum (in accordance with the Code of Meeting Practice, clause 2.14.14):
  - Proposed or current development and rezoning applications and related matters.
  - A third (3<sup>rd</sup>) or subsequent application by a single member of the public to address Council on the same issue in the same calendar year. Council, at its discretion, may elect to exempt representatives or members of community groups from this restriction.
  - Any formal procurement process, contract negotiation or dispute resolution being undertaken.
  - Any matter the General Manager (or their delegate) considers inappropriate for discussion in the Public Forum.
- Council accepts no responsibility for any defamatory statements made by speakers.
- Members of the public may quietly enter and leave the Meeting at any time.

# Ordinary Council Meeting

Wednesday 19 July 2017

## Items of Business

Item	Subject	Page
01	Acknowledgement of Country .....	1
02	Local Government Prayer .....	1
03	Apologies.....	1
04	Confirmation of Minutes .....	1
05	Disclosures of Interest.....	19
<b>06</b>	<b>Mayoral Minute</b>	
	06.01 Deputy Mayor Discretionary Fund Allocations.....	23
07	Confidential Correspondence to Ordinary Council Meeting.....	24
08	Public Forum .....	25
<b>09</b>	<b>Leadership and Governance.....</b>	<b>26</b>
	09.01 Status of Reports From Council Resolutions.....	27
	09.02 Status of Council Policies .....	33
	09.03 Investments - June 2017 .....	36
	09.04 NSW Water Supply and Sewerage Performance Monitoring Report 2015-2016.....	45
<b>10</b>	<b>Your Community Life .....</b>	<b>49</b>
	10.01 Land Acquisition - Expansion of the Hollisdale Rural Fire Service .....	50
	10.02 Recreation Action Plan Update.....	53
<b>11</b>	<b>Your Business and Industry .....</b>	<b>59</b>
	11.01 Sale of Closed Road - Part Bonser Lane at Laurieton .....	60
	11.02 Inquiry into the Australian Government's Role in the Development of Cities.....	63
<b>12</b>	<b>Your Natural and Built Environment .....</b>	<b>65</b>
	12.01 Acquisition of an Easement on Behalf of Essential Energy - Bulli Creek Bridge Replacement.....	66
	12.02 Comboyne Village Sewerage Scheme - Acquisition of an Easement to Drain Sewage .....	69
	12.03 DA2017 - 307 - Staged Alterations to caravan park and construction of ancillary recreation facility (outdoor) - Munster Street, Port Macquarie .....	71
	12.04 Question From Previous Meeting - Single Use Plastic Bags .....	87
	12.05 Proposed Delegation Under Section 375 of the NSW Biosecurity Act 2015 .....	89
	12.06 Improving Recycling Services for Multi-Unit Dwellings.....	91
	12.07 Sherwood Planning Proposal - Consideration of Submissions .....	96

**13 Questions for Next Meeting**

**14 Confidential Matters**

Motion to move into Confidential Committee of the Whole ..... 112

14.01 EOI-17-05 Independent Members of the Town Centre Master  
Plan Sub-Committee

14.02 T-17-22 Sports Field Lighting Installation Program

Adoption of Recommendations from Confidential Committee of  
the Whole

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

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 21 June 2017 be confirmed.

**PRESENT**

**Members:**

Councillor Lisa Intemann (Deputy Mayor)  
Councillor Rob Turner  
Councillor Michael Cusato  
Councillor Sharon Griffiths  
Councillor Peter Alley  
Councillor Justin Levido  
Councillor Geoff Hawkins  
Councillor Lee Dixon

**Other Attendees:**

General Manager (Craig Swift-McNair)  
Director of Corporate Performance (Rebecca Olsen)  
Acting Director of Development and Environment (Dan Croft)  
Acting Director of Infrastructure (Andrew Doig)  
Director of Strategy and Growth (Jeffery Sharp)  
Group Manager Governance and Procurement (Blair Hancock)  
Governance Support Officer (Bronwyn Lyon)  
Communications Manager (Andy Roberts)

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The meeting opened at 5:30pm.

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**01     ACKNOWLEDGEMENT OF COUNTRY**

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

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**02     LOCAL GOVERNMENT PRAYER**

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Reverend Stuart Webb from the Anglican Church delivered the Local Government Prayer.

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**03     APOLOGIES**

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Nil.

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#### **04 CONFIRMATION OF MINUTES**

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*RESOLVED: Levido/Alley*

That the Minutes of the Ordinary Council Meeting held on 17 May 2017 be confirmed.

*CARRIED: 8/0*  
*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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#### **05 DISCLOSURES OF INTEREST**

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Councillor Cusato declared a Pecuniary Interest in Item 09.06 - Council Policy - Policy Review and Rescissions, the reason being that Councillor Cusato owns a hangar relating to 2(a) Airport Leasing of Land Policy.

Councillor Cusato declared a Non-Pecuniary, Significant Interest in Item 15.06 - T-17-25 Planning and Design of a Parallel Taxiway, Port Macquarie Airport, the reason being that Councillor Cusato owns a hangar at the airport.

Councillor Levido declared a Non-Pecuniary, Less Than Significant Interest in Item 12.05 - Question From Previous Meeting - Watercraft Storage - Hastings River Foreshore, Port Macquarie, the reason being that Councillor Levido is a member of the Port Macquarie Maroro Outrigger Canoe Club which is one of the groups mentioned and dealt with in the said report.

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

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*RESOLVED: Intemann*

That the Mayoral Discretionary Fund allocations for the period 4 May to 7 June 2017 inclusive be noted.

*CARRIED: 8/0*  
*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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#### **07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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There are no confidential attachments to reports for the Ordinary Council Meeting.

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**08 PUBLIC FORUM**

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

1. Ms Maria Doherty, representing the St Agnes Parish, regarding Plastic Bag Re-use and Ban.

*RESOLVED: Dixon/Alley*

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

*CARRIED: 8/0*  
*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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**08.01 PLASTIC BAG RE-USE AND BAN**

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Ms Maria Doherty, representing the St Agnes Parish, addressed Council in regard to Plastic Bag Re-use and Ban and answered questions from Councillors.

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**REQUEST TO SPEAK ON AN AGENDA ITEM**

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

Item 12.05 – Mr Wayne Evans, representing Sailability Port Macquarie, in support of the recommendation.

*RESOLVED: Levido/Turner*

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

*CARRIED: 8/0*  
*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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## **SUSPENSION OF STANDING ORDERS**

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The Deputy Mayor requested that Item 14 - Questions for Next Meeting be brought forward and considered next.

*RESOLVED: Hawkins/Alley*

That Standing Orders be suspended to allow Items 14 and 12.05 to be brought forward and considered next.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **14 QUESTIONS FOR NEXT MEETING**

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### **14.01 SINGLE USE PLASTIC BAGS**

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#### **Question from Councillor Turner:**

Can the General Manager provide information as to how Council can assist in reducing the use of single use plastic bags in the community?

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

Nil.

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### **12.05 QUESTION FROM PREVIOUS MEETING - WATERCRAFT STORAGE - HASTINGS RIVER FORESHORE, PORT MACQUARIE**

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

Mr Wayne Evans, representing Sailability Port Macquarie, addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Dixon/Turner*

That Council:

1. Advocate for watercraft storage consideration during review of relevant Crown Land Plans of Management
-

2. Support community recreational boating groups through the planning process associated with new and/or upgraded watercraft storage facilities at McInherney and Port Macquarie Rowing Club Reserves.
3. Notes that the Flamin' Dragons Dragon Boat Club and the Port Macquarie Maroro Outrigger Canoe Club have expressed an interest in establishing a boat shed at Settlement Point.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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#### **09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*RESOLVED: Cusato/Levido*

That Council note the information in the Status of Reports from Council Resolutions report.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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#### **09.02 2017-2018 COUNCILLOR AND MAYORAL FEES**

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*RESOLVED: Turner/Hawkins*

That in relation to Councillor remuneration for the 2017-2018 financial year, Council:

1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2017 to be \$19,310.
2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2017 to be \$61,430 (this amount includes the fee payable to a Councillor).

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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

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*RESOLVED: Levido/Cusato*

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

- Andrew Rock (Building Surveyor)

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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**09.04 COMMITTEE PERFORMANCE**

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*RESOLVED: Griffiths/Levido*

That Council:

1. Note the information in the Committee Performance report.
2. Note that Committees, Advisory Groups and Steering Groups will be formally reviewed at the start of each new Council term following an Ordinary Council election.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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**09.05 AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER**

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*RESOLVED: Hawkins/Cusato*

That Council:

1. Adopt the revised Audit, Risk and Improvement Charter.
2. Note expressions of interest for members of the Group will be undertaken in late June, with recommended membership to be reported to a future Ordinary Meeting of Council.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **09.06 COUNCIL POLICY - POLICY REVIEW AND RESCISSIONS**

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Councillor Cusato declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 5:57pm.

*RESOLVED: Levido/Hawkins*

That Council:

1. Place on public exhibition from 28 June 2017 to 25 July 2017 (28 days) its intention to rescind the following Policies and Procedure:
  - a) Calling of Quotations / Tenders for Contractors Policy;
  - b) Good Governance Policy;
  - c) Plaques Policy;
  - d) Reporting requirements for Community Leases Policy;
  - e) Use of a Purchase Card and or Corporate Card Procedure.
2. Place on public exhibition from 28 June 2017 to 25 July 2017 (28 days) the following revised Policies and Plan:
  - a) Airport Leasing of Land and Buildings Policy;
  - b) Debt Recovery Policy;
  - c) Gifts and Benefits Policy;
  - d) Privacy Management Plan;
  - e) Rates and Charges Hardship Assistance Policy.
3. Note that a further report will be tabled at the August 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 7/0*

*FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

Councillor Cusato returned to the meeting, the time being 05:58pm.

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## **09.07 INTEGRATED PLANNING AND REPORTING (IPR) SUITE OF DOCUMENTS**

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*RESOLVED: Turner/Levido*

That Council:

1. Adopt the following Integrated Planning and Reporting (IPR) suite of documents:
  - a) Towards 2030 Community Strategic Plan
  - b) Delivery Program 2017-2021
  - c) Resourcing Strategy 2017-2021 with the following components:
    - Long Term Financial Plan (2017-2027)
    - Workforce Management Strategy (2017-2021)
    - Asset Management Strategy and Plan (2017-2027)
  - d) Operational Plan 2017-2018
  - e) Fees & Charges 2017-2018

- 
- f) Revenue Policy 2017-2018
  - g) Rating Maps 2017-2018
  - 2. Note the 2017-2018 budget position of a \$586,858 shortfall which will be reported to Council monthly during the financial year.
  - 3. Set the interest rate on overdue rates and charges at 7.5% from 1 July 2017 in accordance with the Office of Local Government directive.
  - 4. Enter into total borrowings of \$4.85 million as outlined in the Financial Implications section of the report.
- CARRIED:** 8/0
- FOR:** Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner  
**AGAINST:** Nil
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#### **09.08 MONTHLY FINANCIAL REVIEW FOR MAY 2017**

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**RESOLVED:** Hawkins/Cusato

That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for May 2017.

**CARRIED:** 8/0

**FOR:** Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner  
**AGAINST:** Nil

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#### **09.09 INVESTMENTS - MAY 2017**

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**RESOLVED:** Hawkins/Alley

That Council note the Investment Report for the month of May 2017.

**CARRIED:** 8/0

**FOR:** Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner  
**AGAINST:** Nil

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#### **10.01 REGULATORY ENFORCEMENT POLICY – DRAFT**

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**RESOLVED:** Hawkins/Dixon

That Council:

- 1. Place the draft Regulatory Enforcement Policy on public exhibition between 28 June to 25 July 2017 (28 days).
  - 2. Place on public exhibition from 28 June 2017 to 25 July 2017 (28 days) its intention to rescind the 'Enforcement of Unlawful Activity Policy' and the 'Compliance Procedure'.
  - 3. Note that a further report will be tabled at the August 2017 meeting of Council detailing the submissions received from the public during the exhibition period.
-

4. Amend the subject heading for Item 10.01 to 'Regulatory Enforcement Policy – Draft'.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **10.02 COMMUNITY HALLS MANAGEMENT MODELS**

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*RESOLVED: Turner/Alley*

That Council endorse the proposed models of management for Council owned community halls.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **10.03 COMMUNITY PLACE POST EVENT - MARCH AND APRIL 2017**

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*RESOLVED: Dixon/Alley*

That Council note the information included in the Community Place Post Event - March and April 2017 report.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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## **10.04 DISABILITY INCLUSION ACTION PLAN**

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*RESOLVED: Alley/Dixon*

That Council:

1. Rescind the Disability Discrimination Act Action Plan 2009-2018.
2. Note the submissions made in response to the exhibition of the Draft Disability Inclusion Action Plan.
3. Adopt the 2017-2021 Disability Inclusion Action Plan with the inclusion of changes as identified within the report.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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**10.05 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - MAY 2017 MEETING**

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*RESOLVED: Intemann/Levido*

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

1. Corey Clark be allocated the amount of \$750.00 to assist with the expenses he would have incurred travelling to and competing at the All Schools National Tennis Championships held in Shepparton Victoria from 29 April - 6 May 2017 inclusive.
2. Ryan Williams be allocated the amount of \$500.00 to assist with the expenses he would have incurred travelling to and competing at the BMX National Championships held in Brisbane, Queensland from 27 - 30 April 2017 inclusive.
3. Bradley Paterson be allocated the amount of \$1000.00 to assist with the expenses he would have incurred as part of the Australian Schoolboys Hockey Team to travel to and compete at the Four Nations Tournament held in Germany from 21 May to 5 June 2017 inclusive.
4. Connor Cook be allocated the amount of \$500.00 to assist with the expenses he will incur travelling to and competing at the Cricket Australia 2017 National Indoor Cricket Championships to be held in MacKay, Queensland from 1 - 8 July 2017 inclusive.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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**12.01 DA2016 - 932 ALTERATIONS AND ADDITIONS TO WASTE MANAGEMENT FACILITY - LOT 12 DP 1027602, LOT 11 DP875998, LOT 9 DP 876001 AND LOT 1 DP 1120786 KINGFISHER ROAD, PORT MACQUARIE**

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*RESOLVED: Levido/Alley*

That Council:

1. Approve the Koala Plan of Management for the Kingfisher Road Waste Transfer Station.
2. Determine DA 2016 - 932 for alterations and additions to waste management facility at Lot 12 DP 1027602, Lot 11 DP875998, Lot 9 DP 876001 and Lot 1 DP 1120786, Kingfisher Road, Port Macquarie, by granting consent subject to the recommended conditions.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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**12.02 DA2016 - 1008.1 SHOP TOP HOUSING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 4 DP 34496, NO 149 GORDON STREET, PORT MACQUARIE**

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*RESOLVED: Griffiths/Dixon*

That Council note the determination of DA2016 - 1008.1 Shop Top Housing Including Clause 4.6 Variation To Clause 4.4 (Floor Space Ratio) at Lot 4 DP 34496, No 149 Gordon Street, Port Macquarie.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levdo and Turner*

*AGAINST: Nil*

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**12.03 DA2017 - 99.1 ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE -HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AND CONSTRUCTION OF SWIMMING POOL - LOT 31 DP 231816, NO 21 MATTHEW FLINDERS DRIVE, PORT MACQUARIE**

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*RESOLVED: Griffiths/Cusato*

That DA 2017 - 99.1 for alterations and additions to existing dwelling at Lot 31 DP231816, No.21 Matthew Flinders Drive, Port Macquarie be determined by granting consent subject to the recommended conditions.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levdo and Turner*

*AGAINST: Nil*

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**12.04 DA2017 - 103.1 2 LOT SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 1 DP 541129, NO 97 MATTHEW FLINDERS DRIVE, PORT MACQUARIE**

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*RESOLVED: Griffiths/Hawkins*

That Council note the determination of DA2017 - 0103.1 for a two lot subdivision including a Clause 4.6 variation to Clause 4.1 (minimum lot size) at Lot 1 DP 541129, 97 Matthews Flinders Drive, Port Macquarie.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levdo and Turner*

*AGAINST: Nil*

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Item - 12.05 Question From Previous Meeting - Watercraft Storage - Hastings River Foreshore, Port Macquarie - has been moved to another part of the document.

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**12.06 DA2017 - 328.1 LANDFILL GAS INFRASTRUCTURE ASSOCIATED  
WITH WASTE MANAGEMENT FACILITY - LOT 1 DP 1202080, PACIFIC  
HIGHWAY, PEMBROOKE**

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*RESOLVED: Hawkins/Turner*

That DA 2017 - 328 for landfill gas infrastructure associated with waste management facility at Lot 1, DP 1202080, Pacific Highway, Pembroke be determined by granting consent subject to the recommended conditions.

*CARRIED: 7/1*

*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*

*AGAINST: Griffiths*

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**13.01 TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES**

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*RESOLVED: Levido/Cusato*

That Council:

1. Accept the transfer of land being Lot 163 Deposited Plan 1229250.
2. Delegate Authority to the General Manager to sign the Land and Property Information Transfer Form.
3. Pursuant to Section 34 of the Local Government Act 1993, commence the procedure to classify Lot 163 Deposited Plan 1229250 as operational land by placing on public exhibition the proposed resolution "It is intended to classify Lot 163 Deposited Plan 1229250 as operational land", from 28 June 2017 for a minimum period of 28 days.
4. Note that a further report will be tabled to Council at the August 2017 Ordinary Council meeting, detailing any submissions received from the public during the exhibition period.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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**13.02 ENERGY EFFICIENT STREET LIGHTING - LIGHT EMITTING DIODES (LED)**

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*RESOLVED: Alley/Turner*

That Council:

1. Delegate authority to the General Manager to accept and execute the Negotiated LED SLUOS Pricing Agreement with Essential Energy.
2. Investigate the financial implications of undertaking a bulk street lighting LED change-out, including capital contribution costs and payback period, for reporting to a future Council meeting.

*CARRIED: 8/0*

*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*

*AGAINST: Nil*

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Dixon/Alley*

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 T-17-01 Design Services for Hastings Regional Sporting Complex - Stoney Creek Road, Wauchope  
  
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 15.02 T-17-06 Supply and Delivery of a Truck Mounted Street Sweeping Machine  
  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
    - Item 15.03 T-17-09 E-Waste Collection and Recycling Services  
  
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 15.04 T-17-16 North Brother Local Catchments Flood 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 15.05 T-17-29 Supply of a CCF Class 3.5 Wheel Loader with an operating capacity between 3,500 - 4,000kg

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 T-17-25 Planning and Design of a Parallel Taxiway, Port Macquarie Airport

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.

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: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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**ADJOURN MEETING**

The Ordinary Council Meeting adjourned at 6:33pm.

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**RESUME MEETING**

The Ordinary Council Meeting resumed at 6:47pm.

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

*RESOLVED: Griffiths/Turner*

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

Item 15.01 T-17-01 Design Services for Hastings Regional Sporting Complex - Stoney Creek Road, Wauchope

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 Cardno (NSW/ACT) Pty Ltd for \$383,272 (exclusive of GST) for design services for Hastings Regional Sporting Complex.
2. Accept the included Schedule of Rates and Provisional Items from Cardno (NSW/ACT) Pty Ltd for design services for Hastings Regional Sporting Complex
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-01.

Item 15.02 T-17-06 Supply and Delivery of a Truck Mounted Street Sweeping Machine

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 quotation, through Local Government Procurement, from Bucher Municipal Pty Ltd, for the purchase of a Truck Mounted Street Sweeping Machine for \$326,617 (excl GST).
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-06.

Item 15.03 T-17-09 E-Waste 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 Matthews Metal Management Pty Ltd for the provision of e-waste collection and recycling services from Council's waste facilities for a term of two (2) years with an option to extend for a further two (2) x one (1) year periods, (such option to be for the benefit of the Council and may be exercised only by the Council in its sole discretion).
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations

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in respect of Tender T-17-09.

Item 15.04 T-17-16 North Brother Local Catchments Flood Study

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 Jacobs Group (Australia) Pty Ltd for \$118,112 (exclusive of GST) for the North Brother Local Catchments Flood Study.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-16.

Item 15.05 T-17-29 Supply of a CCF Class 3.5 Wheel Loader with an operating capacity between 3,500 - 4,000kg

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 quotation, through Local Government Procurement, from Komatsu Australia Pty Ltd, for the purchase of a CCF Class 3.5 Wheel Loader with an operating capacity between 3,500 – 4,000kg for \$171,750 (excl GST).
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-29.

Item 15.06 T-17-25 Planning and Design of a Parallel Taxiway, Port Macquarie Airport

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 lump sum tender from SMEC Australia Pty Ltd for \$273,784 (excl. GST) for the Planning and Design of a Parallel Taxiway at Port Macquarie Airport.
2. Accept the Schedule of Rates from SMEC Australia Pty Ltd for the purposes of managing potential variations to the contract.
3. Affix the seal of Council to the necessary documents.

- 
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-25.

*CARRIED: 8/0*  
*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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The meeting closed at 6:48pm.

.....  
Lisa Intemann  
Deputy Mayor

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Item: 05  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

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

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

☐

**Pecuniary:**

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

☐

**Non-Pecuniary - Significant Interest:**

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

☐

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

May participate in consideration and voting.

For the reason that: .....  
.....

Name: .....

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. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (section 451)

**Non-Pecuniary**

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

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

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

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

***Non Pecuniary – Significant Interest***

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

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

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

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

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

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

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Name: .....

Councillor's Signature: ..... Date: .....

**Important Information**

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

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

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

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

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

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

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**Item: 06.01**

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

**Deputy Mayor, Lisa Intemann**

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### **RECOMMENDATION**

**That the Deputy Mayor Discretionary Fund allocations for the period 8 June to 5 July 2017 inclusive be noted.**

### **Discussion**

#### Deputy Mayor Fund Allocations

The total commitment from the Deputy Mayor Discretionary Fund from 8 June to 5 July 2017 inclusive was \$294.70.

This included the following:

Purchase of Centenarian Plaque for the late James Eric "George" Bain	\$194.70
Donation to High Tea Fundraiser for Camp Quality in Memory of the late Rachel Flakus	\$100.00

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**\$294.70**

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### **Attachments**

Nil

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**Item: 07**

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

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

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**Nil.**

**Discussion**

There are no confidential attachments to reports for the Ordinary Council Meeting.

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

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

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

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

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

# 1 Leadership and Governance

## What we are trying to achieve

A community that works together in decision making that is defined as ethically, socially and environmentally responsible.

## What the result will be

We will have:

- 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 we will get there

- 1.1 Inform and engage with the community about what Council does using varied communication channels
- 1.2 Maintain strong partnerships between all stakeholders - local, state and federal — so that they are effective advocates for the community
- 1.3 Demonstrate leadership
- 1.4 Use innovative, efficient and sustainable practices
- 1.5 Ensure strong corporate and financial management that is transparent and accountable

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**Item: 09.01**

**Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

**Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council note the information in the Status of Reports from Council Resolutions report.**

**Discussion**

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Planning Proposal for Residential Infill and Environmental Purposes - Lincoln Road, Castle Court and Marian Drive, Port Macquarie - post exhibition (Item 13.08 - OC 20/07/16)	Draft LEP on exhibition in June 2017.	DSG	Oct 2016 Jun 2017	Jul 2017
a) Report on progress against the adopted Recreation Action Plan 2015-2025. b) Propose an updated implementation plan that incorporates additional priorities identified in the Optimising Utilisation of Port Macquarie Sports Fields report. (Item 13.09 - OC 15/02/17)		DDE		Jul 2017
QFPM – Single Use Plastic Bags (Item 1.01 – OC 21/06/17)		DDE		Jul 2017
QFPM - Management of Roadside Vegetation (Item 15.01 - OC 17/05/17)		DI		Jul 2017



Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Site Specific LEP Amendments - post initial investigations determine whether to proceed with planning proposals to rezone the lands in each case. (Item 12.04 - OC 15/03/17)	Under review.	DSG	Jul 2017	Aug 2017
Settlement Shores Canal Maintenance Plan - Post Exhibition (Item 13.03 - OC 17/05/17)	Submissions under review.	DI	Jul 2017	Aug 2017
Sancrox Employment Land Environmental Lands and Services Planning Agreement - post public exhibition. Classification of Offset Environmental Land (Item 12.04 - OC 10/08/16)	Developer land acquisition processes delayed. Acquisition completed June 2017. Classification to be advertised prior to report to Council.	DSG	Feb 2017 May 2017 Jul 2017	Aug 2017
Long Term Renewable Energy Strategy (Item 12.03 - OC 19/04/17)		DDE		Aug 2017
Opportunities For Local Firms To Do Business With Council - Post Exhibition (Item 13.08 - OC 17/05/17)		DCP		Aug 2017
Council Policy – Policy Review and Rescissions – post exhibition (Item 09.06 – OC 21/06/17)		DCP		Aug 2017
<ul style="list-style-type: none"> <li>• Regulatory Enforcement Policy – draft</li> <li>• Enforcement of Unlawful Activity Policy – rescind</li> <li>• Compliance Procedure – rescind</li> </ul> Post Exhibition (Item 10.01 – OC 21/06/17)		DDE		Aug 2017
Transfer of Land to Council for Sewer Purposes – post exhibition (Item 13.01 – OC 21/06/17)		DCP		Aug 2017
Port Macquarie Town Centre Pedestrian Facility Investigations - post community engagement (Item 13.05 - OC 14/12/16)		DI		Aug 2017

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Future of Committees following establishment of Cultural Steering Group (Item 15.05 - OC 19/04/17)	Item is to be discussed at a future Cultural Steering Group meeting	DSG	Jun 2017 Jul 2017	Sep 2017
Water Fluoridation - request for detailed information on studies and programs. (Item 10.01 - OC 15/07/15)	Awaiting further information from NSW Health.	DI	Nov 2016 May 2017 Jul 2017	Sep 2017
Planning Proposal - Homedale Road Kew - post exhibition (Item 13.07 - OC 14/12/16)		DSG		Oct 2017
Project Management Policy - implementation, operation and effectiveness to date incorporating the views of the Audit, Risk and Improvement Committee. (Item 09.03 - OC 15/02/17)		DCP		Nov 2017
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.	DI	Mar 2015 Jun 2017 Jul 2017	Dec 2017
Site Specific LEP Amendments - Status of all proposed site specific LEP amendments following adoption of the revised PMH UGMS and determine priorities in Council's strategic land use planning program. (Item 12.04 - OC 15/03/17)	Report proposed after exhibition, review and adoption of Urban Growth Management Strategy.	DSG	Jul 2017	Dec 2017
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)	Delayed to align with UGMS report.	DSG	Dec 2016 May 2017 Jun 2017	Dec 2017

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Draft Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits. (Item 12.01 - OC 10/08/16)		DDE		TBA
Classification of Land - Lot 5 DP774400 Stingray Creek Bridge Environmental Offset (Item 12.01 - OC 16/11/16)		DCP		TBA
Planning Controls for Short Term Rental Accommodation Report on findings and recommendations arising from the Inquiry 'Adequacy of the regulation of short-term holiday letting in NSW'. (Item 13.07 - OC 16/03/16)  Short-Term Holiday Letting - post release of NSW Government response to Inquiry 'Adequacy of the regulation of short-term holiday letting in NSW'. (Item 12.03 - OC 14/12/16)	Pending detailed Government proposals	DDE		TBA
Tuffins Lane Sporting Fields - Terms of Agreement (Item 06.02 - OC 14/12/16)		GM		TBA
Reclassification Of Land For Hastings Regional Sports Complex - post exhibition (Item 13.04 - OC 15/02/17)		DCP		TBA
Planning Proposal - Lot 2 DP1091253 Beach St, Bonny Hills (Item 12.02 - OC 19/04/17)		DSG		TBA
Financial Reserves Review - final report (Item 09.05 - OC 19/04/17)		DCP		TBA

Report	Status	Reporting Officer	Original Anticipated Date for Report	Current Anticipated Date for Report
Planning Proposal - Lot 14 DP240042, Pioneer Street, North Haven. King And Campbell Pty Ltd For Rd & MI Tate And Tate Developments Pty Ltd - Post Exhibition (Item 13.05 - OC 17/05/17)		DSG		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle
Monthly Financial Update	DCP	Monthly
Investments	DCP	Monthly
Mayoral Discretionary Fund Allocations	GM	Monthly
Development Activity and Assessment System Performance	DDE	Quarterly (May, Aug, Nov, Feb)
Glasshouse Strategic Plan Update	DCP	Biannual (Feb, Aug)
Delivery Program - Progress Report	DCP	Biannual (Mar, Sep)
Operational Plan - Progress Report	DCP	Biannual (May, Oct)
Economic Development Strategy - Progress Report (Item 10.03 - ORD 20/11/2013)	DSG	Biannual (Jun, Dec)
Mayoral and Councillor Fees (Setting of)	GM	Annually (Jun)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (Jul) (re-list to Sep)
Council Policy - Status Report	DCP	Annually (Jul)
Recreation Action Plan	DDE	Annually (Jul)
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually (Aug)
Compliments and Complaints Annual Report	DSG	Annually (Sep)
Council Meeting Dates	GM	Annually (Sep)
Creation of Office - Deputy Mayor	GM	Annually (Sep)

<b>Report</b>	<b>Reporting Officer</b>	<b>Reporting Cycle</b>
Payment of Expenses and Provision of Facilities to Councillors Policy for Exhibition	DCP	Annually (Sep)
Audit Committee Annual Report	DCP	Annually (Sep)
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually (Sep)
MIDROC Strategic Plan 2013-2017 Outcomes (Item 08.03 - ORD 21/08/2013)	GM	Annually (Sep) (re-listed from Jul)
Annual Disclosure of Interest Returns	GM	Annually (Oct)
Payment of Expenses and Provision of Facilities to Councillors Policy for Adoption	DCP	Annually (Nov)
Council's Annual Report	DCP	Annually (Nov)
Update Report - Impact of cost shifting for the previous financial year including any additional categories of cost-shifting that have been identified (Item 09.04 - OC 21/10/15)	DCP	Annually (Nov)

**Attachments**

Nil



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Item: 09.02

Subject: STATUS OF COUNCIL POLICIES

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

### RECOMMENDATION

**That Council note the information provided in the Status of Council Policies report.**

### Executive Summary

In July 2016 at the ordinary meeting of Council, Council resolved to:

*RESOLVED: Intemann/Griffiths*

- 1. Adopt the draft policy template attached to the Council Policy Review report.*
- 2. Request that within the next 12 months, the General Manager review all policies that have not been reviewed in the last 12 months that were identified as requiring a change during the 2015 Council policy review.*
- 3. Place on public exhibition from 29 July 2016 to 26 August 2016 (28 days) the Beach Areas Permitting Dogs in the Local Government Area Policy, with the intention to rescind.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

This report provides an update in respect of Resolution 2 above.

In addition, the "Making of Council Policy" policy requires that an annual Council report is presented to Council outlining the status of all current Council Policies.

This report also provides details on the current status of all current Council Policies as per the requirements of the Policy.

### Discussion

#### 2015 Council Policy review

As outlined in the Executive Summary, Council resolved in July 2016 that the:-  
*General Manager review all policies that have not been reviewed in the last 12 months that were identified as requiring a change during the 2015 Council policy review.*

In terms of an update, there were forty-two (42) policies where a review was recommended. Of the forty-two (42), twenty-one (21) have been actioned (approved, rescinded, currently being considered by the Executive or are currently on public exhibition). A review has commenced of the remaining twenty-one (21) Council Policies which will continue into the current financial year.

Policy reviews can take time to complete depending on their complexity.

#### Current Status of Policies

The "Making of Council Policy" policy requires that an annual Council report is presented to Council outlining the status of all current Council Policies.

A desktop review was conducted in May 2017 in relation to the seventy-seven (77) Council adopted policies. The results of this review are provided as an attachment to this report.

Where a review involves more than simple administrative amendments, an amended Policy is the subject of a report to Council, and placed on public exhibition for 28 days before being adopted by Council (following consideration of any submissions made during the exhibition period). A summary of the status of all Policies is represented in the following table:

Last Reviewed	No. of Policies
On exhibition	10
Less than 2 years	17
Greater than 2 and less than 5 years	19
Greater than 5 years	31
<b>Grand Total</b>	<b>77</b>

Of the seventy-seven (77) Council adopted policies, ten (10) are in public exhibition at the time of finalisation of this report, and seventeen (17) have been reviewed within the past two (2) years.

Many other policies are currently under review, and some are more complex and can take more time to review. For example, Naming and Renaming Of Roads, and Naming and Renaming of Reserves has been the subject of two (2) Councillor briefings during the ongoing review of these policies.

Staff will continue to review Council Policies on an ongoing basis, with the Group Manager Governance & Procurement coordinating and administering reviews.

The intent of many Policies do not change considerably over time.

#### **Options**

This is an information report, however Council can request any Policy be reviewed.

**Community Engagement & Internal Consultation**Internal Consultation

- General Manager
- Director Corporate Performance
- Director Development and Environment
- Director Infrastructure
- Director Strategy and Growth
- Group Manager Governance & Procurement

**Planning & Policy Implications**

There are no planning implications in relation to this report.

Policy implications are favourable, the currency, relevance and effectiveness of policies will improve and further support governance and risk management.

**Financial & Economic Implications**

There are no financial or economic implications in relation to this report.

**Attachments**

1 [View](#). Council Adopted Policies



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**Item: 09.03**

**Subject: INVESTMENTS - JUNE 2017**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information.

### **RECOMMENDATION**

**That Council note the Investment Report for the month of June 2017.**

### **Executive Summary**

- Total funds invested as at 30 June 2017 equals \$250,529,324.
- At the 15 March 2017 Council meeting, the adjustments contained within the Monthly Financial review were adopted. These adjustments included budget adjustments to interest. As a consequence of these changes, the annual investment income budget increased from \$4,350,600 to \$6,690,179. The actual year-to-date investment income of \$7,415,792 now represents 110.85% of the total annual revised investment income budget of \$6,690,179.
- In line with Council's Investment Policy, the total portfolio has performed above benchmark levels.
- The rating agencies Standard & Poors and Moodys have recently downgraded the ratings of a number of Australian institutions, further detail is provided in the body of the report.

### **Discussion**

#### Overview

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities.

These services include (but are not limited to) the following:

- Water and Sewer services;
- Waste services;
- Port Macquarie Regional Airport;
- Cemeteries;
- Roads and Bridges;
- Various Recreation and Cultural facilities.

The Port Macquarie-Hastings area is a high growth centre of the North Coast region and is expected to accommodate a significant proportion of regional growth over the next two decades. The population will grow from 79,114 in 2016 to 102,926 in 2036. As a consequence of this growth, Council must not only provide services to the existing community and maintain existing assets, but Council must also plan for future maintenance and capital expenditure on the infrastructure that will be needed to support the community, business and visitors to the area into the future.

Council holds cash reserves as an alternative to (or to supplement) borrowing. As at June 2016, Council held \$214 million in cash and reserves. Predominantly, these reserves are all allocated for specific purposes, with 70% of these reserves legally only being able to be used for the purpose for which they were collected (for example for water and sewer). The remaining reserves are also predominantly held for specific purposes (for example, for the development of the Airport, or to fund projects which have already commenced). The balances of these reserves are audited annually and published in Council's financial statements.

The level of reserves held by Port Macquarie-Hastings Council is not disproportionate to other similar Councils, noting that different Councils provide different services. Not all Councils provide Water and Sewer services for example which require significant capital investment.

The balances of these reserves are invested until such time as they are required. This report details how Council invests these reserves to ensure the appropriate balance between risk and financial return (through interest).

In April 2017 at the Ordinary Meeting of Council, Council resolved to undertake an external independent review of Council's internal and external financial reserves. The UTS Institute for Public Policy and Governance, incorporating the UTS Centre for Local Government has now been engaged to undertake this review. Data collation has commenced.

In addition, in May 2017 at the Ordinary Meeting of Council, Council resolved to defer \$18.7 million of Capital Works to the draft 2017/2018 Operational Plan (these works are considered in a separate report in this agenda titled *Integrated Planning and Reporting (IPR) Suite of Documents*). In essence, the funding for these works will now remain invested until these works are undertaken in 2017/2018.

#### Current Investments

Council is required to undertake investments in accordance with section 625 of the Local Government Act 1993. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 30 June 2017, comply with this Act.

All investments have been made in accordance with the Act and Regulations, and Council's Investment Policy.

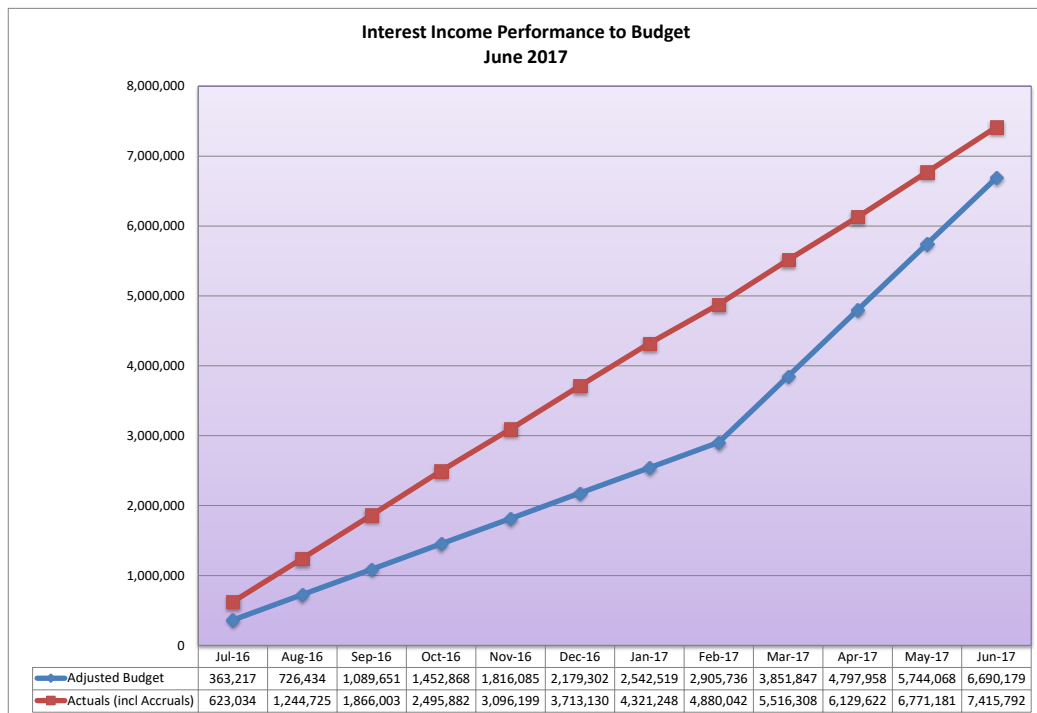
As at 30 June 2017, the investments held by Council totalled \$250,529,324. At the time of writing this report, key end of financial year transactions were still being processed which have not allowed for the determination of allocation of monies between Council funds. This is consistent with prior years. Consequently, investments by funds are not detailed in this report.

Whilst the current level of investments remain high, these largely relate to funds which have legal restrictions (for example water and sewer), or for funds held for specific purposes.

These funds may be spent in the shorter or longer term depending on the required timing of future works. The totals will fluctuate dependent on the status of individual projects.

### Portfolio Performance

- Council's total investment portfolio performance as at 30 June 2017 was 1.36% above the benchmark (3.08% against 1.72%). Benchmark being the Bank Bill reference rate as at 27 June 2017 in the Australian Financial Review published 29 June 2017.
- Adjustments to budget which were adopted at the 15 March 2017 Council meeting result in an increase in the annual investment income budget from \$4,350,600 to \$6,690,179. These budget adjustments have been apportioned over the remaining months of the year.
- The actual year-to-date investment income of \$7,415,792 now represents 110.85% of the total annual revised investment income budget of \$6,690,179.

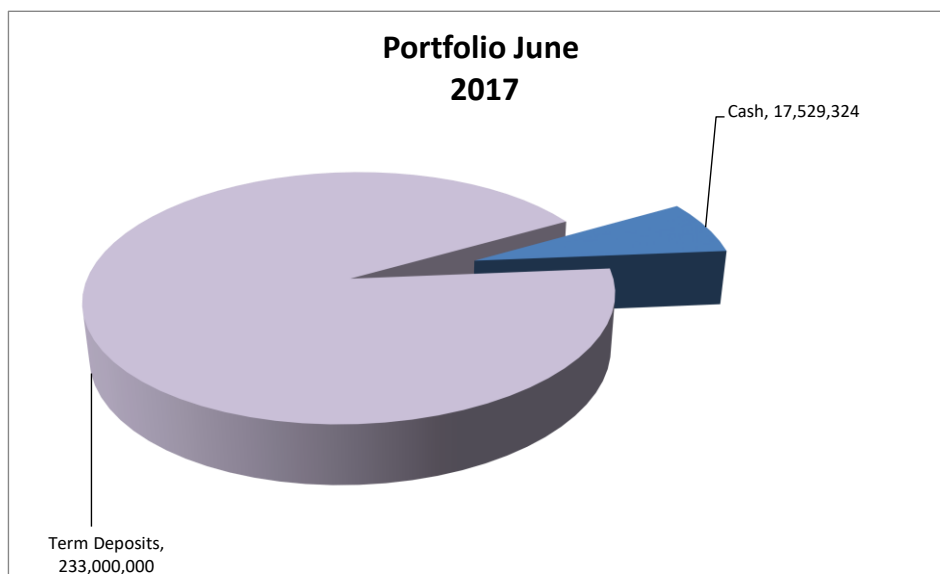


The year-to-date actual reflects total earning including both cash and accruals.

The variation in slope in the blue budget line represents an adjustment (and increase) to the investment income budget following a Council resolution in March 2017.

#### Investment Portfolio Mix

Council's current portfolio is made up of cash and term deposits. The total term deposits represent 93.00% of the total investment portfolio. As at 30 June 2017, the total investment portfolio was \$250,529,324 which is down from \$251,983,253 as at the end of May 2017. This consists of term deposits of \$233,000,000 and cash \$17,529,324.




Term Deposits - Current month \$233,000,000 - Prior month \$224,900,000

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 as at 30 June 2017 is as follows:

*Table 1 - Term to Maturity*

This table as at 30 June 2017 shows the amounts invested by various maturity profiles. These are in accordance with limits established by Council's Policy.

Term to Maturity		Balance \$	% Held	Policy Min	Policy Max
0 - 12 months		\$110,000,000	47.21%	40.00%	100.00%
1 - 3 years		\$97,000,000	41.63%	0.00%	60.00%
3 - 5 years		\$26,000,000	11.16%	0.00%	30.00%
<b>Grand Total</b>		<b>\$233,000,000</b>	<b>100.00%</b>		

*Table 2 - Overall Portfolio Credit Framework*

All institutions that Council invests with are rated by acknowledged credit rating agencies, Standard & Poors, Moody's and Fitch. Council policy specifies limits that can be invested within each rating band. These limits are to help avoid over exposure in any rating category. The tables below groups the amounts held with various institutions based on their respective credit ratings, and compares the total to the maximum limit set for each credit rating category.

Standard & Poors and Moody's recently downgraded a number of Australian financial institutions, due to what they have described as a build-up of economic imbalances associated with private sector debt and housing prices, particularly in Sydney and Melbourne.

Council's investment policy identifies the use of both Standard & Poors and Moody's for their rating framework. Due to the downgrading, there is now a variation between Standard & Poors and Moody's for the categorisation of the institutions, Bank of Queensland and Bendigo & Adelaide banks. Council current holds \$31m and \$41m of term deposits in these institutions, respectively.

#### Standard & Poors

As a result of the downgrading by Standard and Poors of Bank of Queensland and Bendigo & Adelaide Bank from the A to the BBB category, the BBB category is now in excess of the policy's maximum limits.

Rating Framework	Total	% Held	Maximum % Policy
A	5,000,000	2.15%	60.00%
AA	120,000,000	51.50%	100.00%
BBB	102,000,000	43.78%	15.00%
ADI/Unrated	6,000,000	2.58%	10.00%
<b>Grand Total</b>	<b>233,000,000</b>	<b>100%</b>	

#### Moody's

Whilst Moody's have also downgraded a number of institutions, only Bendigo & Adelaide Bank was downgraded, from an A2 to A3 (with Bank of Queensland already holding an A3 rating). When comparing Moody's rating against Standard & Poors, the A3 category compares to Standard & Poors A- category and therefore no requirement for any institution to move to a different rating band. Council therefore remains within policy limits.



Rating Framework	Total	% Held	Maximum % Policy
A	77,000,000	33.05%	60.00%
AA	120,000,000	51.50%	100.00%
BBB	30,000,000	12.88%	15.00%
ADI/Unrated	6,000,000	2.58%	10.00%
<b>Grand Total</b>	<b>233,000,000</b>	<b>100%</b>	

A review of Council's Investment Policy is in train. It is proposed to commence discussions with the relevant Councillor portfolios immediately, and progress a draft Policy to the Audit, Risk and Improvement Committee for review prior to recommending amendments to the Policy to a future meeting of Council.

Cash - Westpac Business Cash Reserve Account  
Current month \$17,529,324 - Prior month \$27,083,253

*This is not available unrestricted cash.*

This is a maxi account which the Council uses as a cash management 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.

Throughout the full month of June, \$6.9 million in funds matured with \$15 million in funds reinvested into term deposits.

It should be noted that funds currently within the Westpac Business Cash Reserve Account are attracting an interest rate of 2.2% being the current cash rate plus 0.7% (based on the cash rate drop on 3 August 2016), which performs better than the benchmark (1.72% 27 June 2017).

The largest sector of the portfolio is the term deposit allocation of \$233,000,000 (last month \$224,900,000) or 93.00% of the total.

Investment Portfolio by Maturity Date - as at 30 June 2017

Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
Holiday Coast Credit Union	TD	ADI/Unrated	7-Jul-16	7-Jul-17	3.00%	2,000,000
Westpac Banking Corporation	TD	AA	7-Jul-16	7-Jul-17	2.91%	3,000,000
Bendigo Bank	TD	A-	22-Jul-15	24-Jul-17	3.10%	4,000,000
Bendigo Bank	TD	A-	8-Mar-16	8-Aug-17	3.15%	3,000,000
Police Credit Union SA	TD	ADI/Unrated	12-Feb-16	14-Aug-17	3.10%	2,000,000
National Australia Bank	TD	AA-	15-Aug-16	14-Aug-17	2.81%	2,000,000
AMP Bank	TD	AA-	4-Sep-15	4-Sep-17	2.90%	5,000,000
Westpac Banking Corporation	TD	AA-	4-Sep-14	4-Sep-17	4.07%	2,000,000
St George	TD	AA-	8-Sep-16	8-Sep-17	3.00%	5,000,000
St George	TD	AA-	27-Sep-16	27-Sep-17	3.00%	4,000,000
Bendigo Bank	TD	A-	8-Oct-15	8-Oct-17	2.98%	5,000,000
Bank of Queensland	TD	A-	19-Jan-17	19-Oct-17	2.80%	5,000,000
ANZ Bank	TD	AA-	13-Nov-12	13-Nov-17	4.87%	2,000,000
Bank of Queensland	TD	A-	13-Nov-15	13-Nov-17	3.00%	2,000,000
Westpac Banking Corporation	TD	AA-	23-May-16	23-Nov-17	2.95%	3,000,000
Westpac Banking Corporation	TD	AA-	8-Sep-16	8-Dec-17	3.00%	3,000,000
Newcastle Permanent	TD	BBB+	14-Dec-15	14-Dec-17	3.20%	2,000,000
ME Bank	TD	BBB+	24-Jan-17	22-Dec-17	2.75%	2,000,000
Bendigo Bank	TD	A-	14-Jan-16	15-Jan-18	3.10%	2,000,000
Bank of Queensland	TD	A-	16-Nov-16	16-Jan-18	2.85%	2,000,000
Westpac Banking Corporation	TD	AA-	19-Jan-17	19-Jan-18	3.01%	5,000,000
Westpac Banking Corporation	TD	AA-	24-Jan-17	24-Jan-18	3.00%	2,000,000
Police Credit Union SA	TD	ADI/Unrated	12-Feb-16	12-Feb-18	3.15%	2,000,000
Bank of Queensland	TD	A-	16-Nov-16	16-Feb-18	2.85%	2,000,000
Bendigo Bank	TD	A-	8-Mar-16	8-Mar-18	3.20%	3,000,000
Westpac Banking Corporation	TD	AA-	15-Mar-17	15-Mar-18	2.91%	2,000,000
Westpac Banking Corporation	TD	AA-	27-Mar-17	27-Mar-18	2.87%	1,000,000
Defence Bank	TD	BBB+	22-Mar-16	22-Mar-18	3.25%	4,000,000
Westpac Banking Corporation	TD	AA-	11-Apr-17	11-Apr-18	2.85%	3,000,000
Westpac Banking Corporation	TD	AA-	27-Apr-16	27-Apr-18	3.29%	4,000,000
Bendigo Bank	TD	A-	16-May-16	16-May-18	3.05%	2,000,000
Newcastle Permanent	TD	BBB+	16-May-16	16-May-18	3.10%	2,000,000
ME Bank	TD	BBB+	19-May-17	19-May-18	2.70%	3,000,000
Westpac Banking Corporation	TD	AA-	19-May-17	21-May-18	2.77%	4,000,000
Bank of Queensland	TD	A-	20-Jun-13	20-Jun-18	5.00%	4,000,000

Inv Name	Type	Rating	Purchase Date	Maturity Date	Yield	Face Value
Commonwealth Bank	TD	AA-	22-Jun-17	22-Jun-18	2.60%	5,000,000
Bendigo Bank	TD	A	7-Jul-16	6-Jul-18	3.05%	2,000,000
Bank of Queensland	TD	A-	16-Nov-16	16-Jul-18	2.92%	3,000,000
Westpac Banking Corporation	TD	AA-	15-Aug-16	15-Aug-18	2.96%	3,000,000
Bank of Queensland	TD	A-	16-Nov-16	16-Aug-18	2.92%	3,000,000
Westpac Banking Corporation	TD	AA-	4-Sep-14	4-Sep-18	4.22%	4,000,000
Bendigo Bank	TD	A-	7-Sep-15	7-Sep-18	3.00%	5,000,000
St George	TD	AA-	8-Sep-16	8-Sep-18	3.10%	5,000,000
St George	TD	AA-	27-Sep-16	27-Sep-18	3.10%	4,000,000
Bendigo Bank	TD	A-	10-Nov-16	9-Nov-18	3.00%	4,000,000
Westpac Banking Corporation	TD	AA-	10-Nov-16	10-Nov-18	3.00%	4,000,000
National Australia Bank	TD	AA-	19-May-17	19-Nov-18	2.66%	2,000,000
ME Bank	TD	BBB+	14-Dec-15	14-Dec-18	3.33%	2,000,000
Westpac Banking Corporation	TD	AA-	19-Jan-17	21-Jan-19	3.17%	5,000,000
Rabobank	TD	Aa2	20-Jan-15	20-Jan-19	3.90%	2,000,000
Westpac Banking Corporation	TD	AA-	24-Jan-17	24-Jan-19	3.15%	2,000,000
Newcastle Permanent	TD	BBB+	8-Mar-16	8-Mar-19	3.60%	2,000,000
Bendigo Bank	TD	A-	15-Mar-17	15-Mar-19	3.10%	4,000,000
Bendigo Bank	TD	A-	27-Mar-17	27-Mar-19	2.95%	2,000,000
Westpac Banking Corporation	TD	AA-	27-Mar-17	27-Mar-19	3.01%	2,000,000
Bendigo Bank	TD	A-	11-Apr-17	11-Apr-19	3.00%	3,000,000
ME Bank	TD	BBB+	27-Apr-17	27-Apr-19	2.93%	4,000,000
ME Bank	TD	BBB+	19-May-17	20-May-19	2.87%	3,000,000
Rabobank	TD	Aa2	23-May-16	23-May-19	3.15%	6,000,000
Bendigo Bank	TD	A	7-Jul-16	8-Jul-19	3.15%	2,000,000
Westpac Banking Corporation	TD	AA-	15-Aug-16	15-Aug-19	3.10%	3,000,000
Newcastle Permanent	TD	BBB+	15-Aug-16	15-Aug-19	3.00%	2,000,000
St George	TD	AA-	8-Sep-16	8-Sep-19	3.20%	5,000,000
St George	TD	AA-	27-Sep-16	27-Sep-19	3.20%	4,000,000
ME Bank	TD	BBB+	24-Jan-17	24-Jan-20	3.26%	2,000,000
Newcastle Permanent	TD	BBB+	10-Mar-16	10-Mar-20	3.70%	2,000,000
Bank of Queensland	TD	A-	19-May-17	19-May-20	3.00%	3,000,000
Bank of Queensland	TD	A-	24-Jan-17	25-Jan-21	3.65%	2,000,000
Westpac Banking Corporation	TD	AA-	21-Feb-17	22-Feb-21	3.39%	2,000,000
Bank of Queensland	TD	A-	10-Mar-16	10-Mar-21	3.80%	3,000,000
Westpac Banking Corporation	TD	AA-	21-Feb-17	21-Feb-22	3.61%	2,000,000
National Australia Bank	TD	AA-	21-Feb-17	21-Feb-22	3.46%	5,000,000
Rabobank	TD	Aa2	8-Jun-17	7-Jun-21	3.02%	5,000,000
Bank of Queensland	TD	A-	15-Mar-17	15-Mar-22	3.80%	2,000,000
Rabobank	TD	Aa2	8-Jun-17	7-Jun-22	3.22%	5,000,000
Total TD's						233,000,000
Westpac Business Cash						
Reserve Account	CASH				2.20%	17,529,324
Total Portfolio						\$250,529,324

\*The investments highlighted in yellow in the table above are new investments for June 2017.



**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. The investments placed this month were term deposits. 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**

There are no planning and policy implications.

**Financial & Economic Implications**

Benchmark and budget levels have been met on a year to date basis. On an annual basis, if benchmark levels are not reached, then this may result in budget cuts in other areas to fund the shortfall.

Council's total investment portfolio performance for 30 June 2017 is 1.36% above the benchmark (3.08% against 1.72%) and year to-date income is 110.85% of the total annual budget. The annual investment income budget was increased from \$4,350,600 to \$6,690,179 by resolution at the 15 March 2017 council meeting.

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

The overall investment income will be adjusted at financial year end by the total interest refunded on repayment of bonds. As Council constantly receives and refunds bonds, it is difficult to accurately determine the quantum of these refunds. This financial year to date Council has refunded bonds with an associated interest component of \$44,740.88 which 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.

*Robyn Wilson*  
*Responsible Accounting Officer*

**Attachments**

Nil

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**Item: 09.04**

**Subject: NSW WATER SUPPLY AND SEWERAGE PERFORMANCE  
MONITORING REPORT 2015-2016**

**Presented by: Infrastructure, Andrew Doig**

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### **Alignment with Delivery Program**

1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values.

### **RECOMMENDATION**

**That Council note the NSW Water Supply and Sewerage Performance Monitoring Report 2015-2016.**

### **Executive Summary**

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

Data is compiled at the end of each financial year and when the information is collated, the report is published and distributed to NSW Local Government utilities. Because receipt and collation of data is a time consuming process, the report is received usually around this time of year for the previous financial period. Council has therefore recently received the 2015-2016 NSW Performance Monitoring Report.

### **Discussion**

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

- Typical residential bill per assessment - water and sewerage
- Typical residential bill per assessment - water supply
- Typical residential bill per assessment - sewerage
- Chemical compliance - water supply (PMHC 100%)
- Microbiological compliance - water supply (PMHC 100%)
- Water quality complaints
- Total complaints - water supply and sewerage
- Average annual residential water supplied
- Sewer main breaks and chokes per 100 km of mains
- Recycled water (percent effluent recycled)
- Percent of sewage treated that was compliant
- Total greenhouse gas emissions
- Economic real rate of return - water and sewerage

- Economic real rate of return - water supply
- Economic real rate of return - sewerage
- Operating cost per property - water supply
- Operating cost per kilolitre - water supply
- Management cost per property - water and sewerage
- Residential revenue from usage charges - water supply
- Best-practice management implementation - water supply and sewerage
- Typical developer charges - water supply
- Typical developer charges - sewerage
- Residential water usage charge; and
- Non-residential sewer usage charge.

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

#### Water Supply Performance Summary (2015-2016)

***“Water Supply System:** Port Macquarie-Hastings Council serves a population of 81,000 (30,380 connected properties). Water is drawn from the Hastings River to supply Port Macquarie, Wauchope and the Camden Haven areas. Council has two off-creek storage dams (total capacity 12,500ML). The water supply network comprises 36 service reservoirs (168ML), 19 pumping stations, 162ML/d delivery capacity into the distribution system, 124km of transfer and trunk mains and 695km of reticulation. 93% of water supplied is potable and 7% non-potable (4% recycled). The water supply is filtered (ultra-filtration) for the Wauchope area and unfiltered (chlorinated) for the Port Macquarie and Camden Haven areas. Three separate small village water supply systems operate to service Telegraph Point, Comboyne and Long Flat.*

***Performance:** Port Macquarie-Hastings Council achieved 100% implementation of the NSW Best Practice Management framework, however Council needs to finish preparing the 30-year IWCM Strategy, Financial Plan and Report in accordance with the July 2014 IWCM Checklist to maintain 100% BPM implementation. The 2016-17 typical residential bill was \$630 which was close to the statewide median of \$625. The economic real rate of return was 4.1% greater than the statewide median. The operating cost (OMA) per property was \$390 which was less than the statewide median of \$440. Water quality complaints were well above the statewide median of 3. Compliance was achieved for microbiological water quality (100% of the population, five of five zones compliant), chemical water quality and physical water quality. There were no failures of the chlorination system or the treatment system. Port Macquarie-Hastings Council reported no water supply public health incidents. Current replacement cost of system assets was \$598M (\$18,700 per assessment). Cash and investments were \$56.9M and revenue was \$39M (excluding capital works grants)”.*

#### Sewerage Performance Summary (2015-2016)

***“Sewerage System:** Port Macquarie-Hastings Council serves a population of 80,500 (28,230 connected properties), and has five sewage treatment works providing secondary and tertiary treatment. The system comprises 90,000 EP treatment capacity (Intermittent and Continuous Extended Aeration (Activated Sludge) and*

Biological Nutrient Removal), 157 pumping stations, 105km of rising mains and 599km of gravity trunk mains and reticulation. 4% of effluent was recycled and treated effluent is discharged to land, river and ocean.

Performance: Port Macquarie-Hastings Council achieved 100% implementation of the outcomes required by NSW Best Practice Management framework, however Council needs to finish preparing the 30-year IWCM Strategy, Financial Plan and Report in accordance with the July 2014 IWCM Checklist to maintain 100% BPM implementation. Residential growth for 2015-2016 was 2% which is higher than the statewide median. The 2016-2017 typical residential bill was \$804 which was above the statewide median of \$718. The economic real rate of return was 4.3% which was greater than the statewide median. The operating cost per property (OMA) was \$484 which was similar to the statewide median of \$470. Sewage odour complaints were above the statewide median of 0.9. Port Macquarie-Hastings Council reported two Category 2 (limited impact) environmental incidents and two Category 2 (limited impact) public health incidents. Four of five sewage treatment works were compliant at all times. Council complied with the requirements of the environmental regulator for effluent discharge. The current replacement cost of system assets was \$418M (\$14,100 per assessment), cash and investments were \$36M, and revenue was \$32.5M (excluding capital works grants)".

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

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

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

Overall, PMHC is considered one of the better performing Council water utilities, as has been the case now for a number of years. There are other indicators that are reviewed for each individual water utility. For the report, a total of 36 individual performance indicators are considered.

### Options

There are no options associated with this information report.



**Community Engagement & Internal Consultation**

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

**Planning & Policy Implications**

There are no planning and policy implications in relation to this report.

**Financial & Economic Implications**

Future operational plans will be generated taking into consideration areas identified within the 2015-16 Performance Monitoring Report.

**Attachments**

- 1[View](#). Figure 1: Typical Residential Bill (\$ per assessment) - Water & Sewerage 2016-17
- 2[View](#). Figure 7: Typical Developer Charges - Water Supply 2016-17
- 3[View](#). Figure 8: Typical Developer Charges - Sewerage 2016-17
- 4[View](#). Figure 11: Water Quality Complaints - Water Supply 2015-16
- 5[View](#). Figure 12: Total Complaints - Water Supply & Sewerage 2015-16
- 6[View](#). Figure 13: Main Breaks - Water Supply 2015-16
- 7[View](#). Figure 22: Sewer Main Breaks & Chokes - Sewerage 2015-16
- 8[View](#). Figure 29: Operating Cost (OMA) per property - Water Supply 2015-16
- 9[View](#). Figure 30: Operating Cost (OMA) per property - Sewerage 2015-16

# 2 Your Community Life

**What we are trying to achieve**

A healthy, inclusive and vibrant community.

**What the result will be**

We will have:

- Community hubs that provide access to services and social connections
- 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 we will get there**

- 2.1 Create a community that feels safe
- 2.2 Advocate for social inclusion and fairness
- 2.3 Provide quality programs, community facilities and public spaces, for example, community halls, parks and vibrant town centres
- 2.4 Empower the community through encouraging active involvement in projects, volunteering and events
- 2.5 Promote a creative and culturally rich community

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**Item: 10.01**

**Subject: LAND ACQUISITION - EXPANSION OF THE HOLLISDALE RURAL  
FIRE SERVICE**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

2.1.2 Advocate for, support and coordinate emergency services.

### **RECOMMENDATION**

#### **That Council:**

1. **Accept the donation of part Lot 1 DP1006795 more particularly described as Lot 11 in plan of acquisition DP1232850.**
2. **Pay the land conveyancing costs, if any, incurred by the owner of Lot 1 DP1006795 arising from the land donation.**
3. **Write to the owner of Lot 1 DP1006795 expressing appreciation for the land donation.**
4. **Pursuant to Section 34 of the Local Government Act 1993, commence the procedure to classify Lot 11 DP1232850 as operational land by placing on public exhibition the proposed resolution "It is intended to classify Lot 11 DP1232850 (Pappinbarra Road, Hollisdale) as operational land" from 28 July 2017 for a minimum period of 28 days.**
5. **Note a further report will be tabled at the September 2017 Ordinary Council meeting detailing any submissions received from the public during the exhibition period.**
6. **Delegate to the General Manager authority to sign:**
  - a) **Contract for the Sale of Land**
  - b) **Land Titles Office Transfer Form**
  - c) **Land Titles Office Purchaser Declaration Form**
  - d) **Letter to NSW Office of State Revenue seeking exemption from the payment of Stamp Duty**
  - e) **Survey plan of consolidation of Lot 11 DP1232850 with Lot 3 DP827075.**

### **Executive Summary**

The existing Hollisdale Rural Fire Shed occupies a parcel of Council owned land adjacent to the Community Hall on Pappinbarra Road at Hollisdale. The shape and dimensions of the existing land holding are no longer ideally suited to the activities of the Rural Fire Service.

The owner of the land to the western side of the Rural Fire Shed has offered to donate an area of land approximately 10 metres by 20 metres to facilitate the expansion of the Rural Fire Service.

This report considers the donation of the land.

**Discussion**

The Hollisdale Rural Fire Service shed is constructed on Council land being Lot 3 DP827075. The shape of the block is not ideally suited to the activities of the Service.

The owner of Lot 1 DP1006795 situated to the west of Lot 3 DP827075 has offered to donate an area of her land to Council for use by the Service. The donated land will enable the construction of additional storage for fire fighting appliances.

Council's Consulting Surveyor has prepared a plan of acquisition that depicts the area of land to be donated. The area of 195m<sup>2</sup> is shown as Lot 11 in plan of acquisition DP1232850. A copy of DP1232850 is attached.

Whilst the land comprised in Lot 11 DP1232850 is being donated, it remains necessary for the usual land acquisition and conveyancing procedures to be followed.

Following the acquisition by Council of Lot 11 DP1232850 it is intended to consolidate the acquired land with the existing land parcel occupied by the Hollisdale Rural Fire Service, Lot 3 DP827075, into a single allotment.

**Options**

Council has the option to either:

- a) Accept the land donation; or
- b) Not accept the land donation.

**Community Engagement & Internal Consultation**

There has been consultation with the landowner who has offered part of her land to Council.

There has been consultation between the Infrastructure Division and the Corporate Performance Division; and consultation with Council's Consulting Surveyor.

**Planning & Policy Implications**

There are no planning and policy implications in relation to this report.

**Financial & Economic Implications**

While Council is not required to pay compensation for the donation of the land, standard conveyancing practice remains to be followed to achieve the transfer of the land into Council ownership. Conveyancing costs, if any, incurred by the landowner should be paid by Council.

Funding has been made available to cover the conveyancing expenses and the survey expenses incurred to date and to be incurred in the preparation and registration of the plan of consolidation.



**Attachments**

1 [View](#). DP1232850 Hollisdale RFS - Plan of Land to be Acquired (Donated)

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**Item: 10.02**

**Subject: RECREATION ACTION PLAN UPDATE**

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

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### **Alignment with Delivery Program**

2.3.2 Provide a range of inclusive sporting and recreational opportunities and facilities to encourage a healthy and active lifestyle.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note progress achieved to date in implementing the Recreation Action Plan.**
- 2. Note the revised Recreation Action Plan as presented in the report.**
- 3. Receive an annual report outlining the status of Plan implementation and review outcomes and recommendations.**

### **Executive Summary**

The original Recreation Action Plan was developed using information from the Recreation Needs Study (produced by Ross Planning in 2014), as well as consultation with the community, land managers, government agencies and other organisations with an interest in sport and recreation.

The purpose of the Plan was to outline sport and recreation project priorities for future implementation. These were determined over a ten year annual program to ensure the current and future needs of sport and recreation in the Port Macquarie - Hastings were met. Many of the projects adopted on the Plan, up to 2016-2017, were completed or have commenced. Projects that remain outstanding have been integrated into an updated Plan.

The original Plan has been updated to: provide more effective flexibility in timing to enable better delivery of priority projects; reflect strategic projects identified within the 2017-2018 Operational Plan; connect and be consistent with the draft Open Space Contributions Plan (s94 Plan) currently under development, capture changes in Council priorities, and include actions arising from the completion of the Camden Haven and Hastings River Recreational Boating Needs Investigations.

### **Discussion**

A report was presented to the Ordinary Meeting held on 15 February 2017 and Council resolved:

**13.09 OPTIMISING UTILISATION OF PORT MACQUARIE SPORTS FIELDS**

**RESOLVED:** Turner/Cusato

*That Council:*

1. Note the information contained within the Optimising Utilisation of Port Macquarie Sports Fields Report.
2. Request the General Manager provide a report to the 19 July 2017 Ordinary Council Meeting to:
  - a) Report on progress against the adopted Recreation Action Plan 2015-2025.
  - b) Propose an updated implementation plan that incorporates additional priorities identified in the Optimising Utilisation of Port Macquarie Sports Fields report.
3. Consider an allocation in the development of the 2017-2018 Budget and Operational Plan to carry out priority works to be identified in the updated Recreation Action Plan 2015-2025.

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levado and  
Turner

AGAINST: Nil

This report is provided in response to Resolution 2a and 2b above. It will identify what has been achieved to date, and will provide an updated implementation plan that incorporates additional priorities that were identified in the Optimising Utilisation of Port Macquarie Sports Fields Report.

1. What has been achieved?

Presented in the table below is an outline of each project and its progress against the original Recreation Action Plan 2015-2025. In summary, all projects allocated to 2014-2015 are complete; of the projects allocated to 2015-2016, five (5) are complete, three (3) have commenced, and two (2) remain outstanding; of the projects allocated to 2016-2017, three are complete, one (1) has commenced, and three (3) remain outstanding. Comments are provided in the table, where necessary, to provide further information on each project.

Project	Year	Current Status	Comment
Implement volunteer parks maintenance workforce	2014/15	Complete	
Development of Googik Track (Stage 2)	2014/15	Complete	
Establish process for community led sport and	2014/15	Complete	<a href="http://www.pmhc.nsw.gov.au/Facilities-amp-Recreation/Outdoor-">http://www.pmhc.nsw.gov.au/Facilities-amp-Recreation/Outdoor-</a>

recreation improvement projects			<a href="#">Spaces/Sports-Fields/Sporting-Facility-Upgrade-application-form</a>
Develop web pages for sporting facilities	2014/15	Complete	<a href="http://www.pmhc.nsw.gov.au/Facilities-amp-Recreation/Outdoor-Spaces/Sports-Fields">http://www.pmhc.nsw.gov.au/Facilities-amp-Recreation/Outdoor-Spaces/Sports-Fields</a>
Delivery of Tacking Point Lighthouse Reserve Master Plan (Stage 4)	2014/15	Complete	
Permanent recruitment of Sport and Recreation Officer	2014/15	Complete	
Develop an e-newsletter for sport and recreation groups	2015/16	Complete	
Wauchope Pool Refurbishment (Stage 1)	2015/16	Complete	Delivery of Stage 2 scope of works has commenced
Develop and implement quarterly audit process for sport/recreational facilities	2015/16	Complete	
Town Beach Kiosk/Marine Rescue Facility upgrade	2015/16	Complete	
Develop a leash free dog exercise park at Henry Kendall Reserve	2015/16	Complete	
Wayne Richards Park, Port Macquarie – Construct Multipurpose Field (Stage 5)	2015/16	Commenced	Completion scheduled for July/August 2017.
Update Parks and Reserves User Policy to include sport facilities	2015/16	Commenced	Draft policy to be reported to Ordinary Council Meeting August 2017.
Rocks Ferry Reserve, Wauchope - installation of floating pontoon	2015/16	Commenced	Completion scheduled for December 2017.

Develop a user pays policy for sports fields	2015/16	Outstanding	Review of user pays models completed. Policy development not progressed.
Develop sports forums across the Local Government Area	2015/16	Outstanding	One forum held late 2015 and was well supported by sporting groups. Subsequent event was cancelled due to lack of interest. Staff continuing to engage with sporting groups to identify potential to reinstate a sports forum.
Camden Haven Recreational Boating Needs Study	2016/17	Complete	Report developed and adopted by Roads & Maritime Services
Hastings River, Port Macquarie – identify site and develop a Concept Plan for a new boating facility	2016/17	Complete	Report developed and adopted by Roads & Maritime Services
Expansion of Port Macquarie Indoor Stadium	2016/17	Complete	
Upgrade Town Green East, Port Macquarie	2016/17	Commenced	Completion scheduled for November 2017
Establish Sports Council	2016/17	Outstanding	Internal and external communication required to investigate feasibility of a Sports Council in this region.
Develop Area 14 (Lake Cathie/Bonny Hills) sports fields	2016/17	Outstanding	Detailed design responsibility of the developer; has been delayed pending Construction Certificate approval associated with adjacent infrastructure
Wayne Richards Park, Port Macquarie – Construct (Stage 3)	2016/17	Outstanding	Detailed design process yet to commence; Construction requires relocation of Port Macquarie Council Works Depot

2. The updated Plan:

An update Plan has been developed and is attached to this report. A change in approach was necessary to ensure better flexibility in timing for delivery of priority projects. The changes and updates will assist in ensuring that the Plan remains relevant for the current and future needs of sport and recreation in the Port Macquarie-Hastings.

The updated Plan provides more comprehensive information for the projects identified but does not identify all recreational related projects that Council will deliver across the life of the Plan. These include a significant number of asset renewals that are undertaken each year and are considered normal Council business (e.g. playground renewals at the end of useful life).

The updated Plan has been formulated to:

- Reflect a number of strategic projects identified within the Council adopted 2017-2018 Operational Plan.
- Be consistent with the draft section 94 Open Space Contributions Plan (s94 Plan) currently under development. It is possible that there will be changes made to the works program within the s94 Plan prior to adoption which may trigger further modifications to this Plan in the future.
- Capture changes in Council priorities including development of new sports fields at Wauchope optimising utilisation of sport fields in Port Macquarie.
- Include actions arising from the completion of the Camden Haven and Hastings River Recreational Boating Needs Investigations.

The updated Plan, seeking to move away from a rigid annual program, identifies three timelines for delivery of priority projects:

Immediate	2017-2018
Short term	2018-2019 to 2019-2020
Medium term	2020-2021 to 2024-2025

Note: Projects identified in 2017-2018 are either identified in the Operational Plan or are incomplete projects from the original Recreation Action Plan 2015-2025.

### **Options**

Council may choose to:

- Retain the initial Recreation Action Plan 2015-2015 without any amendments or updates.
- Adopt the updated Recreation Action Plan 2017-2025 with additional changes.
- Adopt as recommended.

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

Consultation occurred with the community, land managers, government agencies, Council staff, and other organisations with an interest in sport and recreation at the time of the implementation of the original Recreation Action Plan 2015-2015.



No further engagement was considered necessary given the nature of the updates to the plan.

**Planning & Policy Implications**

This revised Recreation Action Plan is aligned with the draft section 94 Open Space Contributions Plan which is to be considered by Council later this year.

The priority projects identified in the plan are aligned with other Council and State Government Strategic Planning documents including:

- *Camden Haven River Recreational Boating Needs Investigation 2017* (Roads and Maritime Services)
- *Hastings Regional Crown Reserve - Precinct A Plan of Management 2014* (Department of Primary Industries – Lands & Forestry)
- *Hastings River Recreational Boating Needs Investigation 2017* (Roads and Maritime Services)
- *Mid North Coast Regional Boating Plan 2015* (Transport for NSW)
- *Port Macquarie-Hastings Bike Plan 2015* (Port Macquarie – Hastings Council)
- *Port Macquarie-Hastings Recreation Needs Study 2015* (Port Macquarie – Hastings Council)
- *Stuart Park/Woods Street Sports Fields Master Plan 2014* (Port Macquarie – Hastings Council)
- *Wayne Richards Park Master Plan 2014* (Port Macquarie – Hastings Council)
- *Westport Park Plan of Management 2013* (Department of Primary Industries – Lands & Forestry)

**Financial & Economic Implications**

Projects identified within the revised Recreation Action Plan for delivery in 2017-2018 are included with the adopted 2017-2018 Operational Plan.

Projects identified for delivery from 2018-2019 onward are subject to budget endorsement through subsequent Operational Plan development.

The planning and delivery of high-quality recreational and sporting assets is expected to provide a positive economic impact for the Port Macquarie-Hastings LGA by contributing to the area being a great place to live.

**Attachments**

1 [View](#). Recreation Action Plan 2017-2025

# 3 Your Business and Industry

## What we are trying to achieve

A region that is a successful place that has vibrant, diversified and resilient regional economy that provides opportunities for people to live, learn, work, play and invest.

## What the result will be

We will have:

- A strong economy that fosters a culture supportive of business and ensures economic development of the region
- Townships, villages and business precincts that are vibrant commercial, cultural, tourism, recreational and/or community hubs
- A region that attracts investment to create jobs
- Partnerships that maximise economic return and create an efficient and effective business environment

## How we will get there

- 3.1 Embrace business and a stronger economy
- 3.2 Create vibrant and desirable places
- 3.3 Embrace opportunity and attract investment to support the wealth and growth of the community
- 3.4 Partner for success with key stakeholders in business, industry, government, education and the community



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**Item: 11.01**

**Subject: SALE OF CLOSED ROAD - PART BONSER LANE AT LAURIETON**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

3.1.1 Assist the growth of local business and industry, ensuring this is a central consideration of Council activities.

### **RECOMMENDATION**

**That Council:**

- 1. Accept the amount of \$315,000 (exclusive of GST) for the sale of Lot 1 DP1132421.**
- 2. Delegate to the General Manager authority to sign the Contract for Sale with Etoska Pty Limited.**

### **Executive Summary**

Council has previously resolved to proceed with the closure of part of Bonser Lane at Laurieton and sell the land comprising the closed lane to the adjoining landowner. The sale of the land is integral to the expansion of the adjoining shopping centre owned by Etoska Pty Limited.

While the lane ceased to hold the status of a public road some years ago, the adjoining owner is now in a position to proceed with the development of the adjoining shopping centre. This report advises Council of the recently assessed value of the land comprising the former lane and provides authority for the General Manager to sign the Contract for Sale.

### **Discussion**

Council at its meeting of 6 November 2006 considered a request to close part of Bonser Lane south of Tunis Street at Laurieton and resolved as below. The November 2006 Council report and plans of the lane sought for closure are attached.

*ITEM NO: 13*

*SUBJECT: PROPOSED ROAD CLOSURE, FORMED LANEWAY OFF TUNIS STREET AT LAURIETON*

*Resolved: (Johnston/Prussing)*

- 1. That application be made to the Department of Lands for the closure of the Council public laneway on the western side of Tunis Street between Lord Street and Bold Street at Laurieton.*
- 2. That the Department of Lands be requested to vest the land comprising the closed road in Council as 'operational' land.*
- 3. That the Common Seal of Council be affixed to:*
  - (a) Land Titles Office Request for issue of certificate of title.*
  - (b) Land Titles Office Transfer form.*

Following Council's November 2006 resolutions, an application to close the lane was lodged with the then Department of Lands. The application was successful and a Notice of Road Closure was published in the NSW Government Gazette on 13 March 2009. Since 13 March 2009, Lot 1 DP1132421, being the land comprising the former lane, has been classified as operational land and has been available for sale.

The road closing applicant, Etoska Pty Limited has not, until recently, been in a position to expand the adjoining shopping centre and has thus deferred the purchase of the land in the former Bonser Lane from Council. Etoska Pty Limited now wishes to complete the purchase of the land in the closed lane.

Earlier in 2017, Council's Consulting Valuer assessed the market value of Lot 1 DP1132421 in the amount of \$315,000 (exclusive of GST). Etoska Pty Limited has now provided their written agreement of this amount and accordingly the matter is reported to Council for consideration.

### **Options**

There is the option to either:

- a) Agree to the amount assessed by Council's Consulting Valuer; or
- b) Set another amount as the value of the land comprising the closed road.

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

There has been consultation with Council's Consulting Valuer and the road closing applicant, Etoska Pty Limited.

### **Planning & Policy Implications**

There are no planning and policy implications in relation to this report.

**Financial & Economic Implications**

Council's Consulting Valuer has assessed the value of the land comprised within the closed lane at \$315,000 (exclusive of GST). The road closing applicant, Etoska Pty Limited has provided its written agreement to this amount and has paid the valuation fee charged by Council's Consulting Valuer.

There are no outstanding fees or charges to be paid by the Applicant as specified in Council's standard road closing application form.

Under the provisions of the Roads Act 1993, the net funds received by a Council for the sale of a closed road are to be spent either on road maintenance or the acquisition of land for road purposes.

**Attachments**

1[View](#). Council Report of 6 November 2006

2[View](#). Extent of Laneway Closure

3[View](#). Registered DP1132421

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**Item: 11.02**

**Subject: INQUIRY INTO THE AUSTRALIAN GOVERNMENT'S ROLE IN THE DEVELOPMENT OF CITIES**

**Presented by: Strategy and Growth, Jeffery Sharp**

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### **Alignment with Delivery Program**

3.4.3 Encourage innovation that will support our growth as a regional city including smart community technology.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the inquiry by the House of Representatives Standing Committee on Infrastructure, Transport and Cities into the Australian Government's role in the development of cities.**
- 2. Delegate Authority to the General Manager, in consultation with the Deputy Mayor, to respond to the Inquiry on behalf of Council.**

### **Executive Summary**

Council has an opportunity to provide a formal submission to the Committee on Infrastructure, Transport and Cities, as part of their current inquiry into the Australian Government's role in the development of cities. A key component of this inquiry is how to develop new and existing regional centres.

### **Discussion**

The Committee on Infrastructure, Transport and Cities announced on 5 June 2017 that it has commenced a new inquiry into the Australian Government's role in the development of cities. The inquiry will examine city planning and sustainable urban development, focusing on how to transition existing cities, and how to develop new and existing regional centres (refer attachments for the Inquiry Terms of Reference). The deadline for submissions to the inquiry is 31 July 2017.

Under the NSW Government's North Coast Regional Plan 2036, which serves as a 20-year blueprint for the future of the NSW North Coast, Port Macquarie is designated with regional city status.

Council has an opportunity to formally respond to the inquiry, particularly in relation to the following strategic areas:

1. The importance of attracting investment in regional areas, to enhance liveability and jobs growth;
2. The importance of our diverse economic base as a means to attract investment;
3. The competitive advantages of doing business in a regional centre such as ours;

4. The importance of the Port Macquarie airport business precinct as a regional economic enabler, potentially supporting industry clustering;
5. The need for funding to enable coordinated planning and construction of major regional transport linkages and other infrastructure, particularly to support key economic centres such as the health, education and airport precincts;
6. The importance of attracting State and Federal agencies to invest in and support employment in regional areas;
7. The need for clean energy developments to power regional cities in the long term; and
8. The role of smart cities in a regional context.

**Options**

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

**Community Engagement & Internal Consultation**

Internal consultation has been undertaken with the following:

- General Manager
- Director Strategy & Growth
- Group Manager Economic Development & Communications
- Group Manager Strategic Land Use Planning
- Group Manager Assets & Property Investment.

The inquiry is open to the public. Staff have not undertaken community engagement relating to this inquiry but will respond in accordance with established Council strategic priorities.

**Planning & Policy Implications**

There are no Council specific planning and policy implications in relation to this report, noting that any recommendations adopted by the Government in response to this inquiry may have a future impact on Council planning and policy.

**Financial & Economic Implications**

There are no Council specific financial and economic implications in relation to this report, noting that any recommendations adopted by the Government in response to this inquiry may have a future financial or economic impact on Council.

**Attachments**

- 1 [View](#). Media Release - A place for everyone - the future of Australia's cities



# 4 Your Natural and Built Environment

## What we are trying to achieve

A connected, sustainable, accessible community and environment that is protected now and into the future.

## What the result will be

We will have:

- Effective management and maintenance of essential water, waste and sewer infrastructure
- A community that is prepared for natural events and climate change
- Sustainable and environmentally sensitive development outcomes that consider the impact on the natural environment
- Accessible transport network for our communities
- Infrastructure provision and maintenance that meets community expectations and needs
- Well planned communities that are linked to encourage and manage growth
- Accessible and protected waterways, foreshores, beaches and bushlands
- An environment that is protected and conserved for future generations
- Renewable energy options that are understood and accessible by the community

## How we will get there

- 4.1 Provide (appropriate) infrastructure and services including water cycle management, waste management, and sewer management
- 4.2 Aim to minimise the impact of natural events and climate change, for example, floods, bushfires and coastal erosion
- 4.3 Facilitate development that is compatible with the natural and built environment
- 4.4 Plan for integrated transport systems that help people get around and link our communities
- 4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area
- 4.6 Restore and protect natural areas
- 4.7 Provide leadership in the development of renewable energy opportunities
- 4.8 Increase awareness of issues affecting our environment, including the preservation of flora and fauna



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**Item: 12.01****Subject: ACQUISITION OF AN EASEMENT ON BEHALF OF ESSENTIAL  
ENERGY - BULLI CREEK BRIDGE REPLACEMENT****Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

4.4.2 Develop and implement annual maintenance and renewal programs for transport assets.

**RECOMMENDATION****That Council:**

- 1. Pay compensation in the amount of \$20,000 (GST exclusive) to the owners of Lot 42 DP754453 and Lot 2 DP1064167, CA & LE Cook, for the acquisition of an easement 25 metres wide and variable for overhead electricity as depicted 'E' on the plan CW112687 Sheet 30F dated 20/4/2017.**
- 2. Pay the legal costs incurred by the owners of Lot 42 DP754453 and Lot 2 DP1064167, CA & LE Cook.**

**Executive Summary**

Grant funding has been provided to Council for the upgrade or replacement of a number of timber road bridges located throughout the local government area. The bridge spanning Bulli Creek on the Comboyne Road at Byabarra is one bridge subject to the grant funding and is to be replaced.

The bridge replacement will require the relocation of overhead high voltage electrical cables onto the adjoining private property. As such, Essential Energy as the owners of the electrical infrastructure (the poles and wires) require an easement to be created to their benefit to ensure future ongoing access for maintenance. As a Council initiated project, Essential Energy require Council to negotiate the acquisition of the easement and meet the associated costs such as design, survey and payment of compensation to the affected landowners.

Agreement as to compensation payable to the adjoining owners has now been reached and is reported to Council in order to meet the time critical milestone for the grant funding.

**Discussion**

In July 2015 and December 2015, Council submitted applications under the Federal Government's Bridge Renewal Programme and the State Government's Fixing Country Roads Programme respectively. Council was successful in receiving 50/50 shared funding under each programme for the replacement of the existing timber bridge over Bulli Creek for a total value of \$1.6 million.

The need for this project has been determined by the combination of the Level 3 bridge condition assessments and the regional significance of Comboyne Road. The bridge has reached the end of its serviceable design life and requires replacement. The justification for the project is based on the threat to public safety, the present continued risk with the 'do nothing' option and the ongoing high maintenance costs.

Design of the replacement bridge will require the relocation of overhead high voltage electrical cables onto the adjoining private properties; Lot 42 DP754453 and Lot 2 DP1064167. These properties are held in the single ownership of CA & LE Cook. As the overhead lines conduct 33,000 Volts, the Essential Energy requirement is for an easement 25 metres wide. The location of the easement to be acquired is depicted as 'E' on the plan CW112687 Sheet 30F dated 20/4/2017. A copy of this plan is attached.

Compensation is payable to the owners of Lot 42 DP754453 and Lot 2 DP1064167 for the acquisition of the easement. The amount of compensation has been negotiated and agreement reached. The matter is now reported to Council for approval. On approval, the landowners will sign the requisite Essential Energy documentation which will allow for the relocation of the powerlines to proceed. Without the signed documentation, Essential Energy are unable to commence work. Completion of the signed paperwork will also satisfy the time critical milestone imposed for the receipt of the grant funding and will allow for the easement to be formally surveyed with a suitable easement creation plan being lodged and registered by the Land Titles Office.

### **Options**

There is the option to:

- a) Pay the negotiated compensation; or
- b) Pay compensation in another amount, although this option will jeopardise the receipt of the grant funds thus not allowing the bridge replacement to proceed.

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

There has been engagement with Essential Energy, the owners of Lot 42 DP754453 and Lot 2 DP1064167 and their solicitor.

There has been consultation between the Infrastructure Division and the Corporate Performance Division; and consultation with Council's Consulting Valuer and Council's solicitor.

### **Planning & Policy Implications**

There are no planning and policy implications in relation to this report.



**Financial & Economic Implications**

The condition assessment of the Bulli Creek Bridge highlighted that any repairs of a satisfactory standard would have to be extensive and therefore replacement actually offers better value for money. Grant funding has been secured to provide for the replacement of the bridge and to meet the costs of the project including design, survey and easement acquisition.

The acquisition of an easement on private property provides a right to the payment of compensation to the landowners. Additionally, Council is required to meet the 'out of pocket' expenses incurred by the landowner. In this instance, these will be costs charged by the landowner's solicitor.

Council's Consulting Valuer was engaged to assess compensation for the acquisition of the easement pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. The assessment formed the basis of an offer to the landowners. Subsequent to the offer, negotiations through Council's solicitor and the landowner's solicitor have occurred with agreement, subject to formal Council approval, having been reached on 3 July 2017.

Approval of the negotiated amount of \$20,000 (GST Exclusive) enables the grant funding to be secured and the bridge replacement to proceed.

**Attachments**

1 [View](#). Plan Depicting Location of Easement to be Acquired

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**Item: 12.02**

**Subject: COMBOYNE VILLAGE SEWERAGE SCHEME - ACQUISITION OF AN EASEMENT TO DRAIN SEWAGE**

**Presented by: Corporate Performance, Rebecca Olsen**

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### **Alignment with Delivery Program**

4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region.

### **RECOMMENDATION**

**That Council:**

- 1. Pay compensation in the amount of \$12,000 (GST exclusive) to the owner of Lot 1 DP1073321, E E Latimore, for the acquisition of an easement to drain sewage 3 metres wide depicted (A) in the plan prepared by Surveyor Mark Rogers reference 17204DP01.**
- 2. Delegate authority to the General Manager to sign the Deed of Acquisition.**

### **Executive Summary**

Council has been successful in securing State Government funding to allow for the provision of a reticulated sewerage scheme in Comboyne, Long Flat and Telegraph Point. To enable the rollout of the scheme, the acquisition of land and easements is required.

At Comboyne, an easement to drain sewage by a gravity main will be required from two properties. Negotiations in regard to compensation with one property owner have concluded while negotiations with the second owner are ongoing.

The negotiated agreement is reported to Council for approval and to allow for the acquisition of the easement to progress.

### **Discussion**

At Comboyne, an easement to drain sewage is required from two properties, Lot 1 DP1073321 and Lot 2 DP860838. Negotiations in regard to compensation for the acquisition of the easement have concluded with the owner of Lot 1 DP1073321 and the outcome of those negotiations is reported to Council to allow for the payment of the negotiated compensation. Negotiations with the owner of Lot 2 DP860838 are ongoing and will be reported to Council once finalised.

The location of the easement to drain sewage as it affects Lot 1 DP1073321 is highlighted on the attached plan. While the easement burdens only Lot 1 DP1073321, the location of the easement within Lot 1 DP1073321 is such that it allows for the connection of 32 properties and as such, the acquisition of this

easement is crucial to the success of the Comboyne Sewerage Scheme. The easement to be acquired is three metres wide.

**Options**

There is the option to either:

- a) Pay compensation in the agreed amount; or
- b) Pay compensation in another amount to be determined.

**Community Engagement & Internal Consultation**

There has been consultation with the Comboyne community in regard to the provision of sewerage in the area. There has been consultation with the owner of Lot 1 DP1073321, E E Latimore, in regard to the compensation that is payable.

There has been consultation with Council's Consulting Surveyor and Council's Consulting Valuer.

Internal consultation has occurred between the Infrastructure Division and the Corporate Performance Division.

**Planning & Policy Implications**

There are no planning and policy implications in relation to this report.

**Financial & Economic Implications**

The acquisition of the easement entitles the owner of Lot 1 DP1073321, E E Latimore, to the payment of compensation.

Compensation has been assessed by Council's Consulting Valuer and an offer made to the landowner. Negotiations have subsequently taken place and agreement in the amount of \$12,000 (GST exclusive) for the acquisition of the easement has now been reached.

There is funding available to meet the negotiated compensation amount (2017-18 OP Action ref. 4.1.3.3 CW).

**Attachments**

- 1 [View](#). Plan showing location of easement to be acquired Lot 1 DP1073321

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Item: 12.03

Subject: DA2017 - 307 - STAGED ALTERATIONS TO CARAVAN PARK AND  
CONSTRUCTION OF ANCILLARY RECREATION FACILITY  
(OUTDOOR) - MUNSTER STREET, PORT MACQUARIE

Report Author: Matt Rogers

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Applicant: Love Project Management  
Owner: Australian Tourist Park Management  
Estimated Cost: \$650K  
Parcel no: 14241

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

**That DA2017 - 307 for staged alterations to caravan park and construction of ancillary recreation facility (outdoor) at Lot 655, DP 45849, Munster Street, Port Macquarie, be determined by Council.**

#### Executive Summary

This report considers a development application for staged alterations to caravan park and construction of ancillary recreation facility (outdoor) 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, twelve (12) submissions have been received.

This matter was reported to Council's Development Assessment Panel on 14 June 2017. The report recommended that the development be approved subject to conditions. The Panel was unable to reach consensus

For = Dan Croft and David Troemel

Against = Paul Drake

*For - That DA2017 - 307 for staged alterations to caravan park and construction of ancillary recreation facility (outdoor) at Lot 655, DP 45849, Munster Street, Port Macquarie, be determined by granting consent subject to the recommended conditions as amended below:*

- *Amend condition A(5) to read: 'No work shall commence, with the exception of the installation of the pump track, until a Construction Certificate has been issued and the applicant has notified Council of:*

- a. the appointment of a Principal Certifying Authority; and
- b. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.'

- Amend condition C(1) to read: 'With the exception of the pump track, each stage shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.'
- Amend condition C(3) to read: 'Barrier fencing between the roadway and recreational facility is to be installed before commencement of use of each component of the recreational facility.'
- Amend condition D(2) to read: 'Hours of operation of the development are restricted to the following hours daily:  
8am to 8pm during eastern daylight savings time and 8am to 6pm outside daylight savings time.  
A sign is to be erected on the fence surrounding the new playground to reflect these restricted times of use and the play area shall not be illuminated.'
- Additional condition in section D of the consent to read: 'An on-site manager is to be available on site at all times to manage usage of the recreational facility components and appropriately manage any noise complaints.'
- Additional condition in section D of the consent to read: 'No audio devices, bells, or whistles are to be fitted to the water play equipment.'
- Additional condition in section D of the consent to read: 'Use of the recreational facility and play equipment is to be restricted to use by overnight guests of the caravan park.'
- Additional condition in section D of the consent to read: "Development consent is required for any new or replacement play equipment unless it is classified as exempt under State Environmental planning Policy (Exempt and Complying Development Codes) 2008.'

Against - That DA2017 - 307 for staged alterations to caravan park and construction of ancillary recreation facility (outdoor) at Lot 655, DP 45849, Munster Street, Port Macquarie, be determined by refusing consent for the following reason:

1. The applicant has failed to demonstrate that the proposal will not have an adverse acoustic impact on nearby residential receivers. It is considered that the intensity of the development is not ancillary to the caravan park and the use is not suitable for the site."

Since the DAP meeting, the Applicant has submitted information from a specialist consulting acoustic engineering firm Palmer Acoustics relating to the potential noise impacts of the proposed development. The additional information received is attached to this report for consideration. An assessment of this information has been carried out by staff and the following is noted:

- The report consists of a desktop assessment of potential noise and impacts on nearby sensitive receivers. The report indicates that expected noise levels (not predicted noise levels) will generally conform to the Industrial Noise Policy requirements and if so, the noise won't constitute offensive noise as defined by the Protection of the Environment Operations Act.



- Based on studies from similar water play parks they expect noise emission levels from the proposed water park on nearby sensitive receivers will be in the order of 50-52 LAeq.
- The report indicates that:
  - **Mechanical plant** noise can be controlled by location away from sensitive receivers and the installation of sound enclosures;
  - **Pool water noise:**
    - impact damping of all metal-to-metal contact points required
    - Water to fall on rigid surfaces only
  - **General water noise:** the consultant has concluded that the local area is already subject to water noise from the nearby surf and watercraft on the river and the restriction of water park noise to comply with the INP will mean any noise generated can't be considered offensive noise (as defined in POEO);
  - **Child play noise:** the report indicates that the area is already subject to child play noise from pools at apartment blocks and the caravan park and upon consideration that the caravan park pool has been there >10 years the consultant has indicated that any water park noise can't be considered 'harmful' to nearby residents.
    - The consultant has cited the AAAC child care centre guideline with respect to intrusive noise in that noise from the water park should be not be greater than 5 decibels above background noise level.
    - Based on the area/location they expect the background noise level to be in the order of 45dB(A) and therefore the restricted noise level for the proposed water park should be 50dB(A) for play during the day or 55dB(A) for shorter play durations during the evenings (ie <2hours duration).

At the time of the writing this report, the modular pump track component of the development was partially constructed. The intent of the application is to build the pump track as it is classed as exempt development (as playground equipment permitted) under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## 1. BACKGROUND

### Existing sites features and Surrounding development

The site has an area of 8.214 hectares.

The area of the proposed works is level and has a long history of use as part of the caravan and camping operations on this land.

There are four existing amenities buildings which contain the showers, toilets and laundry facilities on site. A recent development consent will result in the upgrade of these facilities via the staged replacement of the buildings with new modular units.

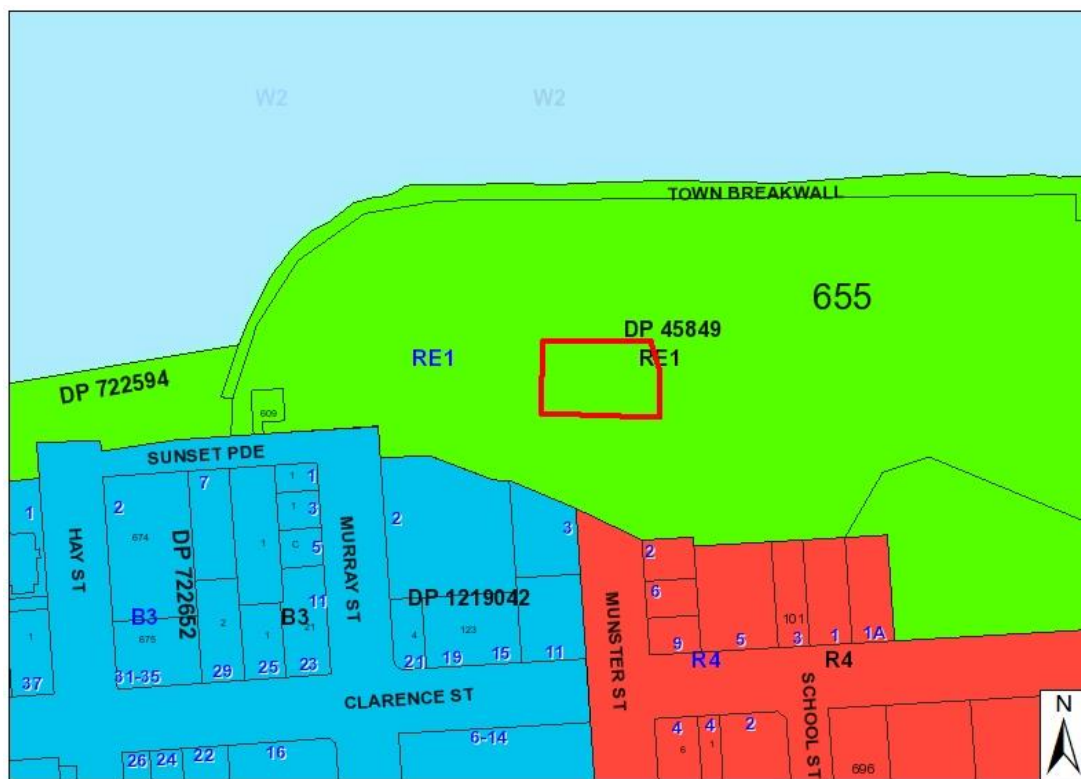
The subject land also contains a reception / office building accessed via Munster Street. There is an existing children's playground and large inground pool for guests, as well as camp kitchen areas and facilities.

The property boundary includes a variety of security fencing. These fences range from low wooden fences, to security fencing along parts of the Breakwall boundary, as well as some temporary security fencing remaining along the southern boundary.

A recent development approval will provide for a single security fence along the eastern boundary and part of the southern property boundary.

The site of the proposed Water Park and Bicycle Pump Track contains existing cabin sites which will be relocated, as well as part of the internal road network which will be removed.

The site is 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:



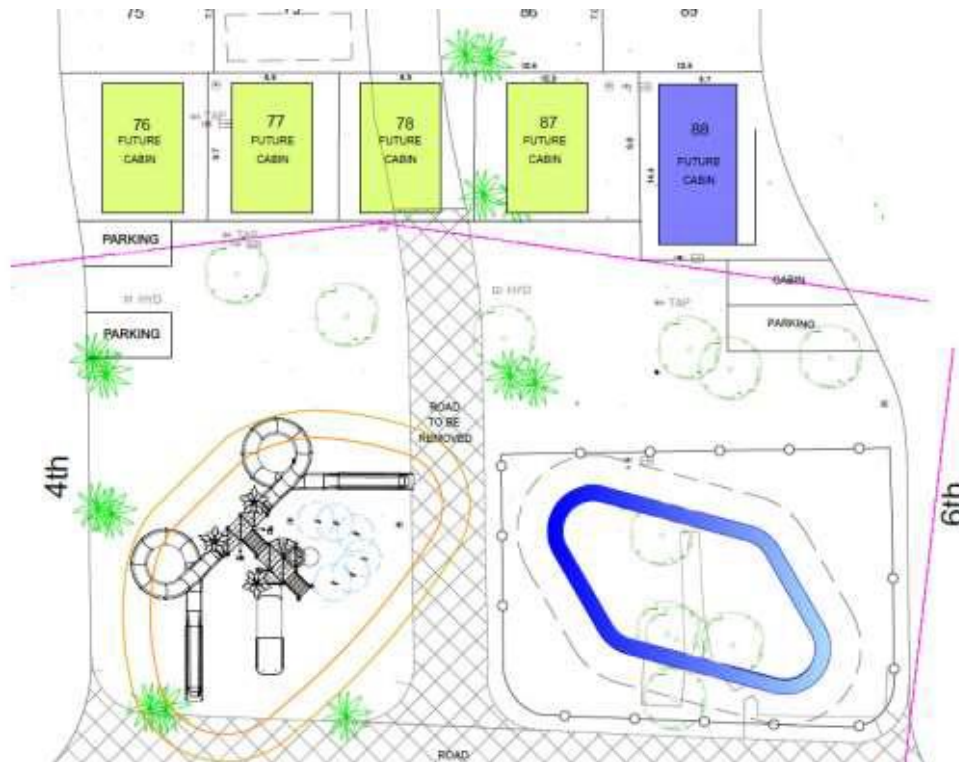


## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal (as amended) include the following:

- The proposal is to construct a Recreational Facility (outdoor) which will consist of a Water Park, Bicycle Pump Track, and shaded play areas. The proposal also includes changes to the layout of the existing approved sites within this block of the caravan park, and removal of part of an existing road (5th Avenue). The development will be staged such that the Recreational Facility will be installed as stage one, and the establishment of the relocated cabins will be stage two.





Refer to attachments at the end of this report.

### **Application Chronology**

- 13 April 2017 - DA lodged with Council
- 4 to 17 May 2017 - neighbour notification of the proposal
- 8 May 2017 - Applicant provided with updated to processing application
- 22 May 2017 - Additional information requested from Applicant - response to submission issues, building height and operational matters
- 23 May 2017 - Amended plans received from Applicant
- 30 May 2017 - Additional information received from Applicant to respond to submissions issues.
- 14 June 2017 - DA considered by Council's Development Assessment Panel.
- 5 July 2017 - Specialist acoustic assessment report received from Palmer Acoustics

### **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:

The provisions (where applicable) of:

**(a)(i) Any environmental planning instrument**

**State Environmental Planning Policy No.21 - Caravan Parks**

This proposal does not include any additional sites within the Park and thus the provisions of SEPP 21 are not relevant to this proposal. All alterations proposed can comply with the Local Government Caravan Parks Regulations. The park is required to be operated in accordance with the applicable regulations and as part of a Section 68 to operate (separate to this DA).

A condition is recommended to reinforce this requirement as per the SEPP requirements.

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

With reference to clauses 6 and 7, the subject land is greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

The application has demonstrated that no habitat will be removed or modified therefore no further investigations are required.

**State Environmental Planning Policy No.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 No. 62 – Sustainable Aquaculture**

Given the nature of the proposed development, the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

**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 noting clause 4 of the SEPP.

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

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

- a) any restricted access (or opportunities for access) to the foreshore
- b) any adverse amenity impacts along the foreshore and on the scenic qualities of the coast;
- c) any adverse impacts on flora and fauna;
- d) the development being subject to any adverse coastal processes or hazards;
- e) any significant conflict between water and land based users of the area;
- f) any adverse impacts on any items of archaeological/heritage;

- g) reduction in the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts on the environment;
- i) a form of development that is unsustainable in water and energy demands

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

### **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 recreation facility (outdoor) and alterations to caravan park 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 is considered to be a compatible landuse within the existing tourist park.
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.3, the maximum overall height of the water play structure which is termed a building above ground level (existing) is 5.54m which complies with the standard height limit of 8.5m applying to the site.
- Clause 5.9 - no listed trees in Development Control Plan 2013 are proposed to be removed.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1, the site is mapped as potentially containing class 3 acid sulfate soils. The proposed development includes works which will unlikely to excavate below 1m below the ground surface. Therefore no adverse impacts are expected to occur to the acid sulphate soils found on site.
- Clause 7.3, the site is land within a mapped “flood planning area” (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard) In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy 2015, the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):
  - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;

- The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
- The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;
- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
- The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply and suitable road access to service the development.

**(a)(ii) Any proposed instrument that is or has been placed on exhibition**

No draft instruments apply to the site.

**(a)(iii) Any DCP in force****Port Macquarie-Hastings Development Control Plan 2013:**

The proposal does not contravene any of the applicable development provisions of this DCP. The amenities do not generate any reconsideration of parking provision requirements for the use of the site.

There is no change to number of sites.

**(a)(iii)(a) Any planning agreement or draft planning agreement**

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

**(a)(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. (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 – Clause 92**

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

**(a)(v) Any Coastal Zone Management Plan**

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 and the social and economic impacts in the locality**

**Context and setting**

The site for the proposal is the existing Sundowner Breakwall Tourist Park. The additional structures are all sited well within the property boundaries and will have minimal visual impact in the locality. It is considered the proposal is consistent with the existing context and setting.

The proposal will be unlikely to have any adverse impacts to existing adjoining properties or the public domain.

The proposal adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

**Traffic and Transport**

The proposal is not anticipated to generate additional traffic generation as the facilities will be for patrons who book to stay in the Park only.

**Water Supply Connection**

Detailed plans will be required to be submitted for assessment with the S.68 application.

Refer to relevant conditions of consent.

**Stormwater**

No adverse impacts anticipated.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

**Other land resources**

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

**Water cycle**

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

**Soils**

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity.

**Air and microclimate**

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

**Flora 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. 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. Standard precautionary site management condition recommended.

**Energy**

No adverse impacts anticipated.

**Noise and vibration**

The site is zoned for recreation purposes and is currently occupied by an existing caravan park and includes a large swimming pool in close proximity to the additional facilities.

It is noted that the nearest residential buildings are located approximately 55m to the south from the proposed facilities. It is anticipated that the existing swimming pool use in the same general location would generate some day time use noise in summer and is restricted to not be used after dusk (sign attached to swimming pool fence).

The use of any playground equipment may at times involve noise from children's play, as well as the chatter of adults. The application makes reference to this noise and the means to regulate this by limiting the hours of use of the Water Park. The Water Park will be in operation from 8am until dusk. The pump track is for push bike use and is a modular, fibreglass material which is not designed to generate noise.

The Applicant has advised that any noise disturbance arising from the Park guests is managed by the onsite staff and security operations regardless of the facilities on the site. Therefore, whether the guests are utilising the outdoor bbq areas, the swing set or walking around the Park during the evening hours, there are still controls on noise generation which are enforced by the Park Managers. These facilities will be unlikely to alter the ongoing management of the amenity of the Park both for other guests and the nearby residents.

A condition is recommended to reinforce the hours of operation.

It is also recommended that a condition be imposed on the development consent to prevent generation of 'offensive noise' as defined under the Protection of Environment Operations Act 1997.

No adverse impacts anticipated with regard to construction noise which can be readily managed. A condition is recommended to restrict construction to standard construction hours.

Refer also comments on additional information received in the Executive Summary post this matter being reported to Council's Development Assessment Panel.

**Bushfire**

The site is not identified as being bushfire prone.

**Safety, security and crime prevention**

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

**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. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

**Site design and internal design**

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

**Construction**

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

**Cumulative impacts**

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

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

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

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

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

Twelve (12) 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
Noise disturbance and hours of use	<p>The Applicant has provided the following response to the submission issues raised:</p> <p><i>The use of any playground equipment may at times involve noise from children's laughter and delight, as well as the chatter of adults. The application makes reference to this noise and the means to regulate this to limited hours of use of the WaterPark. The WaterPark will be in operation from 8am until dusk. The pump track is for push bike use and is a modular, fibreglass material which is not designed to generate noise. In the same manner that the guests of the park may ride their pushbikes without time restriction, the pump track will be available for use. However, any noise disturbance arising from the Park guests is managed by the onsite staff and security operations regardless of the facilities on the site. Therefore, whether the guests are utilising the outdoor bbq areas, the swing set or walking around the Park during the evening hours, there are still controls on noise generation which are enforced by the Park Managers. Therefore, these facilities will not alter the ongoing management of the amenity of the Park both for other guests and the nearby residents.</i></p> <p>This response is considered acceptable and it is considered that refusal of the application on noise grounds cannot be justified.</p> <p>It is recommended that a condition be imposed on the development consent to not prevent generation of 'offensive noise' as defined under the Protection of Environment Operations Act 1997 and a condition to reinforce the restriction as to times of use.</p>
Unrestricted consent	<p>The Applicant has provided the following response to the submission issues raised:</p> <p><i>The installation of playground equipment may be undertaken as exempt development. Therefore, there are some upgrade works that may be undertaken without further Council approval. The application acknowledges that these state planning controls are in place.</i></p> <p>This is technically correct. It is also noted that the maximum height of the structure and footprint would need to be maintained should the structure be modified. This response is considered acceptable and justified to not warrant recommending refusal of the application.</p>



Unlimited public access	<p>The Applicant has provided the following response to the submission issues raised:</p> <p><i>The facilities are installed for guest use and not for general public access. The Park Management have advised that a system involving the use of wrist bands will be implemented to limit access to the WaterPark. It is of course, in the interests of the Park Managers to ensure the facility is for the guests of the Park. Therefore, the proposed works will not increase the number of guests in the Park.</i></p> <p>This response is considered acceptable. The site is also zoned for recreation use.</p>
Location in the park	<p>The Applicant has provided the following response to the submission issues raised:</p> <p><i>The suggestion that the Water Park could be located towards the eastern end of the Park near the skate park would result in a lower level of management of the facility. The administration areas of the Park are adjoining the existing swimming pool and covered bbq area, and the location of the WaterPark will provide an extension of this recreation precinct. The administration area will overlook the recreation precinct and enable ongoing management of the facility and provide for immediate responses to any problems that may arise. Locating the Water Park closer to the skate park may make the facility more prone to non guest access or evening access as that end of the Park is not as readily monitored by staff.</i></p> <p>This response is considered acceptable.</p>
Safety	<p>The Applicant has provided the following response to the submission issues raised:</p> <p><i>The proposal has specifically created a recreational precinct within the Park and closed off vehicle movements between the existing pool / administration area and the proposed Water Park. The design has created a safe, vehicle free area. The Park has a speed limit and management controls to ensure vehicles moves slowly within the Park environment. All such parks are a mix of pedestrian, cyclist and vehicle / caravan movements and thus, speed limits are controlled. By providing a recreational precinct, the managers of this Park have taken steps to improve the safety of their park guests.</i></p> <p>This response is considered acceptable.</p>

Visual impact	<p>The Applicant has provided the following response to the submission issues raised:</p> <p><i>The plans for the proposed WaterPark have been amended to address concerns raised. The amended plans provide for a maximum height of 5.54 metres. This is a significant reduction in the overall height of the play equipment. It should also be noted that this is the highest point on the equipment, and the majority is well below this level. The 3D images provided show the colours of the play equipment.</i></p> <p>Given the low nature of the site relative to the broader surrounding topography rising up from the site to the south, separation from boundaries and compliance with the building height limits for the site no adverse visual impacts can be identified to not warrant recommending refusal of the application.</p>
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**(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 under Section 94A 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](#). DA2017 - 307.1 Plans.pdf
- 2 [View](#). DA2017 - 307.1 Acoustic Study
- 3 [View](#). DA2017 - 307.1 Recommended Conditions
- 4 [View](#). DA2017 - 307.1 Submission - Chantrill
- 5 [View](#). DA2017 - 307.1 Submission - Cooper
- 6 [View](#). DA2017 - 307.1 Submission - Cooper for Strata Committee

- 7 [View](#). DA2017 - 307.1 Submission - Gordon
- 8 [View](#). DA2017 - 307.1 Submission - Hobday
- 9 [View](#). DA2017 - 307.1 Submission - Leonard
- 10 [View](#). DA2017 - 307.1 Submission - Muller
- 11 [View](#). DA2017 - 307.1 Submission - Murphy
- 12 [View](#). DA2017 - 307.1 Submission - Richards & Newman
- 13 [View](#). DA2017 - 307.1 Submission - Robertson & Green
- 14 [View](#). DA2017 - 307.1 Submission - Strata Professionals for Owners
- 15 [View](#). DA2017 - 307.1 Submission - Thompson

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**Item: 12.04****Subject: QUESTION FROM PREVIOUS MEETING - SINGLE USE PLASTIC BAGS****Presented by: Development and Environment, Matt Rogers**

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**RECOMMENDATION****That Council:**

- 1. Write to the Local Member for Port Macquarie and Local Member for Oxley requesting the introduction of legislation that would ban the use of single use plastic bags.**
- 2. Does not distribute single use plastic bags as part of its operations.**
- 3. Incorporate content on the reduction of single use plastic bags into its ongoing waste education programs.**

**Question from Councillor Turner:**

Can the General Manager provide information as to how Council can assist in reducing the use of single use plastic bags in the community?

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

Nil.

**Response**

The recent discussion about plastic bag bans relates specifically to single use plastic bags, which are being, or have been, banned in South Australia, Tasmania, the ACT, the Northern Territory and in some localised townships in other states. These are generally single-use, lightweight polyethylene polymer plastic bags that are less than 35 microns in thickness (the typical shopping bags distributed by supermarkets).

Bans on plastic bags can have a positive effect in reducing plastic bag waste to landfill. In the ACT there was a 36% reduction in plastic bags landfilled following introduction of a ban. Plastic bag litter was considered to have fallen considerably also. However, there was an increase in purchase and use of thicker "boutique" plastic bags and plastic bin liner bags.

Port Macquarie's local Ban the Bag group would like Council to consider the following:

- Develop educational materials to raise awareness of the negative environmental impact of plastic bag waste, to influence businesses and commercial activities and change consumer behaviour.

- Ensure Council owned or controlled businesses and commercial activities eliminate the availability of non-biodegradable single use plastic bags.
- Consider the introduction and implementation of local legislation, similar to that adopted by Freemantle WA, ensuring that retailers in the Port Macquarie-Hastings area do not provide single use plastic bags to their customers.
- Write to State and Federal governments urging them to introduce legislation that will ban single use plastic bags across NSW and Australia wide.

Unfortunately, NSW councils do not have a statutory power that would enable the implementation of a local ban on plastic bags. Options for Council to support the community on this issue are therefore limited to advocacy and local leadership.

The importance of reuse and the impact plastic bags have on the environment, particularly as litter, is recognised. Discouraging the distribution of single use items such as plastic bags fits into a broader sustainability theme and aligns with Council's goals to reduce waste.

**Attachments**

Nil



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**Item: 12.05**

**Subject: PROPOSED DELEGATION UNDER SECTION 375 OF THE NSW  
BIOSECURITY ACT 2015**

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

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### **Alignment with Delivery Program**

4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area.

### **RECOMMENDATION**

**That Council pursuant to section 375 of the Biosecurity Act 2015, delegate functions conferred to Port Macquarie-Hastings Council under the Biosecurity Act 2015 and regulations to the General Manager.**

### **Executive Summary**

The NSW Biosecurity Act 2015 came into force on July 1 2017. This Act replaces the NSW Noxious Weeds Act 1993.

This report details the proposed delegations to the General Manager to exercise conferred functions of the Biosecurity Act 2015 on behalf of Port Macquarie-Hastings Council.

### **Discussion**

The enactment of the NSW Biosecurity Act 2015 provides a new direction to the detection, management and regulation of biosecurity risks in NSW.

The regulation and management of weed-related biosecurity matter is a shared responsibility between government, industry and communities, with local regulation powers conferred to Local Control Authorities (LCAs) being councils and county councils). The Biosecurity Act 2015 requires Council to;

1. Manage the prevention, elimination, minimisation of the biosecurity risks posed or likely to be posed by weeds,
2. Develop, implement, co-ordinate and review weed control programs,
3. Inspect land in connection with weed control functions,
4. Keep records relating to the exercise of the LCA's functions under the Act,
5. Report to the Secretary regarding the exercise of the LCA's functions under the Act.

Section 375 of the Act provides the ability for a Local Control Authority to delegate these functions to an employee to allow for Biosecurity matters to be administered in a timely and effective manner. As is normal operational practice, it is proposed that these functions be delegated to the General Manager.

**Options**

Council could choose to not delegate these powers to the General Manager. In doing so the timely and efficient administration of the Biosecurity Act 2015 by Council would be significantly compromised.

**Community Engagement & Internal Consultation**

Not applicable.

**Planning & Policy Implications**

There are no planning and policy implications in relation to this report.

**Financial & Economic Implications**

There are no financial and economic implications in relation to this report.

**Attachments**

Nil

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Item: 12.06

Subject: IMPROVING RECYCLING SERVICES FOR MULTI-UNIT DWELLINGS

Presented by: Development and Environment, Matt Rogers

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#### Alignment with Delivery Program

4.1.7 Develop and implement effective waste management strategies.

#### RECOMMENDATION

**That Council note the information contained in the Improving Recycling Services for Multi-Unit Dwellings report.**

#### Executive Summary

This report outlines a proposal for undertaking an education program and for incentivising multi-unit development to provide increased options for dry and organics recycling subject to receipt of grant funding.

#### Discussion

On 10 August 2016 Council resolved as follows:

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#### 12.03 IMPROVING RECYCLING SERVICES FOR MULTI-UNIT DWELLINGS

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*RESOLVED: Intemann/Griffiths*

*That Council:*

- 1. Continue waste education for Multi-Unit Dwellings to further improve recycling and organic waste practices.*
- 2. Review the Waste Availability charge for Multi-Unit Dwellings in conjunction with the consideration of the 2017-2018 Fees and Charges.*

*CARRIED: 9/0*

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

*AGAINST: Nil*

Subsequently in the report in April 2017 on the Draft Integrated Planning and Reporting (IPR) Suite of Documents for Public Exhibition it was noted that:

*'The review of the Waste Availability charge for Multi-Unit Dwellings remains ongoing and sees no change in the 2017/18 fees and charges due to the following.*



*The current Waste Availability charge for Multi-Unit Dwellings (MUDs) of \$129 pa (FY 2016/2017) contributes to waste management administration and the provision of waste facilities (e.g. waste transfer stations). The availability charge also entitles unit owners to a recycling bin at no additional cost. An organics bin is currently not included in the charge and is only available on request at an additional cost. In order to encourage organics recycling for MUDs the availability charge could be increased to cater for an organics bin. There is currently no reduction in the availability charge for private collection of dry and organics recycling for MUDS. As an incentive for private collection of recycling Council could set a lower availability charge where private collection is undertaken.*

*Engagement with MUD owners on any proposed changes should be undertaken prior to the introduction of any new charges. It is proposed that a detailed report on Waste Availability Charge for Multi-Unit Dwellings be presented to Council in July 2017 with engagement on MUD recycling being undertaken around September 2017. This timing will minimise any conflict with other Council engagement activities.'*

#### Existing MUD recycling

Provision of waste services for multi-unit dwellings largely depends on the size of the complex with charges falling into the following categories.

- Availability – large complexes of over 4 units where general waste (red bin) collection (and in some instances yellow and green bin recycling) is undertaken by a contractor.
- Shared – Small complexes where unit owners elect to share a 3 bin service generally due to space restrictions. A small percentage have elected not to receive a green bin service
- Individual – Small complexes generally with ample space for a full 3 bin service. A small percentage have elected not to receive a green bin service.

All MUDs with individual or shared services have access to the three waste streams ('red' general waste, 'yellow' recycling and 'green' organics) collection services provided by Council's waste contractor and paid for through rates.

The table below shows data on 'yellow bin' recycling services for MUDs:

#### **MUD 'Yellow Bin' Recycling Services**

Charge	Total Complexes	Complexes without recycling	% Complexes without recycling	Total Units	Units without recycling	% Units without recycling
Availability	98	17	17	1935	380	20
Shared	144	0	0	895	0	0
Individual	978	0	0	3221	0	0
<b>Total</b>	<b>1220</b>	<b>17</b>	<b>1%</b>	<b>6051</b>	<b>380</b>	<b>6%</b>

The number of units without recycling shown above are estimates only as a detailed reconciliation of private services outside of Council's Waste Contract is yet to occur.

The proportion of MUDs without 'green bin' organic services is higher at 15% for complexes and approximately 31% for units. As noted above, the services referred to

here are through Council or via a private service through Council's contractor, organics recycling may be provided to the site via self-managed bins onsite or collected by another private waste contractor.

The table below shows data on 'green bin' organics services for MUDs.

#### MUD 'Green Bin' Organics Services

Charge	Total Complexes	Complexes without organics	% of complexes without organics	Total Units	Units without organics	% of units without organics
Availability	98	72	73%	1935	1506	78%
Shared	144	5	3%	895	26	3%
Individual	978	103	11%	3221	360	11%
<b>TOTAL</b>	<b>1220</b>	<b>180</b>	<b>15%</b>	<b>6051</b>	<b>1892</b>	<b>31%</b>

#### Waste Availability Charge Review

MUDs with waste charges for shared and individual services generally have good recycling with the main opportunity for improvement being MUDs with the 'Availability Charge'. Whilst the current waste availability charge of \$132 (2017-2018 FY) provides the opportunity for yellow bin recycling, these complexes often have limited space for individual bins and need a bulk recycling service. However there is no incentive for these complexes to introduce a bulk service as there is no reduction in the availability charge if bulk recycling is introduced. Similarly there is no incentive for bulk organics and also no current provision for Council to provide an organics service.

An option to encourage greater yellow and green bin recycling would be to increase the availability charge to around \$230 for 2018-2019 FY. This would cover the cost of Council providing both yellow and green bins or alternatively the charge could be reduced to \$75 (a similar level to vacant residential land) where all red, yellow and green bins were collected by private contractor. Some level of charge is still required for Council administration of waste and the provision of other services including waste transfer stations that the complex residents would have access to. It is proposed that Council consider options for increasing the availability charge in conjunction with a further report on education programs on recycling. The level of education and waste trials will be subject to receipt of a grant as noted below.

#### Community Villages and Manufactured Housing Estates (MHEs)

Like MUDs, MHEs are also a multi-dwelling arrangement but there are some significant differences that create separate issues in these types of developments.

Existing MHEs currently have no obligation to provide recycling services. They generally contain 'private roads' which limit Council's domestic waste collection contractor to enter. MHEs are generally controlled by one owner who provides private waste collection based on payments by residents of the complex. Detailed figures on the number of individual units within MHEs and the extent of private contractor recycling are currently being compiled.

While MUDs contain individually rated units which allows a waste charge to be applied to each unit, MHEs generally only contain one rateable lot for the entire village and accordingly generally only one waste availability charge is applied.

As part of the MUD education program it is proposed to explore options for increasing the waste availability charge based on the number of dwellings within MHEs. A differential availability charge could then be introduced to incentivise private recycling and organics collections or provide funding for Council's contractor to provide a service.

#### Education Program and Grant Application

Council has applied for a \$253,000 Waste Less, Recycle More Initiative - Organics Collections Grant. This grant has a specific option for MUD trials including a trial to roll out food and organic services to MUDs that do not currently have this service. Council will be notified of the grant outcome by December 2017 with the grant project to run for two years from early 2018 to early 2020.

The detailed education program is still being developed. However, it is expected that the program will be carried out in two stages:

1. Initial engagement on options for recycling and potential changes to the availability charge.
2. Site visits will be carried out and a service review and visual audit completed. New services to suit the site would then be suggested and negotiated with the property manager. A further site visit will be carried out to install the new service, which includes new bins, kitchen tidies and bags for foodwaste, plus educational signage and stickers as necessary.

Given the opportunity presented by the grant funding it is proposed to delay the engagement with MUDs until February 2018 to enable grant funding to be incorporated into the program. A further report on Improving Recycling Services for Multi-Unit Dwellings is proposed following notification of the outcome of the grant application.

#### **Options**

Council could opt to proceed with implementing improvements to MUDs recycling services independent of grant funding. This would mean that Council would have to fund all initiatives associated with the proposal.

It is considered that Council has a high chance of securing grant funds for this initiative and as a result staff recommend delaying action until the result of the grant application is known, as proposed by this report.

Detailed options in relation to recycling services and differential charges will be provided in a subsequent report to Council.

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

As noted above, a consultation program for MUDs will be required as part of the proposed initiatives. Detail will be provided in subsequent reports to Council on this issue.

**Planning & Policy Implications**

There are no planning and policy implications in relation to this report.

**Financial & Economic Implications**

Financial implications for the education program will depend on receipt of grant funding. A further report on specific actions as part of the program will be reported following advice on the outcome of the grant application.

**Attachments**

Nil



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**Item: 12.07**

**Subject: SHERWOOD PLANNING PROPOSAL - CONSIDERATION OF SUBMISSIONS**

**Presented by: Strategy and Growth, Jeffery Sharp**

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#### **Alignment with Delivery Program**

4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development.

#### **RECOMMENDATION**

**That Council:**

- 1. Pursuant to Section 59(2) of the Environmental Planning and Assessment Act 1979, make the Local Environmental Plan to rezone Lot 1 DP 1066820 and Lot 34 DP 856163, Lincoln Road, Castle Court and Marian Drive, Port Macquarie for residential infill and environmental purposes as described in the Sherwood planning proposal at Attachment 1 to this report.**
- 2. Delegate authority to the General Manager to enter into and execute the Lincoln Road Planning Agreement in connection with the Sherwood planning proposal on behalf of Council.**
- 3. Notify all persons who lodged submissions of the meeting outcome.**

#### **Executive Summary**

This report considers the public submissions received in response to the exhibition of a planning proposal to rezone land fronting Lincoln Road, Castle Court and Marian Drive, Port Macquarie for residential and environmental conservation purposes.

The planning proposal aims to protect the environmentally sensitive areas of the site and allow minor infill residential on three small fringe areas, including part of an adjoining Council drainage reserve, which has been identified as suitable for residential use.

Intended outcomes include approximately nine infill residential lots and through a planning agreement, improvements to and dedication of stormwater infrastructure into public ownership and dedication of approximately 30 hectares of environmentally sensitive land to Council for conservation and stormwater management.

Nine (9) submissions were received a result of exhibiting the planning proposal and planning agreement. The majority of these were from nearby landowners. The NSW Office of Environment and Heritage also lodged a submission. Key concerns related to the potential for increased stormwater flooding, impacts to State Environmental Planning Policy (SEPP) 14 coastal wetland and loss of koala habitat.

All issues raised in the submissions have been addressed, as discussed in this report.

Following assessment of the submissions, it is recommended that Council approve the planning proposal as exhibited and enter into the planning agreement.

### **Discussion**

#### Council resolution

On 20 July 2016, Council considered a report on a planning proposal to rezone land (including Council land) fronting Lincoln Road, Castle Court and Marian Drive, Port Macquarie, for residential infill and environmental purposes. Council resolved as follows:

*RESOLVED: Cusato/Griffiths*

*That Council:*

- 1. Prepare a Planning Proposal pursuant to section 55 of the Environmental Planning Assessment Act 1979 in relation to Lot 1 DP 1066820 and Lot 34 DP 856163, Lincoln Road, Castle Court and Marian Drive, Port Macquarie, for residential infill and environmental purposes as described in this report.*
- 2. Submit the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979, as well as the issue of 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.*
- 3. Delegate authority to the Director Development and Environmental to make any amendments to the Planning Proposal as a result of the Section 56 Gateway Determination, prior to public exhibition of the proposal.*
- 4. In conjunction with the landowner, prepare a Voluntary Planning Agreement as referred to in this report and publicly exhibit the Planning Agreement for a minimum of 28 days in accordance with clause 25D of the Environmental Planning and Assessment Regulation 2000.*
- 5. Request the General Manager present a further report following the public exhibition period to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

#### The Planning Proposal and Planning Agreement

The planning proposal seeks to amend the *Port Macquarie-Hastings Local Environmental Plan 2011* by rezoning three small cleared areas (approx 1.9ha in total) on the southern fringe of Lot 1 DP 1066820 and part of Lot 34 DP 856163 to permit future residential infill development and buffers to adjoining environmental land. Lot 1 is privately owned land and Lot 34 is owned by Council.

The subject site and proposed infill areas are shown below.

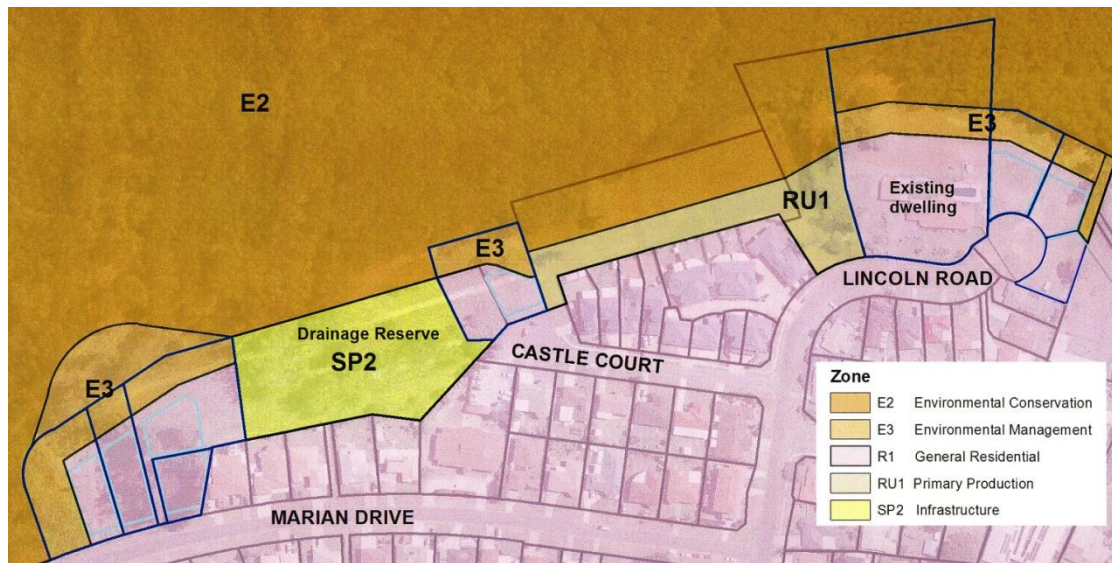




The exhibited planning proposal is based on the proponent's concept plan, which provides for nine infill lots including a new lot for an existing dwelling and retention of a small area of E2 Environmental Conservation zoned land to be managed in private ownership. All remaining rural zoned areas within Lot 1 (the residue) are proposed to be rezoned to E2.

The proposed zoning in relation to the concept lots is illustrated below.





In conjunction with the planning proposal, Council received an offer to enter into a planning agreement, which provides for:

- Dedication and establishment of approximately 30 ha of privately owned rural and environmental land as public reserve to be rehabilitated and maintained for environmental conservation and stormwater drainage purposes.
- Dedication of a drainage channel on the south-eastern boundary of Lot 1 in exchange for part of Council's land (Lot 34) for inclusion in the Castle Court infill footprint to meet bushfire separation requirements.
- Upgrading of stormwater works servicing existing residential development in the locality.

As well as changing the zoning, the planning proposal involves changes to the minimum lot size, height of buildings and floor space ratio controls relating to the land.

#### Gateway Determination

Following consideration of Council's initial proposal, the Department of Planning and Environment (DP&E) issued a Gateway Determination (29/9/16), which along with other matters, required amendments to the proposal prior to consultation with State agencies, to:

- Alter the boundary of the proposed Castle Court R1 Residential zone to align with (& not encroach into) the State Environmental Planning Policy (SEPP) 14 Coastal Wetland boundary, with the resulting SEPP 14 residue to be zoned E3 Environmental Management, and
- Include the outcomes from the land contamination assessment for the Council owned land.

#### State government agency consultation

After updating the proposal to comply with the Gateway, consultation occurred with the NSW Office of Environment and Heritage (OEH), NSW Rural Fire Service, Birpai Aboriginal Land Council, NSW Aboriginal Land Council, NSW Police Firearms Registry, Department of Primary Industries - Lands, Essential Energy and Telstra.

As a result of suggestions by OEH, additional amendments were made to the proposal to rationalise zone boundaries and to rezone Council's drainage reserve site from rural to SP2 Infrastructure to reflect the existing stormwater function.

#### Public exhibition and submissions

The planning proposal, supporting studies (**Attachments 1 & 2**) and planning agreement (**Attachment 3**) were placed on public exhibition for 28 days from 26 April to 24 May 2017. Following identification and correction of a minor lot size mapping error, the exhibition was extended up until 14 June 2017.

Nine (9) submissions were received. A copy of all submissions is at **Attachment 4**. The key issues raised in the submissions related to the potential for localised stormwater flooding, impacts to State Environmental Planning Policy 14 Coastal Wetland (SEPP 14) and loss of koala habitat.

A summary of the submissions and a planning response to the issues raised is provided in the *Community Engagement & Internal Consultation* section of this report. The key issues are discussed below.

#### Stormwater drainage

1. The offer to enter into a planning agreement will facilitate the dedication of a drainage reserve and access track at the eastern end of Lot 1 over an existing open drain which services a large upstream and under capacity stormwater catchment. This drain forms a key part of Council's trunk stormwater drainage infrastructure and services an upstream catchment in excess of 27 hectares.
2. To facilitate the dedication of this key land, Council staff have negotiated with the proponent to swap a small part of drainage reserve at the western end of Castle Court. This area is proposed to be used to provide a bushfire Asset Protection Zone to the adjoining reserve for future development of the Castle Court footprint.
3. At the development stage, modification will be required to the existing drainage reserve to ensure that Council access to the perimeter of the basin can be maintained prior to amending the boundary to include part of Lot 34 in the Castle Court footprint. In addition, works to upgrade the open drain at the eastern end of Lot 1 will be required prior to dedication to Council.

Future development of the proposed Marian Drive infill lots will require the filling and removal of two existing stormwater basins adjoining Marian Drive. These basins function as water quality control and detention basins, with this functionality to be replicated via a redirected stormwater drainage system. The amended system will include the piping of the existing drainage through an easement and right of carriageway within the proposed lots to a new downstream water quality control swale to be constructed on the land proposed to be dedicated to Council.

4. The main concern raised in the submissions relates to the proposed filling of the existing stormwater detention basin adjacent to No 71 Marian Drive and the potential for stormwater flooding in the area.
5. An existing swale connects Council's detention basin on Lot 34 at the rear of No 75 Marian Drive with the basin adjacent to No 71 Marian Drive. This swale partially drains in a westerly direction and residents are concerned that filling the

basin and part of the swale for the proposed Marian Drive footprint will result in localised flooding.

Comment:

Council's Stormwater Engineer has reviewed the proposal and indicated that issues relating to filling the existing basin and swale do not pose a risk to the existing adjoining residential development. It is considered that the specific issues raised can be adequately addressed at DA stage by requiring the existing swale, which interconnects the two basins, to be regraded to ensure that all stormwater flows are directed to Council's detention basin on Lot 34.

While not a requirement at rezoning stage, a detailed stormwater concept plan will be required at Development Application (DA) stage, accompanied by a suitable hydrological model to demonstrate that the proposed and modified stormwater infrastructure continues to comply with the original design intent and that the proposal does not result in any adverse impacts with respect to water quality and or downstream flooding.

Compliance in this regard has been conceptually demonstrated at rezoning stage.

Following issue of a future DA for subdivision, detailed design plans will be submitted with a Construction Certificate (CC) Application. These plans will include detailed information about filling and regarding works and are expected to address the concerns of the adjoining residents.

In particular, the detailed construction plans submitted at that stage would need to demonstrate that the placement of fill will ensure that nearby properties are not put at risk of flooding and that overland flows are directed to Council's detention basin and or new swale proposed to be constructed on the residue land. The developer will be responsible for undertaking this work under the supervision of the certifier (to be determined at CC stage). Council would need to provide owners consent prior to work occurring and would ensure that the works comply with relevant standards.

With respect to the issue of heightened risk of flooding associated with filling the basin adjacent to No 71 Marian Drive, Council's Stormwater Engineer has advised that the proposal will have negligible impact on downstream flood behaviour. This is because future development is discharging onto the larger Hastings River Floodplain. When viewed in this context, runoff from the local catchment has minimal impact on peak flood levels due to the different scale of catchments involved.

SEPP 14 - Coastal Wetland

The subject site contains a large area of mapped SEPP 14 Coastal Wetland, the majority of which falls within the environmental residue proposed to be dedicated to Council. Land in the north of the proposed Castle Court footprint includes a small portion of the degraded outermost fringe of the mapped SEPP 14.

Consistent with pre-exhibition comments for the proposed Castle Court site, OEH's preference is that any APZs, or other infrastructure required to support future infill development, be located outside the mapped SEPP 14 wetland and contained wholly within the proposed R1 General Residential zoned area of the site.



The OEH submission also suggests retaining the E2 Environmental Conservation zone for the mapped SEPP 14 wetland in this location instead of E3 Environmental Management, as proposed. OEH recognise that this area of SEPP 14 wetland is currently in a degraded state but consider that is likely, that with assisted regeneration, the forested wetland vegetation would regrow in this location.

In addition, OEH request that prior to finalising the proposed rezoning, the southern boundary of the mapped SEPP 14 be confirmed by site survey to allow the boundary between the R1 General Residential and wetland's E zoning to be accurately reflected in the LEP mapping amendments.

*Comment:*

An Ecological Assessment undertaken for the site by Naturecall Environmental (Oct. 2015) concluded that the Castle Court footprint will only affect a very small area on the degraded outermost fringe of the mapped SEPP 14 wetland

Council staff have given careful consideration to the Naturecall report and to the OEH submissions to determine the most appropriate zone boundaries that will allow for protection of wetland areas, ongoing management of the large residue and reasonable potential for dwellings and asset protection zones in this case.

The boundary of the SEPP 14 Wetland is subject to interpretation, which can be varied from 25-50m due to limitations of the 1985 mapping. More recent mapping of wetland boundaries by the State Government in the Draft Coastal Policy SEPP, which suggests that the area proposed for inclusion in the Castle Court footprint does not contain wetland.

The ability to regenerate land within the SEPP 14 boundary is noted, however in this case, Council is proposing to secure a large residue area of important environmental land into public ownership.

The proposal achieves a significant net environmental improvement and proposes very little impact to an area that has been degenerated for many years. This area is proposed to be used as a Bushfire Asset Protection Zone, in E3 Environmental management zone which will provide also buffer between development and the large E2 Environmental Conservation zone.

It is therefore proposed to permit a minor variation to the 1985 SEPP 14 boundary, given the substantial net environmental gain and the minor variation being sought in this case.

*Loss of koala habitat*

Two submissions note evidence of Koala activity in the locality and raise concerns about the loss of Koala habitat as a result of the proposal.

*Comment:*

The Naturecall Environmental Assessment report identified that Koalas have an association with the site due to eight food trees (Forest Red Gum & Swamp Mahogany) within the proposed Marian Drive and Lincoln Road infill footprints. However, the assessment concluded that the proposed infill sites do not contain major Koala activity, nor qualify as Potential Koala Habitat under the provisions of State Environmental Planning Policy 44.

It is considered that the rehabilitation and ongoing conservation of the residue lands proposed to be dedicated to Council will provide adequate protection for the retention of Koala habitat and activity in the locality.

### Options

Council's options are:

1. To accept the planning proposal as exhibited and resolve to make the Local Environmental Plan to rezone the subject land and to enter into the associated planning agreement.
2. Make amendments to the planning proposal and or planning agreement. Note: If any substantive change is made to the planning proposal (e.g. zoning, lot size, height of building controls), re-exhibition will be required.
3. Not support the planning proposal and planning agreement.

Option 1 is preferred. This will result in a significant net environmental benefit to the community and provide clear intent for future use of the land.

### Community Engagement & Internal Consultation

As previously noted, the planning proposal was exhibited for 28 days in accordance with the requirements of the Gateway Determination up until 14 June 2017. The planning agreement was exhibited at the same time.

To assist the community in understanding Council's interest in and reasons for the planning proposal with respect to Council's land (Lot 34), a statement to address the requirements of DP&E's *Best Practice Guideline LEPs and Council Land* formed part of the exhibition material.

The planning proposal and planning agreement were made available on Council's website and at Council's branch offices for the duration. All adjoining landowners (83 in total) were also notified of the exhibition in writing and invited to make submissions.

Nine submissions were received. The key matters identified in these submissions have been considered in the *Discussion* section of this report. A summary of the submissions and a planning response to the matters raised is provided below.

Submission		Issue
1.	Dr Michael Forester	Supportive of the proposal given the community benefit to be gained from dedication of the environmental lands to Council for ongoing conservation.
	<b>Response/ Comment:</b>	Noted
2.	Miriam Cook	The site contains known Koala activity and rather than clearing trees we should be planting more. Council could purchase the

Submission		Issue
		site and turn it into a conservation area or as a minimum, maintain waterways and plant more Koala food trees. Please act to save our wildlife before it is too late.
	<b>Response/ Comment:</b>	<p>This matter has been addressed in the <i>Discussion</i> section of this report, with staff considering the issue to be manageable.</p> <p>The details contained in the body of the report will be provided in response to the submission.</p>
3.	Leanne Donaldson	<p>Concerned about the proposed filling of the detention basin west of 71 Marian Drive due to the potential for flooding. During periods of heavy rainfall a gully at the rear of 71 Marian Drive drains to this basin and prevents stormwater from entering our homes. If the basin is filled, where will the stormwater drain to?</p> <p>Photos taken from the rear of 71 Marian Drive showing the gully during flooding are attached to the submission.</p>
	<b>Response/ Comment:</b>	<p>This matter has been addressed in the <i>Discussion</i> section of this report with staff considering the issue to be manageable.</p> <p>The details contained in the body of the report will be provided in response to the submission.</p>
4.	Allan Miller (submission No 1)	<p>a) Main concern relates to filling the proposed Marian Drive and Castle Court footprints without any additional drainage system to allow floodwater to exit and the potential for this to create a flooding disaster for Nos 71 to 77 Marian Drive.</p> <p>We would be grateful if you would either reconsider the proposal to infill the Marian Drive and Castle Court footprints, or plan to install an additional drain to protect houses from flooding.</p> <p>b) For the past 13 years I've been paying to have the grass lane between 75 and 77 Marian Drive and grass area behind 75 Marian Drive kept cut and neat. My neighbours have been doing the same to the grass areas adjoining their properties. Will heavy equipment damage these areas during filling of the Marian Drive and Castle Court footprints?</p>



Submission		Issue
	<b>Response/ Comment:</b>	<p>a) Concerns in relation to filling the basin adjacent to No 71 Marian Drive have been addressed in the <i>Discussion</i> section of this report. The proposed Castle Court infill footprint is proposed to drain directly to the detention basin on Lot 34.</p> <p>b) There are multiple points of access to the proposed infill footprints, with the grass lane and existing swale appearing to be the least user-friendly options. Issues relating to access for filling works would be adequately addressed at DA stage.</p>
5.	Allan Miller (submission No 2)	<p>a) Stormwater flooding concerns raised in submission No 4 were reiterated. Also advice from Council's Stormwater Engineer that the supervision of filling part of a swale in Council's detention basin would be the responsibility of the developer rather than Council is questioned.</p> <p>b) It is requested that if filling proceeds, all access via the lane between Nos 75 and 77 Marian Drive be blocked to prevent the risk of destroying the land, the drain and property fences, especially from heavy vehicles.</p>
	8. <b>Response/ Comment:</b>	<p>a) These matters have been addressed in the <i>Discussion</i> section of this report, with staff considering the issue to be manageable.</p> <p>b) Refer to response provided to submission No 4 item b in relation to access for future filling works.</p> <p>11. The details contained in the body of the report will be provided in response to the submission.</p>
6.	Helen Treglown	<p>Objection to the proposal on the basis of the following concerns:</p> <p>a) Inadequate allowance for stormwater planning to divert floodwater prior to filling the proposed Marian Drive and Castle Court footprints.</p> <p>Photos attached to the submission show that when heavy rains occur stormwater</p>

Submission	Issue
	<p>collects in an easement at the rear of our property, which drains to a detention basin adjoining our land to the west. Filling the basin will vastly increase the possibility of severe flooding to Marian Drive properties.</p> <p>The concern is that after the land is filled and waiting for registration of the subdivision, existing property is put at high risk of flooding.</p> <p>b) While living at 71 Marian Drive we have heard Koalas mating on many occasions in the warmer months. Any destruction of Koala habitat, regardless of how minimal, should not be considered. We have also witnessed eagles flying overhead, numerous birds visiting our garden and kangaroos and deer appearing. We would be devastated if this changes. 13.</p> <p>c) Many people in the area, including us, have been mystified by the mass exit of wildlife from the detention basin adjoining our property within the last two years. Water testing of the basin is requested to ensure that nothing untoward has happened to alter the true results of the threatened species study in support of the proposal. 14.</p> <p>d) The Bushfire Hazard Assessment report makes reference to a sealed reversing bay directly in line with our view of bushland at the rear of our property. 15.</p> <p>16. Given that this requirement may impact our outlook and has already been identified as being the location for a turning bay, can we be given information about where it will be located, how it will look (impact our view), and when it will be constructed? 17.</p> <p>18. Also, we have concerns about public access to this reversing bay such as people parking and using it for recreation use. 19.</p>

Submission	Issue
	<p>e) Council staff have advised that the proponent's flood information indicates a proposed floor level of 4.1m and therefore, the level of land adjoining our home is expected to be approximately 10cm higher than our property. We are concerned with this height difference because:</p> <ul style="list-style-type: none"> <li>- it increases the natural water flow after rainfall to pool and flow towards existing property, and</li> <li>- it increases the chance of being overlooked by new homes to be built on concept Lots 6 and 7.</li> </ul>
<p><b>Response/Comment:</b></p>	<p>a) This matter has been addressed in the <i>Discussion</i> section of this report. 20.</p> <p>b) Also addressed in the <i>Discussion</i> section of this report.</p> <p>c) Water testing for the purpose of the planning proposal is not considered necessary. This issue has been referred to Council's operational maintenance staff for investigation. 21.</p> <p>d) Issues relating to bushfire hazard management would be addressed in detail at DA stage and adjoining owners given the opportunity to review the application and to lodge a submission.</p> <p>The turning bay is expected to form part of a residential lot on private land. If public use of the land occurs in future causing nuisance, the landowner and/or Council's compliance staff should be notified.</p> <p>e) As noted in the <i>Discussion</i> section of this report, issues concerning stormwater management would be adequately addressed at DA stage. 22.</p> <p>23. The design of new residential development and the potential for overlooking is a matter for consideration in the assessment of the DA stage. An estimated 10cm difference in land levels on the Marian Drive frontage however, will barely be discernible at street level.</p> <p>24.</p>

Submission		Issue
		Overall staff consider the issues to be manageable. 25. The details contained in the body of the report will be provided in response to the submission.
7.	Eileen Binskin	<p>a) Before more land is released, the intersection at Sherwood Road and Oxley Highway should be improved. There is only one road into this whole area and this intersection would have to be the busiest in Port Macquarie. Sometimes it takes 10 minutes to get out of Sherwood Road.</p> <p>26.</p> <p>b) This land is low lying and swampy, not suitable for housing.</p>
	<b>Response/Comment:</b>	<p>a) It is anticipated that the proposal will result in a yield of nine residential lots, which includes a lot for the existing dwelling in Lincoln Road. The proposal is not of scale to generate the need for improvements to the Sherwood Road/Oxley Highway intersection.</p> <p>The need for improvements to this key intersection is the subject of consultation between Council and the NSW Roads and maritime Services regarding traffic modelling and planning for future Highway corridor improvements.</p> <p>b) Filling of the proposed infill areas will enable a small increase in the available stock of residential land for future development. The residue area (approx. 30ha) is proposed to be dedicated to Council for ongoing environmental conservation and stormwater management.</p>
8.	Alyson Thompson	<p>Objections are raised to the planning proposal on the basis of the following:</p> <p>a) As a Marian Drive resident and homeowner I feel that filling the Marian Drive and Castle Court footprints will cause a damming effect from stormwater and possible flooding to homes. Lot 34 already struggles with draining water out into surrounding bushland during heavy rain.</p> <p>27.</p>

Submission		Issue
		<p>b) Council's Best Practice Guideline LEPs and Council Land - Statement of Council's Interest (exhibited with the proposal) states that Lot 34 was dedicated to Council for the purposes of drainage reserve. That in itself indicates that the area is highly necessary for dispersal of the stormwater in the current situation and should any further development take place, the detention basin should be expanded, not reduced.</p> <p>28.</p> <p>c) Greater consideration needs to be given to the effect on residents of filling the Marian Drive and Castle Court footprints to a higher level than existing established housing in the area.</p>
	<b>Response/ Comment:</b>	<p>a) This matter has been addressed in the <i>Discussion</i> section of this report, with staff considering the issue to be manageable.</p> <p>29.</p> <p>b) The small area of Lot 34 proposed for inclusion in the Castle Court footprint is surplus to Council's drainage requirements and will have no impact on the capacity of the existing drainage reserve to service development in the locality.</p> <p>30.</p> <p>c) Impacts on visual amenity would be addressed in detail at the subsequent DA stage. However, concept plans submitted in support of the proposal indicate levels for the proposed Marian Drive and Castle Court footprints generally consistent with adjoining development.</p>
9.	NSW Office of Environment and Heritage (OEH)	<p>Council's changes to the planning proposal as suggested by OEH's pre-exhibition comments are supported. However, concerns are restated about permitting bushfire Asset Protection Zones within mapped SEPP 14 wetland on the Castle Court site. A preference is stated for APZs to be located within the proposed R1 area of this site and mapped SEPP 14 wetland retained in the E2 zone, instead of E3 as proposed.</p> <p>It is also suggested that prior to rezoning, the southern boundary of the mapped SEPP 14</p>



Submission	Issue
	be confirmed by site survey to allow the boundary between the R1 General Residential and wetland's E zoning to be accurately reflected in the LEP mapping amendments.
<b>Response/ Comment:</b>	<p>These matters has been addressed in the <i>Discussion</i> section of this report. It is not feasible to locate bushfire Asset Protection Zones within the proposed R1 area of this site.</p> <p>In this case, the proposal achieves a significant net environmental improvement and proposes very little impact to an area that has been degenerated for many years. The area proposed to be used as a Bushfire Asset Protection Zone is shown as E3 Environmental management zone, which will provide also buffer between development and the large E2 Environmental Conservation zone.</p>

All persons and State government agencies that provided a submission in response to the public exhibition have been notified in writing of this matter being reported to the July 2017 Council meeting.

Internal consultation in relation to the proposal has occurred with staff of Council's Environmental Services, Transport and Stormwater, Sewer and Water, and Property sections.

### Planning & Policy Implications

The proposal is consistent with the *Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031* as infill residential representing a minor amendment to the R1 General Residential in this location. Dedication of the residue lands to Council for environmental conservation and stormwater purposes represents a significant community benefit.

The proposed variation from Council's policy regarding revegetation and the provision of bushfire asset protection zones within buffers has been accepted in this case, as there is a substantial net environmental gain.

The Gateway Determination authorises Council to exercise delegation of the plan making functions under Section 59 of the Environmental Planning and Assessment Act 1979 for the planning proposal. Further work is required to finalise the proposed amendment to the *Port Macquarie-Hastings Local Environmental Plan 2011* consistent with the delegation. Strategic land use planning staff will complete these technical matters to finalise the plan, following a decision by Council.



**Financial & Economic Implications**

Rezoning fees have been submitted by the proponent in accordance with Council's Schedule of Fees and Charges. Council staff have prepared the planning proposal, reviewed supporting studies and prepared the planning agreement, as is normal practice.

The landowner has agreed to pay for the establishment and maintenance of the proposed dedication lands over a 12 month timeline. After the establishment period, the lands will be maintained as part of Council's overall Bushland Management Program.

**Attachments**

- 1[View](#). Sherwood Planning Proposal
- 2[View](#). Supporting studies
- 3[View](#). Planning Agreement
- 4[View](#). Submissions

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**Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE**

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**RECOMMENDATION**

- 1. That Council move into Confidential Committee of the Whole to receive and consider the following items:**
  - Item 14.01 EOI-17-05 Independent Members 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 14.02 T-17-22 Sports Field Lighting Installation Program**

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.**

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

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**RECOMMENDATION**

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

**Item 14.01 EOI-17-05 Independent Members 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 14.02 T-17-22 Sports Field Lighting Installation Program**

**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**