

# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 20 March 2019

**location:** Wauchope Showground Hall  
High Street  
Wauchope

**time:** 5.30pm

**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 20 March 2019

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**Item: 01**

**Subject: WELCOME TO COUNTRY**

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

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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 20 February 2019 be confirmed.

**PRESENT**

**Members:**

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

**Other Attendees:**

General Manager (Craig Swift-McNair)  
Director Corporate Performance (Rebecca Olsen)  
Director Development and Environment (Melissa Watkins)  
Acting Director Infrastructure (Jeffery Sharp)  
Acting Director Strategy and Growth (Holly McBride)  
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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Pastor Mark Minturn from the Coastside Church delivered the Local Government Prayer.

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### **03 APOLOGIES**

*RESOLVED: Dixon/Alley*

That the apologies received from Mayor Pinson and Councillor Griffiths be accepted.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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### **04 CONFIRMATION OF MINUTES**

*RESOLVED: Cusato/Hawkins*

That the Minutes of the Ordinary Council Meeting held on 12 December 2018 be confirmed.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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### **05 DISCLOSURES OF INTEREST**

Councillor Cusato declared a Non-Pecuniary, Significant Interest in Item 11.01 - Notice of Motion - Exception Under General Provisions of the Markets Policy, the reason being that Councillor Cusato has business interests selling the same products.

Councillor Cusato declared a Pecuniary Interest in Item 12.15 - Airport Business Park Planning Proposal - status update, the reason being that Councillor Cusato is the owner of a hanger in the precinct.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.10 - Strategic Land Use Planning - Fernbank Creek and Sancrox, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the owners of property within the West Lindfield precinct dealt with as part of the report before Council.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.11 - Planning Proposal - 2019 Administrative Review of Port Macquarie - Hastings LEP 2011, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the owner of a property the subject of the report before Council.

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Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.12 - Homedale Road, Kew - Planning Proposal and Draft Development Control Plan Provisions - consideration of submissions, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the owner of the property the subject of the report before Council.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.05 - T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the principals of one of the tenderers as to the matter the subject of the report before Council.

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 12.14 - DA2018 - 562.1 Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 - 21 Cameron Street and 3 Young Street, Wauchope, the reason being that Councillor Intemann is a Director of Hastings Co-operative, which is located nearby to the Wauchope RSL proposal. After consultation with the Hastings Co-operative Executive, Councillor Intemann declared a non-pecuniary less than significant interest arising from the possibility of no more than an "insignificant" benefit to the Hastings Co-operative business from potential patronage from the future residents of the proposed development.

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

*RESOLVED: Intemann*

That the Mayoral Discretionary Fund allocations for the period 29 November 2018 to 6 February 2019 inclusive be noted.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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

*RESOLVED: Levido/Dixon*

That Council determine that the attachments to Item Numbers 09.09 and 09.12 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*

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AGAINST: Nil

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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. Mr Grant Mitchell regarding Impact of Proposed Flood Free Airport Access Route on Oxley Highway / Fernhill Road Residents and Wildlife.
2. Ms Peta Watters regarding Orbital Road Opposition.
3. Mr James Munro regarding Orbital Road Proposal.
4. Mr Stuart Redman regarding The Hatch Road – Air Monitoring.

*RESOLVED: Turner/Alley*

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **08.01 IMPACT OF PROPOSED FLOOD FREE AIRPORT ACCESS ROUTE ON OXLEY HIGHWAY / FERNHILL ROAD RESIDENTS AND WILDLIFE**

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Mr Grant Mitchell, representing the Fernhill Road and Oxley Highway Sustainable Progress Group, addressed Council in regard to the Impact of the Proposed Flood Free Airport Access Route on Oxley Highway / Fernhill Road Residents and Wildlife.

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### **08.02 ORBITAL ROAD OPPOSITION**

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Ms Peta Watters addressed Council in regard to opposition of the Orbital Road.

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### **08.03 ORBITAL ROAD PROPOSAL**

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Mr James Munro addressed Council in regard to an Orbital Road Proposal.

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#### **08.04 THE HATCH ROAD - AIR MONITORING**

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Mr Stuart Redman addressed Council in regard to air monitoring of The Hatch Road.

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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 12.07 – Mr Garry Krestensen in opposition of the recommendation.
- Item 12.08 – Mr Philip Lloyd in opposition of the recommendation.
- Item 12.09 – Rev. Dr. John Barrett OAM in opposition of the recommendation.
- Item 12.09 – Mr Tony Thorne in support of the recommendation.
- Item 12.09 – Mr Grant Mitchell in opposition of the recommendation.
- Item 11.01 – Mr Ian McKittrick in support of the recommendation.
- Item 11.01 – Mr Desley Bailey in support of the recommendation.
- Item 12.02 – Dr John Lusk in support of the recommendation.
- Item 12.10 – Mr Maurice Driscoll in opposition of the recommendation.
- Item 12.10 – Mr Graham Burns in opposition of the recommendation.
- Item 12.12 – Ms Julie Edgecombe in opposition of the recommendation.
- Item 12.13 – Ms Elizabeth Williams in opposition of the recommendation.
- Item 12.13 – Mr Wayne Evans in support of the recommendation.
- Item 12.14 – Ms Geraldine Haigh in support of the recommendation.
- Item 12.17 – Mr David Pensini in support of the recommendation.

*RESOLVED: Hawkins/Dixon*

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

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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#### **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Alley/Turner*

That Standing Orders be suspended to allow Items 12.06, 12.07, 12.08, 12.09, 11.01, 12.02, 12.10, 12.12, 12.13, 12.14 and 12.17 to be brought forward and considered next.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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**12.06 QUESTION FROM PREVIOUS MEETING - ORBITAL ROAD -  
DEVELOPMENT IN INVESTIGATION AREA**

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*RESOLVED: Levido/Alley*

That Council note the information provided in this report regarding development of the Orbital Road route options and investigation area.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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**12.07 QUESTION FROM PREVIOUS MEETING - ORBITAL ROAD - CURRENT  
INVESTIGATION AREA**

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Mr Garry Krestensen addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Levido/Cusato*

That Council note the information contained in this report regarding the determination of the current investigation zone for the Orbital Road.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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**12.08 PORT MACQUARIE-HASTINGS LOCAL GOVERNMENT AREA TRAFFIC  
STUDY**

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Mr Philip Lloyd addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Alley/Levido*

That Council note:

1. The information contained in this report and attached Port Macquarie-Hastings Local Government Area Traffic Study reports.
2. That the Port Macquarie-Hastings Local Government Area Traffic Study will be used for strategic future road network and land use planning.
3. That any future road upgrades identified within this study will be the subject of separate Council resolutions prior to work being undertaken.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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## **12.09 ORBITAL ROAD - FEASIBILITY STUDY**

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Rev. Dr. John Barrett OAM, representing the St Columba Anglican School, addressed Council in opposition of the recommendation.

Mr Tony Thorne, King and Campbell Pty Ltd, representing Jim and Gail Newton, addressed Council and spoke on the information in the report and raised concerns with respect to some of the information provided and answered questions from Councillors.

Mr Grant Mitchell representing Save Fernhill Community Action Group addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Alley/Turner*

That Council:

1. Note the information contained in this report and the attached Engineering Feasibility Study for the proposed Orbital Road.
2. Further that in noting the Engineering Feasibility Study (which is the subject of this report), does not infer that Council has made any decisions on a preferred route or routes for the proposed Orbital Road.
3. Note that any future decisions on preferred routes relating to the proposed Orbital Road, will be the subject of future reports to Council for consideration.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **11.01 NOTICE OF MOTION - EXCEPTION UNDER GENERAL PROVISIONS OF THE MARKETS POLICY**

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Councillor Cusato declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 7:37pm.

Mr Ian McKittrick, Ewetopia Farm, address Council in support of the recommendation and answered questions from Councillors.

Ms Desley Bailey, The Eastward Garden, addressed Council in support of the recommendation.

*RESOLVED: Intemann/Hawkins*

That Council:

1. Subject to a successful application under Council's Markets Policy, admit the Tuesday Real Food Market in the Hay Street Forecourt as a trial exception

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under the general provisions of the Markets Policy relating to timing in the CBD, with a set-up time from 11am and start time of noon, and the trial to end 31 December 2019.

2. Request the General Manager to:
- a) Report to Council any future application for exception under the Markets Policy, for Council's determination.
  - b) Advise the approved operator of the Hay Street Forecourt Tuesday Real Food Market of the terms of the policy exception for those markets, namely that only fresh local food products be offered, and the approved operator is required to manage the stalls in accordance with the approved exception and provide a compliance report by 30 November 2019.
  - c) Table the compliance report referred to in 2(b) to Council in conjunction with the review of Markets Policy at the December 2019 Ordinary Council Meeting.

*CARRIED: 6/0*

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

*AGAINST: Nil*

Councillor Cusato returned to the meeting, the time being 07:56pm.

Councillor Hawkins left the meeting, the time being 7:57pm.

Councillor Hawkins returned to the meeting, the time being 7:58pm.

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## **12.02 LEGAL ADVICE ON WATER FLUORIDATION**

Dr John Lusk addressed Council in support of the recommendation.

*RESOLVED: Turner/Alley*

That Council note the information included in this Legal Advice on Water Fluoridation report.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **12.10 STRATEGIC LAND USE PLANNING - FERNBANK CREEK AND SANCROX**

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:00pm.

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Mr Maurice Driscoll, Maurice Driscoll Consulting, representing the Le Clos Sancrox Landowners, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Graham Burns, Land Dynamics, representing the landowners, addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Turner/Hawkins*

That Council:

1. Note the information in the February 2019 Strategic Land Use Planning - Fernbank Creek and Sancrox Report.
2. Note that a Greater Sancrox Area Structure Plan was tabled at the Council Meeting in February 2015 and deferred pending adoption of the UGMS.
3. Note that according to landowner representatives, the Le Clos Sancrox owners have all now committed to acting as a single entity to achieve a co-ordinated planning outcome.
4. Immediately commence Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS.
5. Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process.
6. Allow the General Manager to adequately resource this program.
7. Include regular updates on this matter in the biannual Site Specific LEP Amendments Update Report in March and September of each year.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **12.12 HOMEDALE ROAD, KEW - PLANNING PROPOSAL AND DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS - CONSIDERATION OF SUBMISSIONS**

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Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

Ms Julie Edgecombe addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Cusato/Turner*

That this item be deferred pending consideration of potential unauthorised works on the site and the matter be reported back to Council with advice on these matters as soon as practicable.

*CARRIED: 6/0*

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

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AGAINST: Nil

Councillor Levido returned to the meeting, the time being 8:31pm.

Councillor Dixon left the meeting, the time being 8:31pm.  
Councillor Dixon returned to the meeting, the time being 8:33pm.

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**12.13 DA2017 - 667.1 DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF BOAT STORAGE FACILITY AND PUBLIC AMENITIES, TREE REMOVAL AND ROAD WORKS AT LOT 2 DP 535212, NO. 9 MCINHERNEY PARK, PORT MACQUARIE**

Ms Elizabeth Williams addressed Council in opposition of the recommendation.

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

*RESOLVED: Intemann/Hawkins*

1. That DA2017 – 667 for demolition of existing building and construction of boat storage facility and public amenities, tree removal and road works at Lot 2, DP 535212, McInherney Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.
2. That the facility and land tenure arrangements be confirmed and reported back to Council.

*CARRIED: 6/1*

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

*AGAINST: Cusato*

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**12.14 DA2018 - 562.1 DEMOLITION OF EXISTING BUILDINGS, CONSOLIDATION AND BOUNDARY ADJUSTMENT, AND CONSTRUCTION OF SENIORS HOUSING AT LOTS 10 - 13 DP 861177, LOT 1 DP 782560, LOT 1 DP 393967, LOT 1 DP 390610, LOT 1 DP 1053812, LOT 1 DP 121189, LOT 1 DP 795534, LOT 1 DP 151300, LOT 3 AND 4 DP 347796, NO. 15 - 21 CAMERON STREET AND 3 YOUNG STREET, WAUCHOPE**

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

Ms Geraldine Haigh, GEM Planning Projects, representing the applicant, addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Levido/Cusato*

That this matter be deferred to enable a briefing to Councillors on car parking specific to this application and generally and the historical agreement of 1967

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involving the Wauchope RSL Club and Council and a report be brought back to the April 2019 Council Meeting.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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**12.17 DA2018 - 353.1 COMMERCIAL PREMISES AND TOURIST AND VISITOR ACCOMMODATION WITH CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 123 DP 1219042, NO. 17 CLARENCE STREET, PORT MACQUARIE**

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Mr David Pensini, representing the applicant, addressed Council in support of the recommendation and answered questions from Councillors.

*MOVED: Levido/Intemann*

That DA2018 – 353 be refused on the grounds that:

1. Insufficient on-site car parking has been provided (deficit of 21 spaces) as required by the Port Macquarie-Hastings Development Control Plan 2013. In the context of this proposed tourist development located within an area with time limited parking the public interest would not be well served by allowing such a significant shortfall in parking spaces on site, or offsetting this number of spaces via the contribution plan.
2. The proposed turning movements at the reception area are unreasonably compromised and should be redesigned to avoid regular interruption to the in-out vehicular movements by the 3-point turn.

**FORESHADOWED MOTION**

*MOVED: Intemann*

That DA2018 – 353 be deferred to allow the applicant to readdress non-compliance with development standards and provide further car parking provision on site so as to avoid dependence on parking offsets.

**THE MOTION WAS PUT**

*MOVED: Levido/Intemann*

That DA2018 – 353 be refused on the grounds that:

1. Insufficient on-site car parking has been provided (deficit of 21 spaces) as required by the Port Macquarie-Hastings Development Control Plan 2013. In the context of this proposed tourist development located within an area with time limited parking the public interest would not be well served by allowing

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such a significant shortfall in parking spaces on site, or offsetting this number

of spaces via the contribution plan.

2. The proposed turning movements at the reception area are unreasonably compromised and should be redesigned to avoid regular interruption to the in-out vehicular movements by the 3-point turn.

*LOST: 3/4*

*FOR: Cusato, Dixon and Levido*

*AGAINST: Alley, Hawkins, Intemann and Turner*

#### **FORESHADOWED MOTION WAS PUT**

*RESOLVED: Intemann/Alley*

That DA2018 – 353 be deferred to allow the applicant to readdress non-compliance with development standards and provide further car parking provision on site so as to avoid dependence on parking offsets.

*CARRIED: 6/1*

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

*AGAINST: Levido*

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#### **09.01 QUESTION FROM PREVIOUS MEETING - MAYOR - DELEGATED AUTHORITY**

*RESOLVED: Turner/Levido*

That Council note the information contained in this response to the Question from Previous Meeting relating to the Mayors Delegated Authority.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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#### **09.02 MID NORTH COAST JOINT ORGANISATION FINANCIAL STATEMENT**

*RESOLVED: Alley/Levido*

That Council note the information contained in this Mid North Coast Joint Organisation financial statement report.

*CARRIED: 5/2*

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

*AGAINST: Cusato and Hawkins*

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

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*RESOLVED: Cusato/Turner*

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

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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### **09.04 DESIGNATED PERSONS**

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*RESOLVED: Levido/Hawkins*

That Council determine that the following position become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:

1. Project Manager Infrastructure Delivery.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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### **09.05 DISCLOSURE OF INTEREST RETURN**

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*RESOLVED: Levido/Hawkins*

That Council note the Disclosure of Interest returns for the following positions:

1. Building Surveyor Team Leader Building Regulation – Fire Safety
2. Contracts Administrator
3. Design Engineer
4. Development Compliance Co-ordinator
5. Development Compliance Officer
6. Engineering Planning Manager
7. Environmental Projects Officer
8. Group Manager Digital Technology
9. Group Manager Organisational Performance
10. Group Manager Regulatory Services (title change from Group Manager Compliance)
11. Land Use Planning Manager
12. Operations Engineer
13. Senior Works Engineer
14. Stormwater Engineer
15. Water and Sewer Operations Manager
16. Water and Sewer Planning Manager
17. Water and Sewer Process Manager
18. Water and Sewer Process Engineer
19. Water and Sewer Headworks Engineer

- 
20. Water and Sewer Operations Engineer
  21. Water and Sewer Planning Engineer
  22. Works Engineer

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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

*RESOLVED: Cusato/Alley*

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

1. Anna Stricker – Building Surveyor

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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**09.07 2020 ORDINARY LOCAL GOVERNMENT ELECTION**

*RESOLVED: Alley/Hawkins*

That Council note:

1. The Office of Local Government circular informing of an Independent Pricing and Regulatory Tribunal review relating to the costs of conducting local government elections in New South Wales.
2. That a further report will be presented to Council when the Electoral Commission estimates to administer the 2020 local government election and constitutional referendum are released.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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**09.08 POLICY REVIEW - RISK MANAGEMENT POLICY- POST PUBLIC  
EXHIBITION**

*RESOLVED: Hawkins/Alley*

That Council:

1. Adopt the Risk Management Policy.
2. Rescind the Risk Management Framework Policy and reclassify the document as an internal procedure.

*CARRIED: 7/0*

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

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#### **09.09 LEGAL FEES**

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*RESOLVED: Alley/Cusato*

That Council note the information in the Legal Fees report.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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#### **09.10 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT**

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*RESOLVED: Hawkins/Levido*

That Council note the information contained in the Financial Impact of Cost Shifting From Other Levels of Government report.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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#### **09.11 INVESTMENT POLICY REVIEW - POST EXHIBITION**

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*RESOLVED: Cusato/Hawkins*

That Council adopt the amended Investment Policy.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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#### **09.12 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2018**

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*RESOLVED: Hawkins/Turner*

That Council note the Quarterly Budget Review Statement for the December 2018 Quarter.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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### **09.13 MONTHLY BUDGET REVIEW - JANUARY 2019**

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*RESOLVED: Hawkins/Intemann*

That Council:

1. Adopt the adjustments in the "Budget Variations – January 2019" section of the Monthly Budget Review – January 2019.
2. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **09.14 INVESTMENTS - DECEMBER 2018**

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*RESOLVED: Hawkins/Turner*

That Council note the Investment Report for the month of December 2018.

*CARRIED: 7/0*

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

*AGAINST: Nil*

---

### **09.15 INVESTMENTS - JANUARY 2019**

---

*RESOLVED: Alley/Hawkins*

That Council note the Investment Report for the month of January 2019.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **09.16 2018-2019 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 31 DECEMBER 2018**

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*RESOLVED: Dixon/Cusato*

That Council note the 2018-2019 Operational Plan - Quarterly Progress Report as at 31 December 2018.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **09.17 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS**

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*RESOLVED: Turner/Hawkins*

That Council note the information provided in the Glasshouse Biannual Report and Update on Strategic Plan Recommendations report.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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### **09.18 DIGITAL TECHNOLOGY PROJECT STATUS**

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*RESOLVED: Hawkins/Dixon*

That Council note the information in the Digital Technology Project Status report and the progress made to date.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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### **09.19 COMMUNICATIONS STRATEGY - OXLEY HIGHWAY TRAFFIC CONGESTION AND ROADS AUTHORITIES**

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*RESOLVED: Turner/Hawkins*

That Council note the action taken and communications planning in place regarding the Oxley Highway traffic congestion and Council versus State Government road responsibilities.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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## **09.20 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE**

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*RESOLVED: Cusato/Dixon*

That Council note:

1. The Development Activity and Assessment System Performance report for the second quarter of 2018-2019; and
2. The four (4) clause 4.6 - Port Macquarie-Hastings Local Environmental Plan 2011 determinations that have been made under staff delegation.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **10.01 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - DECEMBER 2018**

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*RESOLVED: Intemann/Turner*

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. Kayle Enfield the amount of \$350.00 to assist with the expenses he would have incurred travelling to and competing at the Australian All Schools National Surfing Titles held in South Australia from 1 – 8 December 2018 inclusive.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **10.02 FINAL REPORT: ABORIGINAL AWARENESS AND UNDERSTANDING STRATEGY 2013 - 2017**

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*RESOLVED: Turner/Hawkins*

That Council:

1. Note the end of term report of the Aboriginal Awareness and Understanding Strategy 2013 – 2017.
2. Request the General Manager report this matter to the next Cultural Steering Group.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **10.03 GRANT APPLICATIONS QUARTERLY REPORT**

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*RESOLVED: Cusato/Hawkins*

That Council note the first quarterly Grant Application Report, providing an overview of grants applied for or obtained in the 2018-19 financial year.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **10.04 TOWN CENTRE MASTER PLAN PRIORITY PROJECT - DRAFT OPERATIONAL PLAN 2019/20**

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*RESOLVED: Hawkins/Dixon*

That Council:

1. Approve the deferral of the following Town Centre Master Plan projects from the 2018/19 Operational Plan listed in the financial section of this report to allow for focus on the Port Macquarie Foreshore Walkway Project.
2. Include in the draft 2019/2020 operational plan a budget of \$985,000 for the Port Macquarie Foreshore Walk Project from the Town Centre Master Plan Reserve.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Item - 11.01 Notice of Motion - Exception Under General Provisions of the Markets Policy - has been moved to another part of the document.

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### **12.01 NOTICE OF MOTION - CLASSIFICATION OF OCEAN DRIVE AND HASTINGS RIVER DRIVE TO STATE ROAD**

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*RESOLVED: Alley/Cusato*

That Council:

1. Note that Ocean Drive and Hastings River Drive are currently classified by the Roads and Maritime Services as a Regional Road.
2. Request the General Manager write to the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight, requesting that Gazetted Road Number 600 be reclassified as a State Road under the Roads Act 1993.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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Item - 12.02 Legal Advice on Water Fluoridation - has been moved to another part of the document.

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**12.03 BOUNDARY ADJUSTMENT BETWEEN PART COUNCIL'S PORT  
MACQUARIE WATER SUPPLY DAM LAND AND 1 ORR STREET**

*RESOLVED: Hawkins/Turner*

That Council note that the application for the boundary adjustment between part Council's Port Macquarie Water Supply Dam Land and 1 Orr Street has been withdrawn by the applicant.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

---

**12.04 CLASSIFICATION OF LAND REQUIRED FOR SEWER PURPOSES AT  
COMBOYNE AND LONG FLAT**

*RESOLVED: Levido/Dixon*

That Council:

1. Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify the following lots as "operational" land by placing on public exhibition from 27 February 2019 for a minimum period of 28 days, the proposed resolutions:
  - a) "It is intended to classify Lot 1 DP1240385 (land situated at Main Street, Comboyne) as operational land";
  - b) "It is intended to classify Lot 2 DP1244793 (land situated off Henry Street, Long Flat) as operational land";
  - c) "It is intended to classify Lot 2 DP1244795 (land situated off Henry Street, Long Flat) as operational land".
2. Note that a further report will be tabled to Council at the April 2019 Ordinary Council meeting, detailing any submissions received from the public during the exhibition period.

*CARRIED: 7/0*  
*FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

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## **12.05 TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES - PACIFIC HIGHWAY, SANCROX**

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Councillor Alley left the meeting, the time being 10:11pm.

*RESOLVED: Levido/Hawkins*

That Council:

1. Accept the transfer of Lot 3 Deposited Plan 1241253, Pacific Highway, Sancrox;
2. Delegate authority to the General Manager to execute, electronically or otherwise, all documents including, but not limited to, any authorisation form as required associated with the transfer in accordance with the Electronic Transactions Act 2000;
3. Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 3 Deposited Plan 1241253 as “operational land” by placing on public exhibition the proposed resolution “It is intended to classify Lot 3 Deposited Plan 1241253 (land situated at Pacific Highway, Sancrox) as operational land” from 27 February 2019 for a minimum period of 28 days;
4. Note that a further report will be tabled at the April 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

*CARRIED: 6/0*

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

*AGAINST: Nil*

Item - 12.06 Question From Previous Meeting - Orbital Road - Development in Investigation Area - has been moved to another part of the document.

Item - 12.07 Question From Previous Meeting - Orbital Road - Current Investigation Area - has been moved to another part of the document.

Item - 12.08 Port Macquarie-Hastings Local Government Area Traffic Study - has been moved to another part of the document.

Item - 12.09 Orbital Road - Feasibility Study - has been moved to another part of the document.

Item - 12.10 Strategic Land Use Planning - Fernbank Creek and Sancrox - has been moved to another part of the document.

---

## **12.11 PLANNING PROPOSAL - 2019 ADMINISTRATIVE REVIEW OF PORT MACQUARIE - HASTINGS LEP 2011**

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Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 10:12pm.

*RESOLVED: Turner/Cusato*

That Council:

1. Prepare a draft Planning Proposal as described in this report, pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to the seven issues as generally described in this report.
2. Forward the draft Planning Proposal to the Department of Planning and Environment for a Gateway Determination pursuant to section 3.34 of the Act, and request that the Gateway Determination authorise Council to be the local plan-making authority.
3. Upon receipt of the Gateway Determination, complete the relevant procedures under section 3.34 and clause 4 of Schedule 1 of the Act, including public exhibition of the Planning Proposal.

*CARRIED: 5/0*

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

*AGAINST: Nil*

Councillor Levido returned to the meeting, the time being 10:13pm.

Councillor Alley returned to the meeting, the time being 10:13pm.

Item - 12.12 Homedale Road, Kew - Planning Proposal and Draft Development Control Plan Provisions - consideration of submissions - has been moved to another part of the document.

Item - 12.13 DA2017 - 667.1 Demolition Of Existing Building And Construction Of Boat Storage Facility And Public Amenities, Tree Removal And Road Works At Lot 2 DP 535212, No. 9 McInherney Park, Port Macquarie - has been moved to another part of the document.

Item - 12.14 DA2018 - 562.1 Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795 - has been moved to another part of the document.

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## **12.15 AIRPORT BUSINESS PARK PLANNING PROPOSAL - STATUS UPDATE**

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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 10:13pm.

*RESOLVED: Levido/Dixon*

That Council note the information contained in the Airport Business Park Planning Proposal – Status Update report.

*CARRIED: 6/0*  
*FOR: Alley, Dixon, Hawkins, Intemann, Levido and Turner*  
*AGAINST: Nil*

Councillor Cusato returned to the meeting, the time being 10:16pm.

Councillor Hawkins left the meeting, the time being 10:16pm.

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## **12.16 WITHDRAWAL OF CAVEATS - LOT 16 DP 1221921 AND LOT 234 DP 1224670, BRENCHLEY CIRCUIT (RIVERBREEZE ESTATE), WAUCHOPE**

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*RESOLVED: Levido/Turner*

That Council:

1. Approve the execution of the Withdrawal of Caveats AK978502 and AM225925 relating to Lot 16 DP 1221921 and Lot 234 DP 1224670, Branchley Circuit, Wauchope; and
2. Authorise the General Manager to execute any necessary dealings in respect of this matter.

*CARRIED: 6/0*  
*FOR: Alley, Cusato, Dixon, Intemann, Levido and Turner*  
*AGAINST: Nil*

Item - 12.17 DA2018 - 353.1 Commercial Premises and Tourist and Visitor Accommodation with Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123 DP 1219 - has been moved to another part of the document.

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**13 QUESTIONS FOR NEXT MEETING**

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**13.01 PARKING STRATEGY AND PARKING CONTRIBUTIONS RESERVE**

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**Question from Councillor Intemann:**

Could the General Manager please update Councillors on the status of the review of the Parking Strategy and the parking contributions reserve?

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

Nil.

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**13.02 WAUCHOPE HERITAGE DEVELOPMENT CONTROL PLAN**

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**Question from Councillor Intemann:**

Could the General Manager please update Councillors on the status of a heritage DCP, or similar, for Wauchope, in view of comments by Council's Heritage Advisor on page 235 of the agenda identifying an "urgent need" for such instruments.

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

Nil.

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**13.03 AIRPORT PLANNING PROPOSAL - REGULAR REPORTING SCHEDULE**

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**Question from Councillor Turner:**

Could the General Manager advise if there is a regular reporting schedule planned for the airport planning proposal?

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

Nil.

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Councillor Hawkins returned to the meeting, the time being 10:18pm.

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Turner/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 14.01 Council Owned Land in William Street Port Macquarie (PIN 34119)  
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 EOI-18-04 Independent Member of the Audit, Risk and Improvement 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 14.03 Supply of Electricity  
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 14.04 Update on T-18-26 Supply of a Fully Automated, Self Cleaning Toilet Facility  
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 14.05 T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills  
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.

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Item 14.06 T-18-59 Hastings River Drive Upgrade - Pre-construction  
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 14.07 Hastings River Drive Property Purchase  
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **ADJOURN MEETING**

The Ordinary Council Meeting adjourned at 10:19pm.

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### **RESUME MEETING**

The Ordinary Council Meeting resumed at 10:30pm.

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

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*RESOLVED: Turner/Alley*

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

Item 14.01 Council Owned Land in William Street Port Macquarie (PIN 34119)

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

**RECOMMENDATION**

That Council:

1. Note the information contained in the Council Owned Land in William Street Port Macquarie (PIN 34119) report.
2. Delegate authority to the General Manager to enter into a Second Deed of Extension with Gowing Bros Limited, to extend the date for exercise of the Call Option Deed with Gowing Bros Limited for the option to purchase the property by a further six (6) months to 4 October 2019.

Item 14.02 EOI-18-04 Independent Member of the Audit, Risk and Improvement 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**

That Council:

1. Appoint Mr Michael Parkinson as an independent member of the Audit, Risk and Improvement Committee for a four (4) year term.
2. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-18-04.

Item 14.03 Supply of Electricity

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**

That Council:

1. Note the rates accepted by Local Government Procurement for the contract extension to the Supply of Electricity contracts.
2. Maintain the confidentiality of the documents and considerations in respect of the Supply of Electricity contracts.

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Item 14.04 Update on T-18-26 Supply of a Fully Automated, Self Cleaning Toilet Facility

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**

That Council note the information contained in the Update on T-18-26 Supply of a Fully Automated, Self Cleaning Toilet Facility Report.

Item 14.05 T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills

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**

That Council:

1. Accept the quotation from Ledonne Constructions Pty Ltd for \$555,643 (exclusive of GST) for the Design and Construction of Underbores – Beechwood and Bonny Hills.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-53.

Item 14.06 T-18-59 Hastings River Drive Upgrade - Pre-construction

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**

That Council:

1. Defer consideration of Tender T-18-59 Hastings River Drive Upgrade – preconstruction project until the 20 March 2019 Ordinary Council meeting.
2. Maintain the confidentiality of the documents and consideration in respect of request for quotation T-18-59.

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Item 14.07 Hastings River Drive Property Purchase

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

**RECOMMENDATION**

That Council:

1. Undertake an acquisition for the purchase of Lot 2 DP39064 (210 Hastings River Dr, Port Macquarie).
2. Submit an offer and commence acquisition, once the impact of flood mapping is determined, within the adopted value range nominated by Council's Consulting Valuer for the purchase of Lot 1 DP39064 (212A Hastings River Dr, Port Macquarie).
3. Subject to the outcome of resolutions 1 and 2 above, delegate to the General Manager authority to:
  - a) Sign the Contracts for Sale.
  - b) Sign the letters to Revenue NSW seeking an exemption from the payment of Stamp Duty.
  - c) Sign the Revenue NSW Purchaser Declaration Forms.
  - d) Sign the Land Registry Services Transfer Forms.
  - e) Sign any of the above or additional forms, either by hand or electronically, that may be required with the recent introduction of e-conveyancing.
4. Utilise Council's Hastings River Drive Contributions Plan and an internal loan from Council's Major Roads Contribution Plan to complete these acquisitions.
5. Combine the Hastings River Drive and Major Roads Contributions Plans at the time of updating the Major Roads Contribution Plan.
6. Reimburse the relevant Contribution Plan should any future sales of the land occur.
7. On completion of the purchase of each of Lot 2 DP39064 (210 Hastings River Dr, Port Macquarie) and Lot 1 DP39064 (212A Hastings River Dr, Port Macquarie), pursuant to Section 34 of the Local Government Act 1993, commence the process to classify each of the lots as "operational" land by placing on exhibition for minimum period of 28 days the proposed resolution "it is intended to classify Lot 2 DP39064 (210 Hastings River Dr, Port Macquarie) and Lot 1 DP39064 (212A Hastings River Dr, Port Macquarie) as operational land."
8. Note that a further report will be tabled to Council detailing any submissions received from the public during the exhibition period.

*CARRIED: 7/0*

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

*AGAINST: Nil*

The meeting closed at 10:31pm.

.....  
Peta Pinson  
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: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND  
ALLOCATIONS

Mayor, Peta Pinson

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### RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 7 February to 6 March 2019 inclusive be noted.

### Discussion

#### Mayoral Discretionary Fund Allocations

The Mayor made the following allocations from the Mayoral Discretionary Fund for the period 7 February to 6 March 2019:

Donation of 12 month sponsorship of Koala for Australia Day Ambassador Narelle Campbell	\$60.00
Floral Wreath for Banka Island Commemorative Service on 14/02/19	\$60.00
Floral Wreath for National Servicemen's Day Service on 15/02/19	\$60.00
	<b>\$180.00</b>

The Deputy Mayor made the following allocations from the Mayoral Discretionary Fund for the period 7 February 2019 to 6 March 2019 whilst the Mayor was on leave:

Morning Tea for Governor Hurley & Mrs Hurley's meeting with Youth representatives at Council on 22/02/19	\$142.50
Donation of Glasshouse Vouchers for Bush to Beach Project Fundraiser on 09/03/19	\$300.00
	<b>\$442.50</b>

### 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**

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

### **RECOMMENDATION**

**That Council determine that the attachment to Item Numbers 09.01 and 12.09 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.**

### **Discussion**

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

**Item No:** 09.01  
**Subject:** General Manager's Performance Panel  
**Attachment Description:** Port Macquarie-Hastings Council - FINAL GM PERFORMANCE AGREEMENT 2018-2019 - 27 February 2019  
**Confidential Reason:** Relates to personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993 – Section10A(2)(a)).

**Item No:** 12.09  
**Subject:** Highway Service Centre Planning Proposal - State Government Agency Consultation  
**Attachment Description:** Highway Service Centre Planning Proposal - State Government Agency Consultation  
**Confidential Reason:** Relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings, on the ground of legal professional privilege (Local Government Act 1993 – Section10A(2)(g)).

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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 five 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 affective 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: GENERAL MANAGER'S PERFORMANCE PANEL

Presented by: General Manager, Craig Swift-McNair

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### Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

### RECOMMENDATION

#### That Council:

1. Determine the composition of the General Manager's Performance Review Panel for the 2018-2019 period to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the General Manager.
2. Appoint Councillor Peter Alley as the Councillor nominated by the Council to the General Manager's Performance Review Panel for the 2018-2019 period.
3. Note that Councillor Lee Dixon is the General Manager's nominated Councillor on the General Manager's Performance Review Panel for the 2018- 2010 period.
4. Delegate to the General Manager's Performance Review Panel:
  - a) The whole process of performance management, including discussions about performance and performance reviews for the 2018-2019 period.
  - b) The reporting to Council of findings and recommendations of reviews for the 2018-2019 period and any actions that should be taken.
  - c) The determination of any new performance agreement for the period 2019-2020.
5. Note that the General Manager performance plan for 2018-2019 will run from 1 February 2019 to 30 June 2019.

### Executive Summary

The purpose of this report is to appoint the General Managers Performance Panel for the period 2018-2019.

### Discussion

In July 2011, the then Division of Local Government (now the Office of Local Government) issued *Guidelines for the Appointment and Oversight of General Managers*. A copy of the guidelines is attached for information.

The Guidelines recommend that the General Manager's Performance Panel comprise the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.

The Guidelines further provide that the whole process of performance management be delegated to the General Manager's Performance Panel including the conduct of performance reviews, reporting the findings and recommendations of those reviews to Council and the development of the performance agreement.

At the Ordinary Council Meeting held on 18 October 2017, a Mayoral Minute relating to the General Manager's Performance Panel was tabled wherein it was resolved as follows:

#### **06.02 GENERAL MANAGER'S PERFORMANCE PANEL**

*RESOLVED: Pinson*

*That Council:*

- 1. Determine the composition of the General Manager's Performance Review Panel for the 2017-2018 period to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the General Manager.*
- 2. Appoint Councillor Peter Alley as the Councillor nominated by the Council to the General Manager's Performance Review Panel for the 2017-2018 period.*
- 3. Note that Councillor Justin Levido is the General Manager's nominated Councillor on the General Manager's Performance Review Panel for the 2017-2018 period.*
- 4. Delegate to the General Manager's Performance Review Panel:
  - a) The whole process of performance management, including discussions about performance and performance reviews for the 2017-2018 period.*
  - b) The reporting to Council of findings and recommendations of reviews for the 2017-2018 period and any actions that should be taken.*
  - c) The determination of any new performance agreement for the period 2018-2019.**
- 5. Determine for the 2017-2018 period that there be one formal performance review at the completion of the period and an informal performance review at seven / eight months, noting that the 2017-2018 General Manager performance plan will run from 1 July 2017 to 30 June 2018.*

*CARRIED: 9/0*

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

As per the Council resolution above, the General Managers Performance Panel undertook a review of the General Managers 2017-2018 performance, with the assistance of an external facilitator. This review took place in August 2018 and was reported to Council at the 19 September 2018 Council meeting, where Council resolved the following:

#### **Item 14.01 General Manager's 2017-2018 Performance Review**

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

**RECOMMENDATION**

*That Council:*

- 1. Note the information contained in the General Manager's 2017-2018 End of Year Performance Review report.*
- 2. Request the Mayor to convene a meeting of the General Manager's Performance Review Panel to consider the 2018- 2019 performance review criteria and comparable remuneration arrangements.*

During the period between September 2018 and February 2019, a new General Managers Performance Plan was developed with the assistance of external facilitators, Blackadder Associates, the existing General Manager Performance Panel members and the General Manager. Due to the timing of the development of this plan, the 2018-2019 plan will run from 1 February 2019 to 30 June 2019. A confidential copy of the General Managers Performance Plan is attached to this report for your information.

The confidential attachment titled "*Port Macquarie-Hastings Council - FINAL GM PERFORMANCE AGREEMENT 2018-2019 - 27 February 2019*" contains information that relates to personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993 – Section 10A(2)(a)).

In light of the above, the current General Managers Performance Panel members have fulfilled their duties as per the 18 October 2017 Council resolution, therefore it is now appropriate to confirm membership of the General Managers Performance Panel for 2018-2019.

If Council resolves in line with the recommendation included in this report and in line with the *Guidelines for the Appointment and Oversight of General Managers* then the members of the General Manager's Performance Panel for 2018-2019 will be as follows:

- Mayor Peta Pinson;
- Deputy Mayor Lisa Intemann;
- Councillor Peter Alley (as the Councillor nominated by Council) and
- Councillor Lee Dixon (as the Councillor nominated by the General Manager).

**Options**

As membership of the General Managers Performance Panel is determined by the *Guidelines for the Appointment and Oversight of General Managers* as provided by the OLG, the General Managers Performance Panel must comprise the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.

In light of the above, Council has the option to select any Councillor to be the Council nominated representative on the General Managers Performance Panel for the period 2018-2019, outside of the Mayor and Deputy Mayor.

**Community Engagement & Internal Consultation**

There has been no community engagement in regard to this report. Internal consultation has been undertaken with the current General Managers Performance Panel and Councillors.

**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**

[1View](#). Guidelines for the Appointment and Oversight of General Managers

[2View](#). Confidential - Port Macquarie-Hastings Council - FINAL GM  
PERFORMANCE AGREEMENT 2018-2019 - 27 February 2019  
(Confidential)

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**Item: 09.02**

**Subject: EXTENSION OF A MEMORANDUM OF UNDERSTANDING WITH  
NORFOLK ISLAND REGIONAL COUNCIL**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council delegate authority to the General Manager to enter into a two year extension to the Memorandum of Understanding with the Norfolk Island Regional Council for the sharing of information and experience relevant to Local Government practices in New South Wales.**

### **Executive Summary**

In late 2016, Port Macquarie-Hastings Council (PMHC) was approached by the Australian Governments Department of Infrastructure and Regional Development to seek Council's involvement in offering support to the then newly established Norfolk Island Regional Council (NIRC).

Following a Council resolution in March 2017, a Memorandum of Understanding (MOU) was entered into with the NIRC for a period of twenty four months, with the MOU allowing for extensions to the agreement at the sole discretion of this Council. In late February 2019 a letter was received from the NIRC seeking a two year extension to the MOU and that request is the subject of this report.

### **Discussion**

At the 15 March 2017 Council meeting, Council resolved the following:

*09.01 MEMORANDUM OF UNDERSTANDING WITH NORFOLK ISLAND  
REGIONAL COUNCIL*

*RESOLVED: Intemann/Cusato*

*That Council delegate authority to the General Manager to enter into a Memorandum of Understanding with the Norfolk Island Regional Council for the sharing of information and experience relevant to Local Government practices in New South Wales.*

*CARRIED: 8/0*

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

Following the above-mentioned Council resolution, the General Manager entered into an MOU with the NIRC. A copy of the 15 March 2017 Council report is attached to this report for information, noting that the 2017 report in part details some background around the transition Norfolk Island was and is going through and the assistance sought from this Council.

This Council was originally approached by the Australian Governments Department of Infrastructure and Regional Development to seek Councils involvement in offering support to the newly established Norfolk Island Regional Council, largely due to the fact that this Council has in place a similar MOU with Lord Howe Island and have had for many years.

A copy of the existing MOU between Council and the NIRC is included as an attachment to this report. The focus of the MOU covers joint activities and programs such as:

- Infrastructure Planning;
- Waste Management;
- Water Management;
- Sewerage Management;
- Natural Resource Management;
- Environmental Health Management (including food safety inspections & related processes/ cooling tower inspections / swimming pool inspections & processes etc);
- Community Engagement Processes and Practices.

To date we have had the following interactions with the NIRC:

- A senior staff member from NIRC visited our offices in for several days in May 2017 and spent time with Council staff across the following areas:
  - o Community engagement
  - o Food, septic, water quality
  - o Water supply & wastewater
- Councils Environmental Health Officer has provided information on private water supplies, the Public Health Act, Regulation and checklists and testing equipment for implementation of the Act on the island.
- Councils Natural Resources team has provided information on water quality monitoring of beaches.
- Planning and Environmental Health referrals have been done for a proposed composting facility on the island.
- Provided information on Civica Authority upgrades and features as well as copies of Civica Authority user guides;
- Provided some knowledge transfer on TRIM/Records policies, manuals etc.
- Provided advice to the risk and internal audit officer regarding the audit, risk and improvement committee. This involved a telephone meeting and providing information in emails.
- Provided information in relation to Council's statutory reporting and provided templates for Annual Reporting –Part A – Community Report Card and Part B Statutory Information.

There is also a standing offer to the NIRC for Council to assist with any planning / development assessment or infrastructure planning work, where feasible.

As stated in the March 2017 Council report, all engagements with NIRC are dependent on Council staff availability and any local competing priorities at the time.

As noted earlier in this report, the March 2017 MOU was effective for an initial period of twenty four months, with the MOU able to be extended at the sole discretion of PMHC for a further period as determined necessary, unless terminated by either party. In light of the written request by the NIRC to this Council to extend the MOU for another twenty four months, the recommendation included in this report is for Council to delegate authority to the General Manager to enter into such an extension.

### **Options**

Council has the option of not extending the MOU and officially terminating the MOU with the NIRC.

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

There has been no external community engagement undertaken in the development of this report. Internal consultation has taken place with the following:

- General Manager
- Directors

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

There are no direct financial and economic implications in relation to this report, noting that as detailed in the MOU, each party will reimburse each other on a cost recovery basis for staff time and travel and accommodation expenses incurred in undertaking works as included in this MOU. For clarity this means that if NIRC request PMHC assistance / attendance on certain issues, then NIRC will cover the costs of PMHC staff as required and vice versa.

To date, Council has not invoiced NIRC for any staff time in providing the advice as detailed in this report as it has largely been incidental in nature, noting that the visit of an NIRC staff member to Council in May 2017 was at the sole expense of the NIRC.

### **Attachments**

1 [View](#). MOU - Port Macquarie-Hastings Council & Norfolk Island Regional Council  
- March 2017

2 [View](#). Council Report - 15 March 2017 - MOU between PMHC & NIRC

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Item: 09.03

Subject: NOTICE OF MOTION - COUNCILLOR STRATEGIC PLANNING

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Councillor Intemann has given notice of her intention to move the following motion:

**RECOMMENDATION**

**That the General Manager be requested to schedule a strategy session between himself and Councillors within one month of this March 2019 Council meeting, to identify Councillor priorities for the coming year.**

**Comments by Councillor** (if provided)

A key role for Councillors is strategic planning and recent budget workshops showed a distinct need for in-depth strategic discussions between Councillors and the General Manager. The proposed motion puts that action in train.

**Attachments**

Nil

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**Item: 09.04**

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

**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 contained in the Status of Reports from Council Resolutions report.**

### Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Draft PMH DCP 2013 - Highways Gateway Sites - update on public authority consultation	21/11/18 Item 12.05		DSG		Mar-19
Draft Mrs York's Garden Master Plan - post exhibition	12/12/18 Item 10.01		DDE		Mar-19
DA 2017 - 667.1 Demolition of Existing Building and Construction of Boat Storage Facility and Public Amenities, Tree Removal and Road Works at Lot 2 DP 535212, No. 9 McInherney Park Port Macquarie	20/02/19 Item 12.13		DDE		Mar-19
Homedale Road, Kew - Planning Proposal and Draft DCP Provisions - Consideration of Submissions	20/02/19 Item 12.12		DSG		Mar-19
QFPM - Airport Planning Proposal - Regular Report Schedule	20/02/19 Item 13.03		DDE		Mar-19
QFPM - Parking Strategy and Parking Contributions Reserves	20/02/19 Item 13.01		DSG		Mar-19

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
QFPM - Wauchope Heritage Development Control Plan	20/02/19 Item 13.02		DSG		Mar-19
PP: Bundaleer Aged Care - 67 High Street and 4-8 Johnstone Street, Wauchope - Gateway Determination	15/08/18 Item 12.04	Awaiting legal advice.	DSG	Sep-18 Oct-18 Feb-19	Apr-19
Update on Site Specific Planning Proposal Requests	19/09/18 Item 12.08	Deferred for consideration with the UGMS Update	DSG	Mar-19	Apr-19
Transfer of Land to Council For Sewer Purposes - Leaders Way Wauchope - Post Exhibition	12/12/18 Item 12.05	Preparing a report combining with other properties.	DCP	Mar-19	Apr-19
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07	Policy being drafted	DDE	Dec-19 Feb-19 Mar-19	Apr-19
Health and Education Precinct Draft Master Plan - post exhibition	21/11/18 Item 11.05		DSG		Apr-19
DA2018 - 562.1 Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 - 21 Cameron Street and 3 Young Street, Wauchope	20/02/19 Item 12.14		DDE		Apr-19
Classification of Land Required for Sewer Purposes at Comboyne and Long Flat	20/02/19 Item 12.04		DCP		Apr-19
Transfer of Land to Council for Sewer Purposes - Pacific Highway, Sancrox	20/02/19 Item 12.05		DCP		Apr-19
Hastings River Drive Property Purchase	20/02/19 Item 14.07		DSG		Apr-19

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM	Oct-18 Mar-19	Apr-19
Future of Committees following establishment of Cultural Steering Group	19/04/17 Item 15.05	Item is to be discussed at a future Cultural Steering Group meeting, following the adoption of the Cultural Plan	DSG	Jun-17 Jul-17 Sep-17 Oct-17 Feb-18 Apr-18 Jul-18 Sep-18 Feb-19 Apr-19	May-19
Town Centre Master Plan Charter Review	20/06/18 Item 09.09	Still being discussed	DSG	Apr-19	May-19
Innes Gardens Memorial Park Crematorium and Lawn Cemetery	17/10/18 Item 14.01	EOI being finalised	DCP	Apr-19	May-19
PMHC v Mansfield - post 'without prejudice' discussions	15/08/18 Item 14.05	Pending further advice regarding legal proceedings.	DDE	Nov-18 Dec-18 Feb-19	May-19
Tastings On Hastings - Future Events	12/12/18 Item 10.02		DSG		May-19
Vince Inmon Sporting Complex - Master Plan Development	21/11/18 Item 10.04		DDE		Jun-19
Why Local Government Matters Project - Completion Report	12/12/18 Item 09.03		GM		Jun-19
Land Acquisition - 921 Hastings River Drive, Pembroke - Post Exhibition	12/12/18 Item 12.04		DCP		Jun-19
Opportunities for improving PMHC unsealed road maintenance practices	15/08/18 Item 12.02		DI		Aug-19
Markets Policy and local markets	21/11/18 Item 11.03		DSG		Dec-19
Hay Street Forecourt Tuesday Real Food Market Compliance Report	20/02/19 Item 11.01		DSG		Dec-19
Canal Maintenance	18/10/17 Item 12.04		DI		2018/2019 FY
2020 Ordinary Local Government Election	20/02/19 Item 09.07		DCP		Feb-20

<b>Report</b>	<b>Date &amp; Item of Resolution</b>	<b>Status</b>	<b>Reporting Officer</b>	<b>Previous Anticipated Date/s for Report</b>	<b>Current Anticipated Date for Report</b>
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.	10/08/16 Item 12.01		DDE		2021 (estimate)
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02		DSG		TBA
Planning Proposal - Homedale Road Kew - post exhibition	14/12/16 Item 13.07	Awaiting further response from proponent prior to public exhibition based on state agency consultation.	DSG	Oct-17 Dec-17 May-18	TBA
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	17/05/17 Item 13.05		DSG		TBA
Planning Proposal PP2016 – 11.1 Mission Terrace Lakewood – post exhibition	15/11/17 Item 12.06		DSG		TBA
Property Purchase by Property Reserve – post exhibition	16/05/18 Item 14.02		DSG		TBA
Planning Proposal: Proposed Highway Service Centre, 1179 Oxley Highway, Sancrox – post exhibition	16/05/18 Item 12.06		DSG		TBA
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02		DSG		TBA
Classification as "Operational" Land - 52 John Oxley Drive,	20/06/18 Item 14.05		DCP		TBA

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Port Macquarie - post exhibition.					
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)		DSG		TBA
T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills - outcome of negotiations and confirming value for money	21/11/18 Item 14.03		DI		TBA
Orbital Road - any future decisions on preferred routes.	20/02/19 Item 12.09		DI		TBA

Cyclic Reports

Report	Reporting Officer	Reporting Cycle	Month
Mayoral Discretionary Fund Allocations	GM	Monthly	Every
Monthly Financial Update	DCP	Monthly	Every
Investments	DCP	Monthly	Every
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, Apr, Aug
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Quarterly Progress Report	DDE	Quarterly	Dec, Mar, June, Sep
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, Apr, Aug, Nov
Grant Application Status Report (17/10/18 - Item 09.07)	DCP	Quarterly	Feb, May, Aug, Nov
Glasshouse Strategic Plan Update	DCP	Biannual	Feb, Aug
Digital Technology Project Status (16/08/17 - Item 09.18)	DCP	Biannual	Feb, Aug
Delivery Program – Six Monthly Progress	DCP	Biannual	Mar, Sep
Update on Site Specific Planning Proposal Requests	DSG	Biannual	Mar, Sep
Long Term Energy Strategy – Progress	DDE	Biannual	Apr, Nov
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov
Performance of Property Investment Portfolio 6-Monthly (12/12/17 - Item 09.09)	DSG	Biannual	May, Nov
Mayoral and Councillor Fees (Setting of)	GM	Annually	Jun
Council Policy - Status	DCP	Annually	Jul
Recreation Action Plan – Status	DDE	Annually	Jul

Report	Reporting Officer	Reporting Cycle	Month
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Jul
Local Preference Policy Outcomes	DCP	Annually	Aug
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually	Sep
Council Meeting Dates	GM	Annually	Sep
Creation of Office - Deputy Mayor	GM	Annually	Sep
Audit Committee Annual Report	DCP	Annually	Sep
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually	Sep
Legislative Compliance Register	DCP	Annually	Sep
Cultural Plan 2018 - 2021 - Implementation Progress Report (19/09/18 - Item 10.02)	DSG	Annually	Sep
Annual Disclosure of Interest Returns	GM	Annually	Oct
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 (21/10/15 - Item 09.04)	DCP	Annually	Nov
Compliments and Complaints Annual Report	DSG	Annually	Dec
Funding Programs for Koala Recovery Strategy (19/09/18 - Item 12.05)	DDE	Annually	Dec

**Attachments**

Nil

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**Item: 09.05**

**Subject: MONTHLY BUDGET REVIEW - FEBRUARY 2019**

**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:**

- 1. Adopt the adjustments in the "Budget Variations – February 2019" section of the Monthly Budget Review – February 2019.**
- 2. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.**

### **Executive Summary**

This report will detail monthly budget adjustments recommended to be made up to 28 February 2019.

The Council adopted a budget position as at 1 July 2018 being a shortfall of \$511,873, and as at 28 February 2019 that shortfall had been reduced to \$364,608. The budget adjustments contained in this report will maintain that reduced shortfall position.

### **Discussion**

Each month, Council's budgets are reviewed by Group Managers and Directors with any required adjustments reported. The purpose of this report is to provide Council with an up to date view of the current actual financial position in comparison to the original adopted 2018-2019 budget position along with the proposed movement of funds to accommodate any changes.

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

Monthly Budget Review Summary

<b>Original Budget as at 1 July 2018</b>	<b>Shortfall</b>	<b>(\$511,873)</b>
<u>Plus adjustments:</u>		
July Review	Balanced	\$0
August Review	Balanced	\$0
September Review	Balanced	\$0
October Review	Surplus	\$147,265
November Review	Balanced	\$0
December Review	-	-
January Review	Balanced	\$0
February Review	Balanced	\$0
<b>Forecast budget position for 30 June 2019</b>	<b>Shortfall</b>	<b>(\$364,608)</b>

February 2019 Adjustments

There are no adjustments in this report that impact Council's current budget position.

The following adjustments reflect budget movements as a result of over-expenditure reviews, transfers between accounts, grant funding, transfer from reserves and additional receipts etc. that have no impact on the budget position (for example additional income has an associated expenditure budget):

Description	Notes	Funding Source	Amount
Grant Funds	1	Grant	\$3,629,340
Reserve Transfers	2	Reserves	\$114,179
Contributions and Other Revenues	3	Contribution	\$1,991,072
Section 7.11 Contributions	4	S 7.11 Contributions	\$0
Over-expenditure Reviews	5	Reserves	\$0
Transfer between projects	6	Reserves/Revenue	\$154,345
Council Resolutions	7	Reserves	\$750,000
<b>Total</b>			<b>\$6,638,936</b>

1. *Grant funding*

The total net increase in grant funding value for 2018-2019 is \$3,629,340.

Council project	Grant provider	Grant Amount	Other Funding*	Comment
Glasshouse Regional Gallery Annual Program	NSW Government's Art and Cultural Development Program	\$70,000	\$0	Funding provided for the Glasshouse's annual program.

<b>Council project</b>	<b>Grant provider</b>	<b>Grant Amount</b>	<b>Other Funding*</b>	<b>Comment</b>
Wauchope Bicentenary Riverside Sculptural Trail	NSW Department of Premier & Cabinet	\$196,140	\$0	Installation of six sculptures and also signage and seating funded through the Stronger Country Communities Fund.
Oxley Oval Lighting Upgrades	NSW Department of Premier & Cabinet	\$152,854	\$0	Upgrade of sports field LED lighting funded through the Stronger Country Communities Fund.
Kew Community Park	NSW Department of Premier & Cabinet	\$151,662	\$0	Construct a new park at the Kew Community Park funded through the Stronger Country Communities Fund.
Coal Wharf Reserve Upgrade	NSW Department of Premier & Cabinet	\$50,470	\$0	Installation of park furniture and signage funded through the Stronger Country Communities Fund
Charlie Watt Reserve	NSW Department of Premier & Cabinet	\$242,921	\$0	Installation of sub-surface drainage system funded through the Stronger Country Communities Fund
Andrews Park	NSW Department of Premier & Cabinet	\$200,543	\$0	Installation of new lighting including poles and LED lights funded through the Stronger Country Communities Fund

Council project	Grant provider	Grant Amount	Other Funding*	Comment
Vince Inmon Park	NSW Department of Premier & Cabinet	\$239,200	\$0	Lighting and amenities upgrades funded through the Stronger Country Communities Fund
Lake Cathie Sporting Fields	NSW Department of Premier & Cabinet	\$207,550	\$0	Installation of automatic irrigation system and playing surface improvements funded through the Stronger Country Communities Fund
Stuart Park Regional Sporting Precinct	NSW Office of Sport	\$1,420,000	\$180,000	Development of the Stuart Park Regional Sporting Precinct funded by the NSW Office of Sport's Regional Sports Infrastructure Fund.
Telegraph Point Pedestrian Safety Upgrades	NSW Department of Premier & Cabinet	\$698,000	\$0	New footpaths and pedestrian refuges on Mooney Street funded through the Stronger Country Communities Fund
<b>TOTAL</b>		<b>\$3,629,340</b>	<b>\$180,000</b>	

\* Other funding already contained within existing budgets.

2. *Reserve Transfers*

Additional reserve funding has been used this month to fund the following projects.

<b>Project Name</b>	<b>Reserve</b>	<b>T/f from (reduction ) T/f To (increase)</b>	<b>Other Funding</b>	<b>Reserve Amount</b>	<b>Comments</b>
Innes Gardens Cremator Repairs	Crematorium Reserve	From	Nil	\$25,500	For urgent repairs required for staff safety.
Beechwood Road Design – Riverbreeze to Waugh	Road Renewal Reserve	From	\$178,047	\$61,953	Budget adjustment required to complete remaining tasks associated with a revised project scope.
Broadwater Canals Lighthouse and Gangway Repairs	Broadwater Special Rate Reserve	From	Nil	\$160,000	The project scope will include refurbishment of the lighthouse structures, access gangways and handrails. The existing structures will be repainted and/or repaired either in situ, with appropriate environmental controls, or dismantled and taken off site for refurbishment
TCMP - Kooloonbung Ck Foreshore - Gordon to Haywar	TCMP Reserve	From	\$508,811	\$166,726	Additional funds required for the construction of a new 4m wide shared pathway and associated foreshore upgrades along the eastern side of Kooloonbung Creek between Hayward St and Gordon St.

Project Name	Reserve	T/f from (reduction ) T/f To (increase)	Other Funding	Reserve Amount	Comments
Water Supply Private Works	Water Supply Reserve	(To)	\$0	(\$300,000)	Surplus funds relating to private works being transferred to the water supply reserve.
<b>Net Transfer from reserves</b>				<b>\$114,179</b>	

3. *Contributions and Other Revenues*

Description	Source of Funds	Amount	Comments
Voluntary Planning Agreements	Developer contributions	\$327,926	Adjusting the budget to reflect the level of actual contributions received in the financial year.
S7.11 Car Parking Contributions	Developer contributions	\$44,780	Adjusting the budget to reflect the level of actual contributions received in the financial year.
S7.11 Community Facilities Contributions	Developer contributions	\$456,970	Adjusting the budget to reflect the level of actual contributions received in the financial year.
S7.11 Miscellaneous Contributions	Developer contributions	\$78,918	Adjusting the budget to reflect the level of actual contributions received in the financial year.
S7.12 Charges	Developer contributions	\$130,000	Adjusting the budget to reflect the level of actual contributions received in the financial year.
Bushfire Tanker Purchases	Dedicated Assets	\$352,478	Additional RFS Asset dedicated to PMHC for the financial year. Assets allocated to the Lake Innes and Beechwood areas.
Water Supply Private Works	User Fees and Charges	\$600,000	Revenue received in relation to the expenditure on water supply private works undertaken and funded through the raising of user charges.
<b>Total contributions and other revenues</b>		<b>\$1,991,072</b>	

4. *Utilisation of Section 7.11 Contributions*

*Nil*

5. *Over-expenditure Reviews (approved by Executive)*

Nil

6. *Transfer between projects*

<b>Transfer from</b>	<b>Transfer To</b>	<b>Amount</b>	<b>Comments</b>
Sewer Rehabilitation	TCMP - Kooloonbung Ck Foreshore - Gordon to Haywar	\$134,345	Allocation of sewer rehabilitation funding towards respective assets works and improved access to Sewer Pump Station 17 in relation to the TCMP Kooloonbung Creek Foreshore Upgrade.
Water Supply Asset Operations	TCMP - Kooloonbung Ck Foreshore - Gordon to Haywar	\$20,000	Allocation of reclaimed water operations funding towards respective assets works and improved access to Sewer Pump Station 17 in relation to the TCMP Kooloonbung Creek Foreshore Upgrade.
<b>Total</b>		<b>\$154,345</b>	

7. *Council resolutions*

<b>Description</b>	<b>Comment</b>	<b>Amount</b>	<b>Source</b>
TCMP - Clarence St Tree & Understorey Replanting	Defer project as per Council resolution made at the February 2019 Council meeting and transfer funds to reserve for utilisation in the 2019/20 financial year.	\$500,000	TCMP Reserve
TCMP - Foreshore Landscaping - Embellishment	Defer project as per Council resolution made at the February 2019 Council meeting and transfer funds to reserve for utilisation in the 2019/20 financial year.	\$200,000	TCMP Reserve
TCMP - William St Tree & Understorey Replanting - Short to Hay Street	Defer project as per Council resolution made at the February 2019 Council meeting and transfer funds to reserve for utilisation in the 2019/20 financial year.	\$50,000	TCMP Reserve
<b>Total</b>		<b>\$750,000</b>	

**Options**

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

**Community Engagement & Internal Consultation**

Not Applicable.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The Attachment to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report maintain the budget position at a reduced shortfall of \$364,608.

It should be noted that the impact of cost shifting from other levels of government is significant. In 2017-2018, the impact was estimated to be \$12.9m. This represents a significant financial impost on Council and highlights a significant level of funding which could otherwise be utilised on service delivery.

**Statement by Responsible Accounting Officer**

*“The adopted original budget result for 2018-2019 was a shortfall of \$511,873. Previous budget adjustments have improved that position to \$364,608 with the variations contained within this report maintaining that position. The remaining shortfall position is still considered an un-satisfactory result for the year and as such further budget adjustments will be required throughout the year to reduce this shortfall.”*

**Attachments**

1 [View](#). Budget Variations - February 2019

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Item: 09.06

Subject: INVESTMENTS - FEBRUARY 2019

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 February 2019.**

### Executive Summary

- Total funds invested as at 28 February equals \$294,710,418.
- Interest for the month of February was \$670,303.51.
- The year-to-date investment income of \$5,736,458 represents 78% of the total annual investment income budget of \$7,385,000.
- Council's total investment portfolio performance for the financial year to date was 0.96% above the benchmark (3.00% against 2.04%). Benchmark being the Bank Bill reference rate as at 28 February 2019 as identified on [www.bloombergindeces.com](http://www.bloombergindeces.com).

### Discussion

Council has engaged Imperium Markets to provide both an investment management platform and investment advisory service. This decision was based on the need to provide more rigour and transparency around investment choices and to provide a sound framework to support the need for increased financial sustainability into the future.

The attached investment report and portfolio provides detailed information on the performance of council's investment portfolio.

### 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 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. 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.

An independent analysis was conducted on Council’s financial reserves. The review found:

- The Port Macquarie-Hastings local government area has experienced an unprecedented level of development activity. Whilst this has increased the level of reserves held through developer contributions, councils experiencing a high level of development activity require relatively high levels of reserves in order to adequately cope with the required levels of infrastructure spending.
- Council’s reserve levels to be broadly appropriate and reasonable in light of Council’s circumstances. In particular, that Council has successfully maintained a prudent buffer to prepare against potential financial risks associated with the predicted high development activity.

The full report is available on Council’s website:

<http://www.pmhc.nsw.gov.au/About-Us/What-Council-Does/Corporate-Planning-Reporting-Budgets/Financial-Reports?BestBetMatch=financial%20reserves|cdbad291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

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 2018, comply with this Act.

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

As at 28 February 2019, the investments held by Council totalled \$294,710,418 and were attributed to the following funds:

General Fund	125,095,732
Waste Fund	16,863,330
Water Fund	95,733,732
Sewer Fund	55,611,856
Sanctuary Springs Fund	38,312
Broadwater	1,367,456
	<hr/>
	<b>294,710,418</b>
	<hr/>



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.

**Options**

This is an information report.

**Community Engagement & Internal Consultation**

Council uses the services of an independent financial advisor, on an ongoing 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. 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 the financial year to date is 0.96% above the benchmark (3.00% against 2.04%) and year to-date income is 78% of the total annual budget.

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

The overall investment income will be adjusted at financial year end by the total interest refunded on repayment of bonds. As Council constantly receives and refunds bonds, it is difficult to accurately determine the quantum of these refunds.

Certification

I hereby certify that the investments listed within this report were 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.

*Nicole Spencer  
Responsible Accounting Officer*

**Attachments**

- 1 [View](#). Port Macquarie-Hastings Council Monthly Report - February 2019
- 2 [View](#). Port Macquarie-Hastings Council Portfolio as at 28 February 2019

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**Item: 09.07**

**Subject: DELIVERY PROGRAM (2017-2021) SIX MONTHLY PROGRESS REPORT (JULY TO DECEMBER 2018)**

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

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### **Alignment with Delivery Program**

1.1.4 Provide easy to understand and accessible community reporting.

### **RECOMMENDATION**

**That the information in the Delivery Program (2017-2021) six monthly progress report (July to December 2018) be noted.**

### **Executive Summary**

Six monthly progress reports on the Delivery Program are a legislated requirement of the NSW Government's Integrated Planning and Reporting Framework.

This report provides a snapshot of Council's progress in implementing the 2017-2021 Delivery Program. This progress report allows Council and the community to understand what action has been undertaken relative to the objectives contained within the Delivery Program 2017-2021.

Council adopted the Integrated Planning and Reporting suite of documents including the new Delivery Program 2017-2021 on 21 June 2017, hence this is the fourth six monthly progress report against the four year Delivery Program (2017-2021).

### **Discussion**

#### Delivery Program 2017-2021: Six monthly progress report – (July to December 2018)

The Delivery Program was developed by Council within the legislated nine-month timeframe, following the September 2016 election. The Delivery Program is reviewed annually to ensure that the objectives align with the Community Strategic Plan.

The Delivery Program also outlines the Councillors' commitments to the Port Macquarie-Hastings community during their four-year term of office. Objectives in the Delivery Program represent what the Council aims to deliver and serves as a guide for Council's Executive and staff when developing the annual Operational Plan.

The Operational Plan sets out the actions and projects that will be undertaken each financial year to deliver the overall objectives in the Delivery Program. Achievement of these objectives contributes to achieving the vision and goals in the Community Strategic Plan.

In a broad context, the Delivery Program enables Council to deliver the community's aspirations for the future, as described in the Towards 2030 Community Strategic Plan. The Delivery Program objectives appear in each of the four Community Themes outlined below:

- Community Theme 1 – Leadership and Governance
- Community Theme 2 – Your Community Life
- Community Theme 3 – Your Business and Industry
- Community Theme 4 – Your Natural and Built Environment

Each of the themes in the Delivery Program describes what the expected result will be if the overall objectives are achieved and detail what the intended outcome will be.

This six monthly reporting phase focuses on what progress has been made to date on actions, activities and projects that have been undertaken for each Council service during the July to December 2018 period.

**Attachment A** to this report provides details of actions that are experiencing delays in delivery as reported to the Ordinary Council Meeting in February 2019 as part of the Quarterly Progress Report against the 2018-19 Operational Plan

### **A snapshot of 2018-2019 projects across the region**

#### Laurieton/Camden Haven/surrounds

- Camden Haven River Recreational Boating improvements have detailed designs for the upgrade of Bruce Porter Reserve and Dunbogan Reserve boat ramps finalised. Construction is scheduled to be completed by July 2019
- Stormwater Remediation Stage 2 works at Batar Creek Road Kendall is complete
- Small Town Sewerage Scheme Comboyne - Provision of centralised sewerage systems has construction commenced
- Rodley Street Bonny Hills construction of Stormwater Flooding Mitigation Measures has construction expected to commence in 2019
- Kendall replacement skate park is pending initiation phase of the project
- Wall Reserve, The Parade Playground Replacement has concept designs complete
- Herons Creek Reserve Playground Replacement has concept designs complete with construction to commence in early 2019
- Dunbogan Bridge - Reid Street - Substructure Rehabilitation has designs underway
- Bold Street Pedestrian crossing has designs and investigations underway
- Construction of Sewer Rising Main from Camden Haven Sewer Pump Station #1 to Dunbogan Bridge is ongoing

#### Port Macquarie

- Port Macquarie Airport Terminal upgrade construction has commenced
- King Fisher Waste Depot Transfer Station upgrade and expansion has detailed design phase initiated
- Hastings River Recreational Boating Improvements has design and pre-construction phase commenced

- Development of off leash dog exercise parks in Wauchope and Port Macquarie ongoing. The Wauchope off leash Dog Park is scheduled for completion in early 2019. The Port Macquarie facility now forms part of the broader upgrade to Stuarts Park Regional Sporting Precinct
- Port Macquarie Pool detailed design has project commencement subject to completion of the site selection process and development of facility concept plans
- Crestwood Park construction of new park has construction commenced
- John Oxley Drive upgrade at The Ruins Way to Wrights Road Oxley Highway has designs in the initiation phase
- Stormwater Remediation Gordon Street to Buller Street - Stormwater Remediation Measures has analysis and design phase progressing
- Port Macquarie Coastal Walk upgrades as per adopted master plan has the Westport Park segment complete in November 2018
- Port Macquarie-Hastings Hockey Facility -Install lighting to Field 2 has contractor engaged
- Port Macquarie Regional Sports Stadium - Construction of new Training Field including lighting has designs progressing

#### Wauchope/Rural/surrounds

- Hastings Regional Sporting facility - Stage 1 development has design works progressing
- Bago Road Pavement Rehabilitation Program – Milligans Road to Pacific Highway is ongoing
- Comboyne Road replacement of bridge over Hartys Creek has construction complete
- Small Town Sewerage Scheme - Long Flat - Provision of centralised sewerage systems has construction commenced
- Small Town Sewerage Scheme - Telegraph Point - Provision of centralised sewerage systems has construction commenced
- Beechwood Road Stage 5 rehabilitation works has design works ongoing
- Construction of the Wauchope to Sancrox trunk main is in the finalisation of the design phase
- Blackbutt Park facility upgrade and replacement of park furniture has works scheduled to commence in early 2019

#### **Summary by Community Theme, Delivery Program Objective and Council Service**

Achievement highlights are listed below by Community Theme, Council Service and Delivery Program Objective The information below demonstrates Councils achievements from July to December 2018 and highlights 'how we know we are progressing' against the set objectives outlined in the Delivery Program 2017-2021.

#### Community Theme 1 – Leadership and Governance

##### *What are we trying to achieve*

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

*What the result will be*

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

*How do we know we are progressing*

- Improving levels of community participation at community engagement activities
- Ongoing Council participation in regional Local Government initiatives
- Council financial management that is communicated to the community

We know we are progressing on delivering outcomes to the community against the Delivery Program objectives as achievement highlights can be seen below against specific council services.

*Highlights by Council Service and Delivery Program Objective***Council Service: Communications and Community Place**

*Delivery Program Objective: 1.1.1 Use a variety of tools to engage with the community in a manner that is transparent, effective, relevant and inclusive*

- Over 360 Media releases, statements, alerts and announcements were issued from 1 July to 31 December 2018
- Over 402,700 unique visits and over 476,000 total visits were recorded on the corporate website from 1 July to 31 December 2018
- Facebook likes increased from 7,966 as at 1 July 2018 to 8,552 as at 31 December 2018
- A range of communication tools were used to keep the community up to date with council activities including use of consistent media channels such as social media, newspaper advertising and Weekly Mayoral messages
- Registered users on Council's "Have your Say" online comment engagement portal as at 31 December 2018 was 3,732. An increase from 3,127 users as at 30 June 2018

**Council Service: Community Place**

*Delivery Program Objective: 1.1.2 Support community involvement in decision making through education around Council matters and services*

- Community members were involved in a variety of community engagement activities that involved face-to-face engagement one of which was Community Think Tank Workshops and on-line engagement providing the community the opportunity to have a say
- The development of place based Community Plans commenced. Five new community plans are now under development for Laurieton/Camden Haven area, Thrumster/Ascot Park/Lake Innes area, Comboyne and surrounds, Kew/Kendall/Lorne and Herons Creek and North Shore
- Community-Council Action teams (CCAT) are being established to help support and drive development of the Community Plans

*Delivery Program Objective: 1.1.3 Engage with the community on impacts and changes to services*

- Development of a community engagement and education program is underway to enable community involvement in decision making

**Council Service: Integrated Planning and Reporting**

*Delivery Program Objective: 1.1.4 Provide easy to understand and accessible community reporting*

- An easy to read 2017-18 Community Report Card, highlighting Council's achievements in service delivery, was published in November 2018
- The 2017-18 Annual Report was adopted at the Ordinary Council Meeting in November 2018 meeting legislative requirements
- Preparation of the 2019-20 Operational Plan and budget is underway, with the draft scheduled to be presented to the Ordinary Council Meeting in March 2019. Public exhibition of the documents will be from 21 March and 18 April 2019 with community engagement popup session planned over this period

**Council Service: Communications**

*Delivery Program Objective: 1.1.5 Develop an effective and coordinated community focused Communications Strategy*

- A strategic approach to communication and engagement has been endorsed by Councillors with implementation currently in progress
- Marketing and education campaigns are ongoing with recycling and Christmas waste campaigns undertaken in November and December for the targeting 'using the right bin' messaging

**Council Service: Governance**

*Delivery Program Objective: 1.1.6 Continue to promote access by the community to Councillors*

- The Ordinary Council Meeting in October 2018 was held off-site at Laurieton as part of the Take the Council to the Community Program

**Council Service: General Manager's Office**

*Delivery Program Objective: 1.2.1 Promote Council participation and build linkages in local, state and federal initiatives, forums and opportunities to support Council's continued planning for the growth of the region*

- Meetings held with Camden Haven, Port Macquarie and Wauchope Chamber of Commerce during the reporting period with communications ongoing
- Meetings and or Networking events attended with Federal, State and Local members to advocate for local community needs. Recent meetings included the Deputy Prime Minister, the Deputy Premier, the NSW Treasurer and the Local Member on a range of topics which included the Port Macquarie Airport Terminal and Regional Cities Group

**Council Service: General Manager's Office**

*Delivery Program Objective: 1.3.1 Provide effective leadership and equity*

- The General Manager of Port Macquarie-Hastings Council has been appointed the Interim Executive Officer for the Mid North Coast Joint Organisation (MNCJO)
- Joint Organisations teleconferences and network meetings attended to support this function

**Council Service: Governance**

*Delivery Program Objective: 1.3.2 Build trust and improve Council's reputation through transparency, good decision making and living Council's Values*

- The 2017-18 Legislative Compliance Register was reviewed and presented to the Audit, Risk and Improvement Committee and also presented and adopted at the September 2018 Ordinary Council Meeting
- Annual Public Interest Disclosures (PID) and Government Information Public Access (GIPA) reporting was submitted in line with required timeframes
- The annual Disclosure of Interest Returns were adopted at the October 2018 Ordinary Council Meeting

**Council Service: Governance**

*Delivery Program Objective: 1.3.3 Ensure there is appropriate management of risk to mitigate impact for Council and the community*

- A review of the Corporate Risk Register was undertaken in November 2018
- The Risk Management Action Plan is under development
- The annual review of insurance coverage was undertaken and completed
- The Project Management Framework was implemented with training complete. Continuous improvement to the Project Management Framework is ongoing

**Council Service: Human Resource Management**

*Delivery Program Objective: 1.3.4 Manage our workforce to deliver community outcomes.*

- Implementation of Workforce Management Strategy actions are underway to improve Human Resources
- Implementation of the actions from the Learning and Development Strategy will be undertaken once adopted
- Implementation of the actions from the Work, Health and Safety Strategy will be undertaken once adopted, with the Strategy currently in the draft

*Delivery Program Objective: 1.3.5 Build an engaged workforce*

- Planning for the annual Employee Engagement Days has commenced and is scheduled to take place in May 2019
- Millennial workshops were held in late 2018 to identify opportunities for new ways to engage with employees
- The Employee Engagement survey is scheduled to take place in the third quarter 2018-2019

**Council Service: Digital Technology**

*Delivery Program Objective: 1.4.1 Provide efficient technology and inclusive digital systems that are easy to use and easy to access*

- Renewal of Council's technology infrastructure to provide secure and responsive information communication technology is ongoing. This includes the Customer Experience Project that is currently in the planning and assessment phase

**Council Service: Business Improvement Office**

*Delivery Program Objective: 1.4.2 Deliver agreed services at the agreed service level at best value*

- Work has commenced to develop a plan to promote and embed a culture of continuous improvement across the organisation

- Creation of a service review program is planned to commence in 2019
- The Business Improvement Office is working across various service areas to progress process improvement initiatives

**Council Service: Customer interactions**

*Delivery Program Objective: 1.4.3 Deliver a customer focused service that provides the community a consistent experience of Council*

- Over 38,600 calls were received through the customer call centre with 76% of calls answered (within 20 seconds) exceeding the set target of 75%. The call abandonment rate was 3%, achieving the set service standard of 3% or lower
- 90% of initial customer interactions were dealt with at the first point of contact
- Over 44,700 counter enquires were processed, and over 16,000 e-mails were received through Customer Service offices in Laurieton, Port Macquarie and Wauchope

**Council Service: Financial Management and Assets and Property Investments**

*Delivery Program Objective: 1.5.1 Manage Council's financial assets and provide accurate, timely and reliable information*

- The audited financial statements were lodged in October 2018 in accordance with legislated timeframes
- Investment reports tabled in accordance with required timelines with investment returns exceeding the benchmark for the 2017/2018 financial year end
- Financial reports tabled in accordance with required timelines
- Quarterly Budget Review Statements submitted and adopted by Council in line with required timeframes
- The 2018-2019 Operational Plan and budget preparation is underway

**Council Service: Procurement**

*Delivery Program Objective: 1.5.2 Use procurement, tendering, purchasing and contract management approaches that are transparent and equitable*

- Completion of audit action items with quarterly reporting to the Audit Committee was undertaken for the Procurement Strategy
- The Plant Replacement Program was undertaken in line with the approved schedule

**Council Service: Commercial Business Units – Glasshouse, Property and Leasing, Crematorium**

*Delivery Program Objective: 1.5.3 Develop, manage and maintain Council Business Units through effective commercial management*

- Operating revenue increased at the Crematorium by 29% in comparison to the same period last year exceeding the 3% target
- Operating revenue increased at the Environmental Laboratory by 9% in comparison to the same period last year exceeding the 3% target
- Operating revenue increased at the Glasshouse by 8% in comparison to the same period last year exceeding the 3% target
- A review of the Glasshouse Strategic Plan commenced in line with the Cultural Steering Group and is in accordance with the recently adopted Cultural Plan
- 162 commercial leases and 71 community leases are current and operating

**Council Service: Asset Management**

*Delivery Program Objective: 1.5.3 Develop, manage and maintain Council Business Units through effective commercial management*

- The six monthly Property Investment Strategy update report was presented to the November 2018 Ordinary Council Meeting

**Council Service: Commercial Business Units**

*Delivery Program Objective: 1.5.4 Identify new commercially viable revenue sources*

- A review of current revenue sources and investigation of the commercial viability of identified new revenue sources is being undertaken in conjunction with the development of the 2019-20 Schedule of fees and charges

Community Theme 2 – Your Community Life

*What are we trying to achieve*

A healthy, inclusive and vibrant community

*What the result will be*

- 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 know we are progressing*

- Community facilities are established that encourage social activities and interactions
- Community safety initiatives are recognised and supported
- Open spaces, recreational and community facilities are provided for a range of social, health and wellbeing activities.
- The community is supported through a range of programs based on social issues
- A range of community activities, programs and events are supported and implemented

We know we are progressing on delivering outcomes to the community against the Delivery Program objectives as achievement highlights can be seen below against specific council services

Highlights by Council Service and Delivery Program Objective**Council Service: Sports and Recreation**

*Delivery Program Objective: 2.1.1 Support Community Safety initiatives*

- Lifeguard Services operated at Town, Flynn's, Lighthouse, Lake Cathie, Rainbow and North Haven beaches over the summer period
- The Lifeguard Education Program commenced in Term 4 in schools across the Local Government Area. 48 presentations have been delivered to over 4,450 students

**Council Service: Community Place***Delivery Program Objective: 2.1.1 Support Community Safety initiatives*

- Council continued to support the Hastings Liqueur accord with ongoing campaigns. A new 'Alcohol use on parks, reserves and beaches policy' was adopted in November 2018
- A number of actions were implemented as part of the Graffiti Blasters Program including removal of approximately 200 tags per month and approx. 200 hours of volunteer time has been donated per month during 1 July to 31 December 2018

**Council Service: Emergency Management***Delivery Program Objective: 2.1.2 Advocate for, support and coordinate emergency services*

- Coordination and support provided to emergency services as required and is ongoing
- Works undertaken to replace culverts in relation to the Pappinbarra Fires
- Planning works undertaken in relation to Hannam Vale Road Flood Damage to confirm scope of work required

**Council Service: Compliance***Delivery Program Objective: 2.1.3 Conduct regulatory and educational activities, which safeguard public and environmental health, and ensures compliance with planning and building standards*

Monitoring and taking action to ensure compliance issues are managed has seen a range of inspections undertaken from 1 July to 31 December 2018, some of which have included:

- 161 pool inspections undertaken
- 474 risk based audit inspections relating to on-site sewage undertaken
- 195 inspections relating to development approvals and building, environmental, public health and on-site sewage standards undertaken
- 25 fire safety inspections were undertaken
- Over 1,160 offences recorded by Council Rangers in relation to parking, beach patrols, illegal signage and sale of goods on roads
- Over 700 companion animal incidents recorded

**Council Service: Commercial Business Units - Environmental Testing***Delivery Program Objective: 2.1.3 Conduct regulatory and educational activities, which safeguard public and environmental health, and ensures compliance with planning and building standards*

- Sampling, analysis and reporting of operational and regulatory requests at the Laboratory were completed within the set service standards and budgets
- National Association of Testing Authority corporate accreditation maintained

**Council Service: Community Place***Delivery Program Objective: 2.2.1 Support and advocate for all community sectors*

- A new approach to the Youth Advisory Council will be the focus for 2019 with planning in progress to finalise a calendar of events and activities for Youth Week
- Round 1 of the 2018-2019 Community Grants Program was delivered to 24 successful community groups in November 2018 with over \$130,000 distributed to support activities across the local government area

- The Community Inclusion Plan is under development with the draft being prepared. The plan will determine focused actions for Seniors, Youth, Aboriginal, Multicultural, Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) communities

**Council Service: Community Place**

*Delivery Program Objective: 2.3.1 Ensure access to community facilities and activities: including access to natural environment*

- A number of actions have been delivered as part of the Disability Inclusion Action Plan some of which include:
  - The Access Committee and Mayor celebrated International Day of People with Disability with the 45 volunteers plus clients of SailAbility at McInherney Park
  - Access Committee undertook an Access Friendly visit to the Lake Road Shops including Anaconda, Spotlight and Supercheap Auto
  - Onsite engagement with Bold Street Laurieton businesses about the proposed pedestrian crossing to be installed in 2019
  - Engagement with Wauchope businesses about the main street upgrade including re-location of the two pedestrian crossings
  - Onsite review of proposed locations for bench seats at Laurieton and Clifton Drive shops
  - Onsite engagement for inclusive playground upgrades at Blair Street Reserve and Town Beach playgrounds
  - Review of design plans for the wheelchair friendly Lake Cathie fish cleaning table

**Council Service: Recreation and Buildings and Community Place**

*Delivery Program Objective: 2.3.2 Provide a range of inclusive sporting and recreational opportunities and facilities to encourage a healthy and active lifestyle*

- A range of actions were implemented as part of the Recreation Action Plan some of which include:
  - Stuart Park – Install sub-soil drainage. This project forms part of Council's successful Regional Sport Infrastructure Fund (RSIF) application for significant upgrading of Stuart Park and Wood Street sports fields. Funding Deed is under development
  - Port Macquarie Off Leash Dog Exercise Park - Design and construct. Concept Plan has been developed for a facility at Stuart Park. This project also forms part of Council's RSIF project.
  - Hastings Regional Sporting Facility- Stage 1 development. Detailed design for the facility is progressing
  - Port Macquarie Pool Upgrade. Project commencement is subject to completion of the site selection process and development of facility concept plans.
  - Camden Haven River recreational boating upgrade improvements has detailed design for the upgrade of Bruce Porter Reserve and Dunbogan Reserve boat ramps finalised. Works scheduled for February to June 2019
  - Sancrox/Thrumster Sports Fields. Project planning has commenced. Engagement of a consultant to commence the detailed design for the facility is subject to finalisation of a Development Application
  - Westport Park Riverwall and pathway upgrade is complete

- Hastings River Recreational Boating improvements Port Macquarie is in the project initiation phase
- The Sporting Facility renewal and upgrade program is being undertaken with actions including:
  - Blackbutt Park Facility Upgrade and replacement of Park Furniture has a project scope finalised. Works are scheduled to commence early 2019.
  - Stuart Park Install sub-soil drainage to fields 1 and 2. This project is linked to Council's successful Regional Sport Infrastructure Fund application for major improvements for the Stuart Park sports precinct. The Funding Deed associated with this grant is under development.
  - Port Macquarie Hastings Hockey Facility - install lighting to Field 2. Contractor engaged for delivery of this project.
  - Port Macquarie Regional Sports Stadium - Construction of new training field including lighting. Contractor engaged for delivery of lighting component of this project. Remaining project scope being finalised.
  - Oxley Oval – Sporting Infrastructure Upgrade. Electrical easement confirmed for power upgrade. Quotation for works currently being sought. Commencement of sports clubhouse construction has been delayed while
    - project partners seek finalisation of funding
- The Mayors Sporting Fund has seen over \$6,000 raised from a fund raising event in November to help support youth achieve sporting aspirations
- Regional Master Planning for recreational facilities included:
  - Vince Inmon Sporting Complex Master Plan has project planning complete with draft plan development to commence on early 2019
  - A Draft Master Plan for Flynn's Beach is expected to be placed on public exhibition in 2019
- The Camden Haven River recreational boating upgrade improvements include works at Bruce Porter reserve boat ramp and Dunbogan boat ramp with design and preconstruction approvals complete. Construction is scheduled to be completed by July 2019
- Hastings River Recreational Boating Improvements has design and pre-construction phase commenced

*Delivery Program Objective: 2.3.3 Develop and implement management of operational and maintenance programs for open space, recreational and community facilities*

- Maintenance program works for parks, reserves, sporting fields and beaches has been undertaken and included:
  - Maintenance of park furniture in Wauchope and Port Macquarie
  - Preparation of sites for market events and Christmas celebrations
  - Playground inspections and repairs
  - Sports field preparations for the Regional Stadium and Tuffins Lane for the Touch Football State Cup
  - Cleaning of bin hides and bubblers across the local government area
  - Mowing of cemeteries for the Christmas period
- All four pools managed in accordance with the pool management and operational guidelines with programmed and reactive maintenance undertaken
- Park furniture renewals including the donated seats program is ongoing
- The Playground Equipment Replacement program for 2019-20 is ongoing with concept designs completed for Wall Reserve and Herons Creek playgrounds. Construction for Heron Creek due to commence in early 2019

- The Recreational Walkway Replacement program for 2019-20 is ongoing with upgrade work commenced at the Kooloonbung Creek Nature Park
- The maintenance program for boat ramps, wharves and jetties is being delivered in accordance with the approved maintenance schedule
- The maintenance program for beaches is ongoing with actions including,
  - Detailed beach grooming undertaken at all high profile beaches prior to the start of the school holiday period
  - Beach accesses maintained and cleaned as required

**Council Service: Building Maintenance**

*Delivery Program Objective: 2.3.3 Develop and implement management of operational and maintenance programs for open space, recreational and community facilities*

- Scheduled and reactive maintenance programs of all Council-owned buildings including office furniture replacement is being undertaken according to the works program
- Building rectification works have been undertaken in line with Council 2018-19 Building Asset Management Plan

**Council Service: Recreation and Buildings**

*Delivery Program Objective: 2.3.4 Plan, investigate, design and construct open spaces, recreational and community facilities*

- Upgrades to the Port Macquarie Coastal Walk as per the adopted master plan is ongoing with the upgrade of pathways along Westport Park complete. Works for the Charlie Uptin and Doctors Walk segment under design
- Wayne Richards Park – Stage 3B detailed designs underway and continuing
- Flynn's Beach upgrade to the sea wall has construction programed to commence in April 2019
- The Hastings Regional Sporting Facility – Stage 1 development has design works progressing towards anticipated design completion in May 2019
- Upgrades to Kooloonbung Creek Foreshore – Gordon to Hayward Street are ongoing with construction planning being finalised
- Town Centre Master Plan improvements are ongoing with actions including:
  - Replacement of old banner polls completed in late 2018
  - Gordon Street Bridge underpass is in the detailed design phase
- Development of off leash Dog Parks in Wauchope and Port Macquarie is ongoing. The Wauchope off leash Dog Park has commenced with works scheduled for completion in early 2019. The Port Macquarie facility now forms part of the broader upgrade to Stuarts Park Regional Sporting Precinct
- A draft master plan for Mrs Yorks garden was presented to Council in late 2018. The plan was exhibited to allow for community feedback in early 2019

**Council Service: Community Place - Library**

*Delivery Program Objective: 2.3.5 Plan and deliver innovative Library Services which cater for new technology and growing population*

- Library membership increased from 33,052 as at 30 June 2018 to 33,423 as at 31 December 2018
- The annual library events program is ongoing with a range of children's and adult programs being provided
- Development of new Library spaces has included new study rooms and a new portal has been launched

- A draft Library Strategic Plan has been completed and is under review
- Upgrades to the Library webpage has project plan development underway

*Delivery Program Objective: 2.3.6 Support a range of inclusive community activities and programs*

- A wide range of community activities and events have been held across the local government area some of which have included:
  - 2019 Countdown to Christmas, approximately 10,000 people attended the annual event. The event included the Mascot Race, street parade, lighting of the Christmas tree and fireworks
  - International Day of Disabled Persons was celebrated with a morning tea to recognise the volunteers who support Sailability - sailing for those with a disability

*Delivery Program Objective: 2.4.1 Work with the community to identify and address community needs, to inform Council processes, services and projects*

- A range of actions were implemented as part of the Volunteer Program including focus on:
  - Engaging with local schools to promote the value of volunteering

*Delivery Program Objective: 2.5.1 Support cultural activities within the community*

- The Cultural Plan was adopted in late 2018, with the Cultural Steering Group reviewing and prioritising actions to be delivered
- A range of visual arts events were presented at the Glasshouse some of which include:
  - Northern Exposure exhibition, Jason Wing - Artist in Residence, Primavera at 25 - HSC student workshop, the Archibald Prize, 2017 Regional Tour and ArtExpress
- The Glasshouse Performing Arts program has seen a number of events delivered as part of the annual season program some of which include
  - Afternoons Tonight! with James Valentine, George's Marvellous Medicine, Opera Australia - Madame Butterfly, Playhouse Creatures, Julian Gargiulo Josephine Wants To Dance, Always Patsy Cline, Manhattan Short Film Festival, Sydney Comedy Festival and From Broadway to Ballroom

*Community Theme 3 – Your Business and Industry*

*What are we trying to achieve*

The Port Macquarie-Hastings region is a successful place that has vibrant, diversified and resilient regional economy for people to live, learn, work, play and invest

*What the result will be*

- 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, tourism, recreational and/or community hubs
- A region that attracts investment
- Partnerships that maximise economic return and create an efficient and effective business environment

*How we know we are progressing*

- There is growth and development of new industries and business

- Tourism and major events contribute to increased economic activity
- There are greater opportunities for investment across the region
- Council is recognised for its role in fostering partnerships that contribute to business and industry growth

We know we are progressing on delivering outcomes to the community against the Delivery Program objectives as achievement highlights can be seen below against specific council service

Highlights by Council Service and Delivery Program Objective

**Council Service: Economic Development**

*Delivery Program Objective: 3.1.1 Assist the growth of local business and industry, ensuring this is a central consideration of Council activities*

- Implementation of the Economic Development Strategy is ongoing with some actions including:
  - The Hub pop-up co-working and business space plus associated events
  - Completion of Business Confidence Survey with over 400 businesses participating
  - Significant progress on Health and Education Precinct planning
  - Completion of the Local Skills Audit
- Implementation of the Small Business Friendly Council Program is ongoing. Major initiatives include the Local Preference Policy (LPP) and Outdoor Dining Policy (ODP):
  - The LPP trial concluded in September 2018 with a report presented at the Ordinary Council Meeting in October 2018
  - The Outdoor Dining trial was extended for a further 12 months following a favourable review
- Positive results from the Business Confidence Survey have been analysed, shared with the Economic Development Steering Group and circulated to participants and the broader business community

**Council Service: Strategic Land Use Planning**

*Delivery Program Objective: 3.1.2 Optimise the use of appropriately zoned land for business uses*

- Proposed location of the future Airport Business Park was reported to the November 2018 Ordinary Council Meeting with a further report proposed for early 2019 in relation to the planning proposal
- Investigations regarding the capacity of land at the intersection of Ocean Drive and Houston Mitchell Drive Lake Cathie, for potential service industrial development are ongoing. Site specific planning proposal request submitted proposing the rezoning of the land for potential industrial development which is now under assessment

**Council Service: Economic Development**

*Delivery Program Objective: 3.1.3 Implement Major Events Strategy*

- Implementation of actions within the Major Events Strategic action plan are underway with Council supporting 11 major events. The Event Sponsorship Program also awarded funding to successful recipients

*Delivery Program Objective: 3.1.4 Implement the Destination Management Plan*

- Implementation of actions from the Destination Management Plan are ongoing with some actions including:
  - Operators visited Destination NSW (DNSW) head office in Sydney for a Port Macquarie product showcase. Staff members from Tourism Australia, Business Events Sydney and DNSW were also in attendance.
  - DNSW provided an overview of future opportunities and are working towards becoming international ready and listing products online with Inbound Tour Operators. As a result, Port Macquarie products will be showcased at the Australian Tourism Exchange Expo in Perth in April 2019
  - Ongoing support and participation in the Destination North Coast Nature Investment Strategy development
  - Ongoing conversations with both National Parks and Wild Service and Forestry Corporation around local nature attractions, activation and collaboration
  - Destination Visitor Profiling and Satisfaction Survey is reaching finalisation
  - Ongoing support to Destination North Coast regarding the creation of a Business Events Bureau for the North Coast.
  - Stakeholder meetings with Virgin, Qantas and Study NSW
- Visits to the destination website increased by over 19% (year on year) this represents an increase in users from 52,114 in 2017 to 62,077 in 2018

*Delivery Program Objective: 3.2.1 Support vibrant commercial, tourism, recreational and or community hubs across the region*

- Supporting town and village initiatives that will provide activation and economic return is ongoing and has included:
  - Creative Wauchope and Motorcycle Friendly Wauchope activities continuing
  - The Community Planning project commenced with a range of towns and villages engagement underway and is ongoing

**Council Service: Airport***Delivery Program Objective: 3.3.1 Develop, manage and maintain Port Macquarie Airport as a key component of the regional transport network and continue to grow the airport's contribution to the regional economy*

- Port Macquarie Airport Terminal upgrade has construction commenced
- Port Macquarie Airport Parallel Taxiway - Stage 1 and General Aviation pavement renewal has concept design work finalised
- Biodiversity certification agreement is progressing with implementation post approval

**Council Service: Economic Development***Delivery Program Objective: 3.3.2 Promote investment, education and lifestyle opportunities*

- Promoting local growth and opportunities within and outside the region is ongoing with actions including:
  - Investment Prospectus has been reviewed and updated
  - Economic Development newsletter has been published

*Delivery Program Objective: 3.4.2 Support local business networks*

- The Business Hub is meeting regularly with 75% attendance and is actively involved with “The Hub’ business and co-working space

*Delivery Program Objective: 3.4.3 Encourage innovation that will support our growth as a regional city including smart community technology*

- Ongoing support via The Hub Business and Co-working space events
- Commencement of aHackathon in partnership with Charles Sturt University and local businesses

*Community Theme 4 – Your Natural and Built Environment**What are we trying to achieve*

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

*What the result will be*

- 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 to 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 know we are progressing*

- We have water, waste, and sewer systems that are efficient, maintained and environmentally compliant
- Consideration, is given to climate change impacts and potential mitigation
- Programs are implemented to support, the condition of the natural environment
- The road and transport network is well planned and maintained
- The transport network, recreational facilities, and open spaces, reflect community priorities
- Coordinated urban development is, well planned to meet projected population growth
- We successfully preserve local flora and fauna
- Renewable energy options are promoted

We know we are progressing on delivering outcomes to the community against the Delivery Program objectives as achievement highlights can be seen below against specific council services

Highlights by Council Service and Delivery Program Objective

**Council Service: Water Supply**

*Delivery Program Objective: 4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region*

- Construction of the Southern Arm Trunk Main - Cowarra Balance tank to Pacific Hwy has construction underway with expected completion in early 2019

*Delivery Program Objective: 4.1.2 Develop and implement annual maintenance and preventative works program for water supply assets*

- Water asset replacement and renewal program undertaken in accordance with the program

**Council Service: Sewerage**

*Delivery Program Objective: 4.1.3 Plan, investigate, design and construct sewerage assets ensuring health, safety, environmental protection and the future growth of the region*

- Port Macquarie Sewerage Pumping Station (#64) electrical upgrade works have commenced and are ongoing
- Construction of the Port Macquarie Sewer rising main (PMSP71) has the detailed design phase near completion and construction planning progressing towards commencement in early 2019
- Provision of centralised sewerage systems for Comboyne, Long Flat and Telegraph Point as part of the small town sewerage program had construction commenced in October 2018 and is ongoing
- Lakewood/Kew (Area 15) sewerage upgrades to cater for future development is progressing. The project is delivered in partnership with NSW public works and is progressing with projects management of the detailed designs
- Construction of the Area 14 reclaimed Inlet trunk main (DN250), Bonny Hills has construction planning underway

*Delivery Program Objective: 4.1.4 Develop and implement annual maintenance and preventative works program for sewerage assets*

- Programmed replacement of sewerage assets including sewer pumps and electrical switchboards have been undertaken
- Programmed replacement of Sewer Treatment Plant electrical and mechanical assets including instruments has been undertaken
- Sewer assets replacement and maintenance program for odour control installations sewer rehabilitation renewal and realigning works has been undertaken

**Council Service: Stormwater and Drainage**

*Delivery Program Objective: 4.1.5 Work towards planning, investigation, design, construction of stormwater assets*

- Stormwater remediation works at Calwalla Crescent has detailed designs complete. Construction planning underway targeting completion prior to end of financial year
- The stormwater detention facility for Black Swan Terrace has detailed designs under review

*Delivery Program Objective: 4.1.6 Develop and implement annual maintenance and renewal programs for stormwater assets*

- Maintenance of Settlement Shores and Broadwater canals is being undertaken in accordance with customer requests and rolling priority program
- Settlement Shore – Major canal maintenance and dredging has a contractor selected with works to commence mid 2019
- The Stormwater Renewal Program is ongoing with actions including:
  - Planning Phase - Stormwater Relining: Fairmont Gardens, Wauchope completed
  - Stormwater Relining - 559 Ocean Dr, North Haven, Bell St Dunbogan, 5 Cook St, North Haven and Andrews Park, Wauchope. Repairs to the stormwater line underneath Andrews Park, Wauchope were completed in November 2018
- Investigation of stormwater remediation options for the Panorama Drive Catchment has design phase expected to commence in February 2019
- Construction of stormwater flooding mitigation measures at Rodley Street Bonny Hills has the design phase underway with construction expected to commence in early 2019
- Stormwater Asset Management Condition Rating of stormwater assets has commenced the inspection program, undertaking the assessment of approximately 4km of stormwater pipeline to date
- Investigations of stormwater remediation options at Bellbowrie/Bay Street catchment area has design underway and progressing towards completion
- Construction of stormwater remediation measures for Stage 2 at Batar Creek Road Kendall is complete
- Detailed designs of stormwater remediation measures identified in the Westport Stormwater Management Plan has stormwater catchment analysis and design phase progressing
- Detailed designs for stormwater remediation at 10 Dilladerry Cres Port Macquarie is ongoing
- Detailed designs for stormwater remediation at Lincoln Rd/Racewyn Close is ongoing

**Service: Waste Management**

*Delivery Program Objective: 4.1.7 Develop and implement effective waste management strategies*

- Kingfisher Waste Depot expansion has detailed designs initiated. Design phase expected to continue into early 2019
- Residential, commercial and industrial waste education program underway to encourage correct source separation of waste products
- Replacement of three transfer bins at Wauchope Transfer Station is progressing as planned
- Illegal Dumping Clean Up / Prevention Program is underway
- Facility upgrade and expansion approvals for the Cairncross Waste Depot has public submissions responses complete
- Port Macquarie Hastings Fishing Little project has communication planned for 2019, with engagement underway

**Council Service: Natural Resource Management**

*Delivery Program Objective: 4.2.1 Develop and implement Coastal, Estuary, Floodplain, and Bushfire Management Plans*

- Maintenance programs for bushfire mitigation works on Council land are being delivered in accordance with the Bushfire Risk Management Plan
- Wrights and Yarranabee Creeks Flood Study to include Urban Drainage Systems Flood systems had a report presented to the December 2018 Ordinary Council Meeting
- Implementation of strategies of Lake Cathie Coastal Zone Management Plan - Stormwater Repair is underway and ongoing
- Lake Cathie Illaroo Road Revetment Wall Funding Model planning has commenced with a cost benefit analysis underway
- Detailed Hibbard Floodway investigations has commenced with floodway blockage modelling complete and further works progressing
- The Draft Biodiversity Strategy was presented to the December 2018 Ordinary Council Meeting. Deferred due to review of mapping with further consideration in 2019

**Council Service: Development Assessment**

*Delivery Program Objective: 4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation*

- Development assessment, building certification and subdivision certification activities were completed efficiently and in accordance with legislation
  - Over 530 Development Applications with an average processing time of 38 days
  - Over 80 Development Application modifications processes with an average processing time of 34 days
  - Over 250 Building Construction Certificates with an average processing time of eight days, and
  - Over 55 Complying Development Certificates with an average processing time of 11 days
- No successful legal appeals were recorded in relation to processing errors for development applications

**Council Service: Roads, Bridges and Transport**

*Delivery Program Objective: 4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region*

- The Regional Integrated Transport Strategy development is ongoing
- Construction of new footpath undertaken with locations including:
  - Central Road, Port Macquarie
  - Ocean Drive, North Haven
  - Hill Street, Port Macquarie
- Construction of improved pedestrian amenity for Wauchope Main Street – Stage 1 has construction commenced and service adjustments ongoing
- Construction to replace bridge over Harty's Creek on Comboyne Road has construction complete
- Continuation of detailed design of dual lanes on Lake Road Port Macquarie - Jindalee to Fernhill intersections and Chestnut Road to Ocean Drive has designs progressing with expected completion of designs in March 2019
- Detailed designs for Hastings River Drive, Hughes Place to Boundary Street upgrade are progressing with expected completion of designs by late 2019
- Construction of the Newport Island Road roundabout on Hastings River Drive is complete

- Undertake substructure rehabilitation on the Dunbogan Bridge - Reid Street – has the detailed design contract awarded in September 2018. Designs are underway
- Kindee Bridge structural repairs and bridge replacement optioneering has initial repairs complete
- Bold Street pedestrian crossing works in Laurieton have designs and investigations underway targeting completion in 2019
- Corridor planning for the regional road corridor - Kendall Road - Ocean Drive - Hastings River Drive is in the project scoping phase with traffic counts planned in early 2019
- Detailed designs for north of Miala Street to Orana Drive Lake Cathie is underway with community engagement planned
- Broad analysis of priorities for sealing of unsealed roads completed with a report presented to the November 2018 Ordinary Council Meeting
- Bago Road - Pavement Rehabilitation Programme (Milligans Rd to Pacific Highway) has work commenced
- Beechwood Road – Pavement rehabilitation east of Riverbreeze will have the final bitumen seal applied in March 2019
- Detailed designs for John Oxley Drive upgrade - The Ruins Way to Wrights Road (Oxley Highway) is in the initiating phase and is in conjunction with Council's broader transport network strategic planning
- Undertaking the sealed road network condition survey has the project scope developed
- Design and investigations for Gordon Street Pavement reconstruction between Ocean Drive and Horton Street has the design phase underway
- Sealing of the access road to the car park at Wall Reserve Car park is complete
- Planning and installation of new bus shelters as per the Community Passenger Transport Infrastructure Grant Scheme (CPTIGS) is underway. Planning is currently underway for shelters at:
  - Port Macquarie Airport
 Bus shelters installed include:
  - High Street, Wauchope
  - Cameron Street, Wauchope
  - Beechwood Road, Beechwood (two)
  - Pacific Drive, Port Macquarie
  - Ocean Drive, Port Macquarie
  - Ocean Drive, Lake Cathie (two)
  - Granite St, Port Macquarie
  - Greenmeadows Dr, Port Macquarie (three)
  - Hastings River Dr, Port Macquarie
  - Ocean Dr, West Haven
- Undertaking the AUS-SPEC review is ongoing with industry consultation undertaken
- Beach to Beach shared path project at Camden Haven has consultants engaged to undertake feasibility study and environmental pathway assessments
- Lighthouse Road Tourism Connectivity Project - Commence Lighthouse road east upgrades - Matthew Flinders Drive to The Lighthouse is ongoing
- Design and preconstruction works for the North South Link Road is ongoing

- Orbital Road community engagement has commenced with further engagement planned for early 2019
- Gordon/Horton Street intersection upgrades has project planning, survey and concept development complete. Design work now commenced

*Delivery Program Objective: 4.4.2 Develop and implement annual maintenance and renewal programs for transport assets*

- The Road Rehabilitation Programme includes the following projects:
  - Planning Phase
    - Burrawan Dr, Wauchope
    - Fairmont Dr, Wauchope
    - Range St, Wauchope
    - Bransdon St, Wauchope
    - Colonial Cct, Wauchope
    - Bay St, Port Macquarie
    - Bellbowrie St, Port Macquarie
  - Completed projects include:
    - Bago Rd (Milligans to Herons Creek)
    - Herons Creek - final bitumen seal in March 2019
    - Beechwood Rd (Riverbreeze to Waugh)
    - Wauchope - final bitumen seal in March 2019
- The Road Reseal Programme includes the following areas:
  - Lighthouse Beach (Local Roads), Port Macquarie  
The reseals are planned for commencement in January 2019 and will be progressively undertaken, as areas are prepared until March / April 2019 (dependent on high pavement temperatures).
- The Unsealed Road Maintenance Programme, including resheeting, drainage and vegetation and rural roadside vegetation is ongoing
- The annual sealed road network maintenance program including resurfacing, heavy patching, vegetation management, roadside furnishing and drainage was undertaken as scheduled
- The bridges and culverts maintenance and repair program including inspections, monitoring and bridge repair works was undertaken as scheduled
- Works undertaken in accordance to the approved schedule to carry out reactive maintenance to Koala Food Trees and Koala Fencing on Link Road (Ocean Drive)

*Delivery Program Objective: 4.4.3 Develop and implement traffic and road safety programs*

- Implementation of the Road Safety Action Plan is ongoing and includes:
  - Distracted Driver Action Plan
  - Implementation - Safety Around Schools
- The Area Wide Traffic Study report has been received and a summary report will be presented to Council in 2019

**Council Service: Strategic Land Use Planning**

*Delivery Program Objective: 4.5.1 Carry out strategic planning to manage population growth and provide for co-ordinated urban development*

- Preparation of Local Environmental Plan (LEP), Development Control Plan (DCP) and Contributions Plan (CP) provisions for the Port Macquarie Health and Education Precinct had the draft Master Plan presented to the November

2018 Council meeting and is now on public exhibition from November 2018 to February 2019

- LEP and DCP amendments for the proposed Yippin Creek urban release area to the west of Wauchope has project planning complete with initial land owner consultation held in October 2018. A report is planned to be presented to Council in 2019
- Project planning is underway to commence the review of housing related LEP and DCP provisions to promote housing choice options
- Preparation of LEP, DCP and Contributions Plan (CP) provisions for the “gateway sites” at the intersection of the Pacific and Oxley Hwy has the draft DCP provisions adopted at the November 2018 Ordinary Council Meeting. A further report is planned to be presented in March 2019

*Delivery Program Objective: 4.5.2 Plan for infrastructure that supports population growth*

- Commencing the review of the Major Roads Contribution Plan and Water and Sewerage Development Servicing Plans for completion by 2020 has been delayed due to resource availability with project expected to start in first half of 2019 calendar year

*Delivery Program Objective: 4.6.1 Develop and implement a range of programs for the environmental management of lands within the local government area*

- Implementation of the Weed Management program is ongoing, outcomes for the period July to December 2018 include:
  - Over 168ha of land treated for invasive weeds
  - Over 751kms of weed dispersal routes treated
  - Over 264ha of Bushland under active management
- Riparian restoration works undertaken and has included over 370km (lineal) of control being undertaken
- Feral animal control on Council controlled land is ongoing
- Delivering bushfire preparedness and planning programs to the community is being undertaken including joint collaboration with Rural Fire Services
- Ongoing education provided to residents, industry and community groups on Council’s tree management requirements within the Port Macquarie-Hastings 2013 tree management development control plan
- Over 600 customer requests relating to tree matters have been handled during 1 July 2018 to 31 December 2018 including those relating to public and private matters and illegal tree works
- Implementation of Koala Management Strategy actions is underway

**Council Service: Asset and Property Investments and Building Maintenance**

*Delivery Program Objective: 4.7.1 Promote renewable energy outcomes within Council*

- LED lighting upgrades complete for the Port Macquarie-Hastings Council office building
- Investigations currently underway for site suitability to install solar energy systems at existing Council facilities
- Implementation of the Long Term Energy Strategy actions is ongoing with a six monthly update report scheduled to be presented to the November 2018 Ordinary Council Meeting

**Council Service: Water Supply**

*Delivery Program Objective: 4.8.1 Ensure all Council operations comply with environmental standards and regulations*

- Operating and maintaining water treatment plants in accordance with adopted maintenance programs has been undertaken
- Operating the water supply network to ensure public health and safety has been undertaken with all main breaks attended to immediately and customer complaints and requests dealt with in line with adopted service standards
- Operating and maintaining storage dams in accordance with set guidelines has been undertaken with regular inspections conducted

**Council Service: Sewerage**

*Delivery Program Objective: 4.8.1 Ensure all Council operations comply with environmental standards and regulations*

- Operating and maintaining sewerage treatment plants in accordance with environmental licences, adopted maintenance programs and safety requirements was undertaken
- Operating the sewerage network to ensure public health and safety has been undertaken with all defects identified through waste trade inspections undertaken and complaints/requests dealt with in line with service standards

*Delivery Program Objective: 4.8.2 Increase community awareness and enable access to the natural environment*

- Delivering bushfire preparedness and planning programs to the community has been undertaken including joint collaboration with Rural Fire Services

*Delivery Program Objective: 4.8.3 Promote Biodiversity Programs*

- Finalisation of the Draft Biodiversity Strategy has been delayed pending revised/updated mapping

**Options**

It is a statutory requirement under Integrated Planning and Reporting legislation to report on what has been delivered against the Delivery Program on a six monthly basis.

**Community Engagement & Internal Consultation**

- Planning and Reporting Officer
- Integrated Planning and Reporting Development Officer
- Group Manager Organisational Performance
- The General Manager, Directors, Group Managers and staff reporting against the annual 2018-2019 Operational Plan provide the basis for the Delivery Program Progress Report

**Planning & Policy Implications**

This report is aligned with legislative obligations under the Local Government Act and Regulation and the requirements of the NSW Integrated Planning and Reporting Framework

**Financial & Economic Implications**

There are no direct financial implications from this report. Quarterly budget review statements (QBRs) align with the reporting period referenced in this report.

**Attachments**

1 [View](#). 2017-2021 Delivery Program and 2018-2019 Operational Plan Exception Report as at 31 December 2018

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**Item: 09.08**

**Subject: DRAFT DELIVERY PROGRAM 2017-2021 (REVISED 2019), DRAFT OPERATIONAL PLAN 2019-2020, FEES AND CHARGES, REVENUE POLICY, AND RATING MAPS DOCUMENTS FOR PUBLIC EXHIBITION**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Place the following Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of 28 days from 21 March to 18 April 2019:**
  - a) Draft Delivery Program 2017-2021 (Revised 2019) and Draft Operational Plan 2019-2020**
  - b) Draft Fees and Charges 2019-2020**
  - c) Draft Revenue Policy 2019-2020**
  - d) Draft Rating Maps 2019-2020**
- 2. Note that a further report will be tabled at the June 2019 meeting of Council for the adoption of the 2019-20 IP&R documents, detailing the submissions received from the public during the exhibition period.**

### **Executive Summary**

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IP&R) suite of documents, and for them to be endorsed by Council by 30 June in the year following a Council election. The legislation (Section 404 and 405 of the Local Government Act (1993)) also requires the IP&R documents be placed on public exhibition for a minimum of 28 days before being endorsed by the Council.

On the 21 June 2017, Council adopted the entire IP&R suite of documents, which included the 2017-2021 Delivery Program (DP). This document details the priorities of Council during their term of office. For each year of the Four Year Delivery Program, Council is required to review the Delivery Program and develop a one year Operational Plan which outlines the activities, performance measures, and budgets that will be undertaken for 2019-2020 to achieve the commitments made in the Delivery Program.

The total 2019-2020 budgeted expenditure, (excluding depreciation and loss on disposal of assets), will be \$197.7m, with total revenues expected to be \$196.4m. The difference between the income and expenditure is funded from a combination of

loans and money previously allocated to reserves for specific purposes. This results in a net cash shortfall position for 2019-2020 of \$602k. Further information relating to the draft 2019-2020 budget can be found under the Financial & Economic Implications section of this report, and in the attached documents.

The 2019-2020 financial year will see Council continue to deliver/commence some major infrastructure works such as the Hastings Regional Sporting Facility, Port Macquarie Airport Terminal Upgrade, Small Town Sewerage Scheme construction, Bago Road pavement rehabilitation, Kindee Bridge designs, The Ruins Way Road reconstruction, Town Beach Park – Playground replacement, Stuart Park Regional Sporting Precinct, Rainbow Beach Sporting Fields, Bold Street pedestrian crossing construction and Lake Cathie Foreshore reserve skate facility.

In addition to delivering some major projects, Council will continue to deliver services such as water and sewer, library services, community, cultural services and waste services.

The purpose of this report is to seek approval to engage the community and other stakeholders, over the minimum 28 day exhibition period (21 March to 18 April 2019) to provide their feedback on the draft 2019-20 IP&R documents.

Following this period of consultation, a further briefing will be held with Councillors to discuss the community feedback. As a result, some changes may be made. Legislatively, the final planning documents are required to be presented to Council for adoption no later than 30 June 2019.

### **Discussion**

In 2009, the NSW Government adopted a new Integrated Planning and Reporting (IP&R) framework within the Local Government Act (1993) which legislates the way councils draw their plans together in consultation with their community, while also preserving local identity and working towards a sustainable future.

The framework included the development and review of the IP&R suite of documents every four years following a council election. To comply with legislation Port Macquarie-Hastings Council has completed a review and developed its suite of planning documents following the September 2016 council election.

The Integrated Planning suite of documents consisted of:

- Towards 2030 - Community Strategic Plan (CSP)
- Delivery Program 2017-2021 (DP)
- Resourcing Strategy (RS) consisting of the Long Term Financial Plan (LTFP), Workforce Management Plan and Asset Management Strategy and Plan
- Annual Operational Plan (OP) including Fees and Charges, Revenue Policy and Rating Maps

These documents must align to the quadruple bottom line addressing civic leadership, social, environmental and economic issues in an integrated manner

The Port Macquarie-Hastings CSP, DP and OP are structured under four community themes that align to the quadruple bottom line:

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

A review and update of the following IP&R documents has been conducted by council in preparation for the minimum 28 days public exhibition.

*Delivery Program 2017-2021(Revised 2019) and 2019-2020 Operational Plan*

This combined document includes:

#### Four Year Delivery Program (DP)

Developed by Councillors for their four year term the DP is Council's commitment to undertake principal activities under each of the community themes as established by the CSP within the resources available under the Resourcing Strategy. The DP includes the intended outcomes, how performance will be assessed and a four year financial plan. Council reviews its Delivery Program each year when preparing the annual Operational Plan in compliance with legislation.

#### One Year Operational Plan (OP)

Supporting the DP is the one year OP which includes individual projects and actions which will be undertaken during the 2019-20 financial year. This document is set out by the community themes that are consistent throughout the integrated suite of documents.

The OP includes a budget snapshot providing an overview of key projects proposed across the region, with breakdown of major projects by area.

The proposed 2019-20 capital works program is included in the Operational Plan totals \$67.37m.

Some of the major commitments in capital works for 2019-20 include:

Across the region

- Road Resealing works throughout the Local Government Area - \$2,080,077
- Construction of footpaths in the Local Government Area - \$1,000,000
- Local Roads Proactive Transport Program - \$331,273
- Stormwater Renewal Program \$650,000
- Small Towns Sewerage Scheme Construction - Finalisation of the Small Village Sewerage Scheme at Long Flat, Comboyne, and Telegraph Point - \$18,000,000

Laurieton, Camden Haven and surrounds

- Lake Cathie Foreshore Reserve - Master plan implementation - Construction of Skate Facility - \$312,000
- Kendall Sports Ground - Sports Facility upgrade - \$155,000

- North Haven Beach Reserve - Pedestrian Facility - Upgrade of North Haven to Bonny Hills walkway - \$104,000
- Rainbow Beach Sports Fields - Acquisition of Land - \$1,707,572
- Rainbow Beach Sports Fields - Preconstruction works - \$290,000
- Rainbow Beach Sports Fields - District Facilities - \$4,165,000
- Riverview Reserve - Playground Upgrade - \$85,750
- Scribbly Bark Reserve, Scribbly Bark Place - Playground Replacement - \$85,750
- Construction of the Southern Arm Trunk Main (DN750) - Pacific Hwy to Bonny Hills - \$200,000
- Continuation of construction of Kew Sewerage Treatment Plant Upgrade to serve Kew and Area 15 development \$5,000,000
- Bold Street Pedestrian Crossing - Construction finalisation \$200,000

#### Port Macquarie

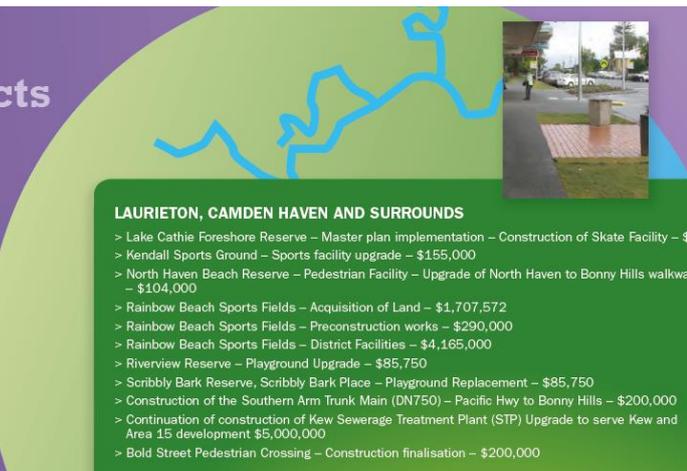
- Blair Reserve - Playground Upgrade - \$85,750
- Flynn's Beach - Seawall Replacement - Stage 1 - \$722,700
- Red Ochre Park - Develop new park facilities - Local Facilities - \$446,000
- Ruins Way Park - Develop new park facilities - Local Facilities - \$312,000
- Settlement Point Reserve, Settlement Point Road - Playground Replacement - \$85,750
- Stuart Park – Regional Sporting Precinct - \$2,539,586
- Town Beach Park, Stewart Street - Playground Replacement - \$415,000
- Walkways - Various - Replacement of walkways (Sandhurst Reserve; Blair Reserve; Harry's Lookout) - \$150,000
- Port Macquarie Aquatic Facility - Design finalisation - \$450,000
- Port Macquarie Airport - Parallel Taxiway - Stage 1 - Construction finalisation and General Aviation Pavement Renewal - \$150,000
- Port Macquarie Airport Terminal Upgrade - Construction finalisation - \$2,375,000
- Thrumster Sewerage Treatment Plant (Area 13) - Phase 1 - \$400,000
- Inlet works replacement for Port Macquarie Sewerage Treatment Plant - \$1,000,000
- Koala Street Upgrade Concept Designs - \$150,000
- The Ruins Way reconstruction - Major Innes Road to Sitella - \$950,000
- Port Macquarie Foreshore Walkway Project - \$985,000

#### Wauchope, Rural and surrounds

- Reservoir Park, High Street - Playground Replacement - \$21,000
- Rocks Ferry Reserve - Playground Upgrade - \$102,500
- Hastings Regional Sporting Complex - Construction - \$2,000,000
- Bago Road Rehabilitation - Milligan's Road to Bluewater Crescent - \$2,563,587
- Kindee Bridge - Detailed designs - \$ 300,000
- Pembroke Road - Stoney Creek Road Bridge upgrade - \$500,000

Snapshots of key projects across the region are shown below:

A SNAPSHOT OF  
**Key Projects**  
FOR 2019-2020




**ACROSS THE REGION**

- > Road resealing works throughout the local government area: \$2,080,077
- > Construction of footpaths in the Local Government Area: \$1,000,000
- > Stormwater Renewal Program: \$650,000
- > Small Towns Sewerage Scheme Construction – finalisation of the Small Village Sewerage Scheme at Long Flat, Comboyne, and Telegraph Point: \$18,000,000

**LAURIETON, CAMDEN HAVEN AND SURROUNDS**

- > Lake Cathie Foreshore Reserve – Master plan implementation – Construction of Skate Facility – \$312,000
- > Kendall Sports Ground – Sports facility upgrade – \$155,000
- > North Haven Beach Reserve – Pedestrian Facility – Upgrade of North Haven to Bonny Hills walkway – \$104,000
- > Rainbow Beach Sports Fields – Acquisition of Land – \$1,707,572
- > Rainbow Beach Sports Fields – Preconstruction works – \$290,000
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- > Riverview Reserve – Playground Upgrade – \$85,750
- > Scribbly Bark Reserve, Scribbly Bark Place – Playground Replacement – \$85,750
- > Construction of the Southern Arm Trunk Main (DN750) – Pacific Hwy to Bonny Hills – \$200,000
- > Continuation of construction of Kew Sewerage Treatment Plant (STP) Upgrade to serve Kew and Area 15 development \$5,000,000
- > Bold Street Pedestrian Crossing – Construction finalisation – \$200,000




A SNAPSHOT OF  
**Key Projects**  
FOR 2019-2020




**ACROSS THE REGION**

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- > Stormwater Renewal Program: \$650,000
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**PORT MACQUARIE**

- > Blair Reserve – Playground Upgrade – \$85,750
- > Flynn's Beach – Seawall Replacement – Stage 1 – \$722,700
- > Red Ochre Park – Develop new park facilities – Local Facilities – \$446,000
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- > Port Macquarie Foreshore Walkway Project – \$985,000






A SNAPSHOT OF  
**Key Projects**  
FOR 2019-2020

**ACROSS THE REGION**

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- > Stormwater Renewal Program: \$650,000
- > Small Towns Sewerage Scheme Construction – finalisation of the Small Village Sewerage Scheme at Long Flat, Comboyne, and Telegraph Point: \$18,000,000

**WAUCHOPE, RURAL AND SURROUNDS**

- > Reservoir Park, High Street – Playground Replacement – \$21,000
- > Rocks Ferry Reserve – Playground Upgrade – \$102,500
- > Hastings Regional Sporting Complex – Construction – \$2,000,000
- > Bago Road Rehabilitation – Milligan’s Road to Bluewater Crescent – \$2,563,587
- > Kindee Bridge - Detailed designs – \$300,000
- > Pembroke Road - Stoney Creek Road Bridge upgrade – \$500,000

Supplementary documents

The full listing of rates, fees and charges, relevant statutory regulations and the proposed income generated is contained in the Revenue Policy and Fees and Charges documents. The supplementary documents to the Operational Plan are:

- Draft Fees and Charges;
- Draft Revenue Policy; and
- Draft Rating Area Maps.

*Fees and Charges and Revenue Policy*

Council delivers a wide range of chargeable services to the community. In determining the appropriate level of fees to be charged, a range of issues are considered such as what is fair and equitable, and how much the service costs to provide.

Taking this principle into account, the 2019-2020 fees and charges for services in a number of categories have included an increase reflecting CPI. These increases apply to categories where the individual costs are met by the user of the service, where Council operates in a competitive marketplace or Council provides services on a commercial basis.

*Rates*

The Local Government Minister’s allowable increase for the 2019-2020 financial year has been set at 2.7% and has been applied in full.

### *Water Charges*

Water charges will continue to be charged under the current two-tier water pricing tariff structure. The annual water charge and usage charges are proposed to increase by 2.7% for the 2019-2020 financial year. Reclaimed water will be charged at 50% of the potable water charge.

The Department of Industry has determined that with water becoming an increasingly scarce resource both locally and globally, it is appropriate that local water utilities focus on influencing water demand through increasing emphasis on usage based pricing. Best practice water supply pricing requires utilities to provide strong pricing signals to encourage efficient water use. With this in mind, the water usage charge will be increased and the water access charge will be reduced over the next 3 years with the goal that 75% of water income will be derived from usage charges by 2021-2022, in line with best practice recommendations. The water usage charge has been increased by 20c per kl and the access charge for a 20mm meter has reduced from \$205.00 in 2018-2019 to \$198.00 in 2019-2020.

### *Sewer Charges*

All properties connected or capable of connection, to the sewerage system will be subject to an annual charge. In addition, properties such as major regional shopping centres, caravan parks, flats, retirement homes, motels, clubs, hotels, schools and backpacker hostels will be required to pay an additional charge based on the amount of water consumed. The annual sewerage charge has been increased by 2.7% in line with the general fund rate peg approved by IPART.

### *Onsite Effluent charges*

Properties with an on-site effluent management system will be charged an on-site effluent management fee based on the risk of the system. This fee has been increased by 2.7% for 2019–2020.

### *Stormwater charges*

Council charges a stormwater levy on all urban properties (except vacant land) that are in the residential and business rating categories and where a stormwater management service is provided. The base stormwater levy has remained unchanged since it was introduced by the State Government in 2006-2007.

### *Domestic Waste Management charges*

The charges to apply to domestic waste management are determined in accordance with the Reasonable Cost guidelines issued by the Office of Local Government. All properties with a domestic waste management service available to their property will be charged an annual charge under Section 496 of the *Local Government Act 1993*.

### *Other Waste Management charges*

All properties with a non-domestic waste management service will be charged an annual charge under Section 501 of the *Local Government Act 1993*.

All waste management charges have been increased for 2019-2020 by 2.7%.

*Parking Fines*

In June 2018 the NSW Government announced plans to make parking fines fairer for residents across NSW. As the first step in this initiative the Government reduced a range of State Government issued parking fines by 25%.

Under the new framework, Councils can reduce their parking fines from \$112 to \$80. These concessions do not however apply automatically. Council is required to formally 'opt in' to the framework when the option is next available based on the Government's adopted schedule.

Council considered this matter at its meeting in December 2018 and resolved as follows:

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**12.15 NSW PARKING FINES CONCESSION SCHEME**


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*RESOLVED: Alley/Intemann*

*That Council:*

1. *Not opt into the new parking fine concession fee scheme at this time.*
2. *Give consideration to the implications of opting into the scheme at a later opt in date in conjunction with development of the draft 2019/20 Operational Plan.*
3. *Request the General Manager undertake community engagement in February 2019 regarding the proposed scheme.*
4. *Request the General Manager to advise the NSW Treasurer of Council's determination in this matter.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

Given the extent of community engagement that was underway in February 2019 with various other major engagement projects such as the Orbital Road and Community Planning and the upcoming development of the draft 2019/2020 Operational Plan, it was considered that the new parking fine concession fee scheme should be included for engagement/consultation with the draft fees and charges.

As outlined in the December report there will be an associated financial impact to Council should it wish to opt into the concession scheme at a later date with a resultant reduction in revenue generated from parking fines.

In the 2017/18 financial year, the total number of timed parking fines issued was approximately 1923, with a total revenue in the order of \$215,000. The proposed concession being a \$32 reduction in the fine from \$112 to \$80 would result in an approximate reduction in income of approximately \$61,000 to \$154,000.

These draft documents have been prepared on the basis of Council not opting into the fine concession. This will be the subject of specific communications during the exhibition of the draft Operational Plan to seek community input on this matter.

*Other fees*

A number of new fees have been introduced, with more significant changes as following:

- Discounted fees to cover extended hire periods for the Glasshouse Ross Family Studio
- Fees to cover new Glasshouse membership programs for couples (previously offered on a single person basis only)
- Crematorium and Cemeteries: double headstone application fee
- Introduction of fees to cover the preparation of contributions deferral deeds and the withdrawal of caveats associated with contributions deferral deeds
- Additional compliance fees in relation to environmental inspections, Local Government Act Order (OSM) administration fees, Legionella annual administration fee and notification of cooling tower / warm water system
- Introduction of a fee to cover administration costs when change in ownership of a property occurs
- An increase to the hourly rate for airport car parking which has not changed since initial introduction in 2008, in addition to increased disclosure for existing fees

**Options**

Council could adopt the recommendation as proposed.

Council could seek additional information on the content of the IP&R suite of documents prior to placing on exhibition noting this would delay the proposed minimum 28 days exhibition period (21 March - 18 April 2019) and potentially impact ability to meet legislative timeframes for adoption of the planning suite of documents.

**Community Engagement & Internal Consultation**

In line with legislative requirements Councils are required to place the draft Integrated Planning and Reporting documents on public exhibition for a minimum of 28 days, allowing for public submissions to be received during this time. The purpose of this engagement is to ensure that all stakeholders including the Port Macquarie-Hastings community, Councillors and Council staff, are able to access, and provide feedback on the development, implementation and review of the draft 2019-20 IP&R documents which are the:

- Draft Delivery Program 2017-2021(Revised 2019);
- Draft Operational Plan 2019-2020;
- Draft Fees and Charges 2019-2020;
- Draft Revenue Policy 2019-2020; and
- Draft Rating Maps 2019-2020;

Feedback gathered through this engagement will be used to inform Council when finalising the IP&R suite of documents which will be presented to Council for adoption in June 2019.

The ways in which Council will engage with the community during the public exhibition period are described in Table 1 and align to Councils Engagement Policy.

For this engagement it has been deemed appropriate to inform and consult with the community using a variety of methods as detailed in table 1.

Table 1

Engagement Level	Method	Purpose
<p>Inform</p> <p><i>To provide stakeholders with balanced and objective information to assist in understanding the problem, alternatives, opportunities and/or solutions.</i></p>	Fact sheets	Provide information on the process, draft information and ways in which the community can provide feedback
	Community newsletter	Article included to inform the community of the process and engagement activities taking place
	<p>Communications:</p> <ul style="list-style-type: none"> <li>• Media releases</li> <li>• E news</li> <li>• Social media</li> <li>• PMHC Website</li> <li>• Exhibition in Council offices and libraries</li> <li>• Staff notification including GM Message</li> </ul>	Inform wider community of, process exhibition and opportunities to have a say.
<p>Consult</p> <p><i>To obtain stakeholder feedback on analysis alternatives and/or decisions. To work directly with stakeholders throughout the process to ensure that the stakeholders' concerns are consistently understood and considered.</i></p>	Draft documents to view	The draft suite of documents will be available to view and make a submission at the Council offices and Libraries.
	Online forum	Council's 'Have Your Say' website will have a dedicated discussion page to provide information, view the draft documents and the opportunity for the community to lodge a submission.
	Information Kiosk/Pop ups	Information stands will take place across the region throughout late March to mid April 2019 to provide the community with the opportunity to view the draft documents ask questions and make a submission.

The public exhibition period is 21 March to 18 April 2019. All submissions received during this period will be acknowledged, considered and reviewed in a workshop with Councillors.

All community members that made a submission will receive a response, following the June 2019 Council meeting.

Internal consultation has taken place with:

- Councillors;
- Executive; and
- Group Managers

Ongoing work is occurring internally to forecast the year end 2018-2019 position and this may inform the 2019-2020 works program. A review is currently underway to better understand the expected end of year position for the 2018-2019 works program and forecast carry over work load and budgets. Concurrently, resource planning and scheduling relating to delivery of these programs is also underway.

A review of the Glasshouse Strategic Plan is also underway.

The results of these reviews, in addition to submissions received through the consultation period, will be discussed with Councillors prior to final documentation being prepared for consideration at the June 2019 Ordinary Meeting of Council.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The Resourcing Strategy, Revenue Policy and Fees and Charges documents contain a detailed explanation of the financial implications associated with the 2019-2020 Operational Plan.

In summary, the 2019-2020 budget forecasts a shortfall position of \$602k as shown in Table 2.

Table 2

<b>Budget Summary Table Surplus/(Shortfall)</b>	
	2019 - 2020 Draft Budget \$'000
<b>Operating Budget</b>	
Operating Income	189,887 ^
Developer Provided Asset Contributions	6,500 ^
Operating Expenses (excl. Interest Expense, Depreciation, Loss on Disposal of Assets)	(111,227) *
Interest Expense	(2,465) *
<b>Net Operating Budget</b>	<b>82,695</b>
<b>Capital Items</b>	
Net transfers from reserves	(829)



New Loans	1,500
Purchase of Assets	(67,370) *
Developer Provided Assets	(6,500) *
Loan Principal Repayments	(10,098) *
<b>Net Capital Result</b>	<b>(83,297)</b>
<b>Budget Result surplus/(shortfall)</b>	<b>(602)</b>

Excluding depreciation and loss on disposal of assets the total expenditure is \$197.7m which includes the items in Table 1 marked with an \*. These are:

- \$111.2m operational costs
- \$2.5m interest expense
- \$67.4m in capital works
- \$6.5m in developer provided assets
- \$10.1m in loan repayments

Total projected income is \$196.4m consisting of items in Table 2 marked with an ^. These are:

- \$189.9m in operating income
- \$6.5m in developer provided asset contributions

In addition to a budget shortfall position of \$602k, the 2019-2020 budget forecasts an operating surplus of \$3,995k on a consolidated basis and an operating deficit of \$7,071k for Council's general fund. The budget position, although a shortfall, is deemed to be manageable and the consolidated operating result is strong. The general fund operating result is forecast to be negative, however it is noted that there are a number of factors impacting this result including:

- a number of non-recurrent expenditures which have been prioritised and included in the draft budget to meet longer term strategic goals. Although contributing to a negative operating result in 2019-2020, these items are one-off in nature and generally will not impact the operating result going forward;
- a number of significant cyclical expenditure items which are forecast to occur in 2019-2020, which however do not impact every financial year;
- impact of cost shifting from other levels of government where appropriate funding is not provided. In 2017-2018, the impact was estimated to be \$12.9m. This represents a significant financial impost on Council and highlights a significant level of funding which could otherwise be utilised on service delivery.

Although a negative operating result is manageable in the short-term in light of the above factors and in light of Council's overall financial position, the importance of ensuring Council's ongoing financial sustainability is recognised. On this basis, Council will continue to focus on improving the general fund operating result, with the following focus areas noted:

- completion of 5 service reviews of business critical areas;

- continued focus on ensuring Council's fees and charges structure is appropriate;
- review of depreciation and appropriateness of underlying assumptions.

It should be noted that the 2019-2020 draft budget includes grant funding from the Federal Government in the form of a Financial Assistance Grant. The budget has assumed a small uplift from the 2018-2019 levels. Any reduction to this funding could impact upon Council's ability to deliver services.

It should also be noted that the Federal Government has in recent years made advance payments of the annual allocation of the Financial Assistance Grant. Council is required to bring these revenues to account in the year in which they are received as opposed to the year to which they relate. The 2019-2020 draft revenue budget in effect includes the second half of the 2019-2020 annual allocation and the first half of the 2020-2021 annual allocation (assuming the latter, which will be held in restricted cash until 2020-2021, is paid in advance). Should the Federal Government cease payment in advance, this will have a significant impact on the monies actually received in 2019-2020 and therefore on the operating result for this period. It is noted however that this is a timing issue only and overall monies received across the 2 years will not be impacted.

**Attachments**

- 1 [View](#). 2019-20 DP and OP - Draft FINAL Documents for Public Exhibition
- 2 [View](#). Draft Fees and Charges 2019-2020
- 3 [View](#). Draft Revenue Policy 2019-2020
- 4 [View](#). Draft Rating Maps 2019-2020

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Item: 09.09

Subject: PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2017-2018

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:

1. Note the achievement of substantial compliance with each of the best practice guidelines (NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007) of:
  - (a) Strategic Business Planning
  - (b) Pricing
  - (c) Water Conservation
  - (d) Drought Management
  - (e) Performance Reporting
  - (f) Integrated Water Cycle Management
2. Authorise the application to the NSW Government for approval to pay a dividend of \$908,550 to the General Fund from the surplus in Water Supply operations for the 2017-2018 financial year.
3. Authorise the payment of \$100,950 for tax equivalents to the general fund from the Water Supply operations for the 2017-2018 financial year.
4. Authorise the application to the NSW Government for approval to pay a dividend of \$854,766 to the General Fund from the surplus in the Sewerage Fund for the 2017-2018 financial year.
5. Authorise the payment of \$94,974 for tax equivalents to the general fund from the Sewerage Fund for the 2017-2018 financial year.
6. Determine that if successful in its application the dividend will be quarantined in a Strategic Projects reserve pending allocation to suitable projects.

#### Executive Summary

This report provides Council with information on Council's compliance with NSW Best Practice Management Guidelines for Water Supply and Sewerage.

In addition, the recommendation will allow Council to apply for payment of a dividend from the Water Supply and Sewerage Funds to General Fund for the year ended 30 June 2018.

**Discussion**

Where a Council Water or Sewerage operation has:

- an operating surplus for the year in question, and
- a sufficient cumulative operational surplus over the last three years

it may be eligible to make a dividend payment from the surplus if it meets the following requirements:

1. Demonstrates best-practice management compliance through an independent compliance audit report: and
2. Obtains an unqualified financial audit report for its water supply/and or sewerage business(es).
3. Resolves in a council meeting open to the public that it has achieved “substantial compliance” with each criterion of the Best Practice Management Guidelines. The criterion are set out in table 1 of the guidelines which is attached.

Any dividend is able to be transferred to the General Fund and is unrestricted.

For the 2017-2018 financial year, Council meets the surplus requirements for both the Water Supply operations and for the Sewerage operations.

***Requirement 1 – Best Practice Criteria***

In August 2007, the NSW Department of Water & Energy issued the final guidelines for the Best Practice Management of Water Supply and Sewerage Operations. The intent of the Best Practice Guidelines is to ensure compliance with six Best Practice Management criteria.

The six Best Practice criteria are:

1. Strategic Business Planning
2. Pricing (including Developer Charges, Liquid Trade Waste Policy and Approvals)
3. Water Conservation
4. Drought Management
5. Performance Reporting
6. Integrated Water Cycle Management

Within each of the above six criteria there is a required outcome that needs to be met and indicators that demonstrate the achievement of the outcome. In accordance with the guidelines, Council has endeavoured to meet all criteria as addressed in the guidelines and to demonstrate the achievement of the criteria.

The achievement of the criteria is required to be audited by an independent external Auditor. Council has recently appointed NSW Public Works Advisory to undertake the best practice compliance audit for the 2017-2018 financial year. A copy of the final audit report is attached.

The audit concluded that “Port Macquarie-Hastings Council has demonstrated “substantial compliance” with Best Practice Management of Water Supply and

Sewerage in line with the DoI Water Guidelines as applicable for the year ended 30<sup>th</sup> June 2018”.

*Requirement 2- unqualified financial audit report*

The independent Audit Report on the Special Purpose Financial Reports for Water and Sewerage was included in Council’s Annual Statements for the 2017-2018 financial year. The audit report was unqualified and therefore meets the criteria in the guidelines. A copy of the audit report is attached.

*Requirement 3- council resolution*

It is recommended that Council resolve that it has achieved “substantial compliance” with each criterion of the Best Practice Management Guidelines.

*Application*

Once Council complies with the abovementioned criteria, Council is able to apply for permission to pay a dividend from the Water Supply and Sewerage operations. The dividend totals \$908,550 for water supply and \$854,766 for sewerage services for the financial year 2017-2018. The payment of this dividend is subject to approval by the NSW Government and approval may or may not be granted. The payment of tax equivalents is not subject to approval from the NSW Government.

*Water Charges*

Another item in this agenda *Draft Delivery Program 2017-2021 (Revised 2019), Draft Operational Plan 2019-2020, Fees and Charges, Revenue Policy, and Rating Maps Documents for Public Exhibition* refers to proposed Water Charges for the 2019-2020 year as follows:

Water charges will continue to be charged under the current two-tier water pricing tariff structure. The annual water charge and usage charges are proposed to increase by 2.7% for the 2019-2020 financial year. Reclaimed water will be charged at 50% of the potable water charge.

The Department of Industry has determined that with water becoming an increasingly scarce resource both locally and globally, it is appropriate that local water utilities focus on influencing water demand through increasing emphasis on usage based pricing. Best practice water supply pricing requires utilities to provide **strong pricing signals to encourage efficient water use. With this in mind, the water usage charge will be increased and the water access charge will be reduced over the next 3 years with the goal that 75% of water income will be derived from usage charges by 2021-2022, in line with best practice recommendations. The water usage charge has been increased by 20c per kl and the access charge for a 20mm meter has reduced from \$205.00 in 2018-2019 to \$198.00 in 2019-2020.**

Reference is also made to this in Attachment 3 of this report.

**Options**

Council has the option of applying for approval to take a dividend of \$1,763,316 from the water and sewerage funds or it can choose not to apply. If Council chooses to apply it must resolve that it has achieved “substantial compliance” with each of the criterion in the Best Practice Guidelines.

Council may choose to resolve that if successful the dividend be used for certain purposes, or it may choose not to limit the application of the funds.

**Community Engagement & Internal Consultation**

Consultation has occurred with the Water and Sewerage sections and independent auditors.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

A total dividend from surplus of \$1,763,316 is payable by the Water Supply and Sewerage operations. In addition, tax equivalents of \$195,924 are also payable. These funds are unrestricted and therefore can be spent on any General Fund activity that Council sees fit.

It is proposed to place these funds into an internally restricted Strategic Projects reserve, pending allocation to suitable projects.

**Attachments**

- 1 [View](#). Best Practice Guidelines - Table 1
- 2 [View](#). 2017-2018 Special Purpose Statements Audit Report
- 3 [View](#). 2017-2018 Best Practice Compliance Audit

# 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: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND  
SUB-COMMITTEE - FEBRUARY 2019

Presented by: Strategy and Growth, Holly McBride

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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, 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. Madelaine Goodridge receive the amount of \$450.00 to assist with the expenses she incurred travelling to and competing at the Australian All Schools Athletics Championships held in Cairns, Queensland from 7 – 9 December 2018 inclusive.
2. Shanay Northey receive the amount of \$250.00 to assist with the expenses she incurred traveling to and competing at the NSW State Age Swimming Championships held at Sydney Olympic Park from 14 – 19 December 2018 inclusive.
3. Phoebe Bentley receive the amount of \$600.00 to assist with the expenses incurred and will incur travelling to and competing at both the NSW Country Swimming Championships held in Sydney Olympic Park from 22 – 24 February 2019 inclusive, and the Georgina Hope 2019 Australian Age Swimming Championships to be held in Adelaide, South Australia from 15 – 20 April 2019 inclusive.
4. Shannon Moore receive the amount of \$500.00 to assist with the expenses he will incur travelling to and competing in the National Motocross Series (Championships) to take place through NSW, VIC, SA, and QLD throughout 2019.

#### Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 21 February 2019, reached consensus on Item 8 (attached) and submits the above recommendation for Council's approval.

#### Attachments

- 1 [View](#). Extract Item 8 - Mayor's Sporting Fund Sub-Committee Meeting - 21 February 2019

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**Item: 10.02**

**Subject: MRS YORK'S GARDEN MASTER PLAN - PUBLIC EXHIBITION**

**Presented by: Development and Environment, Melissa Watkins**

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### **Alignment with Delivery Program**

2.3.4 Plan, investigate, design and construct open spaces, recreational and community facilities.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the submissions received during the Draft Mrs York's Garden Master Plan exhibition period.**
- 2. Adopt the amended Master Plan which reflects the feedback received from the exhibition period.**
- 3. Thank those who made submissions and advise them of the outcome of Councils' determination of this matter.**

### **Executive Summary**

At the Ordinary Council Meeting held on 12 December 2018, Council resolved to place the Mrs York's Garden Draft Master Plan on public exhibition for a period of 42 days commencing 14 December 2018 to 25 January 2019, and requested the General Manager provide a report to March 2019 Ordinary Council Meeting outlining community feedback during the public exhibition period.

This report considers the submissions received, outlines amendments to plan recommends that the amended Draft Mrs York's Garden Master Plan be adopted.

### **Discussion**

On 12 December 2018, Council resolved as follows in respect of the Draft Master Plan for Mrs York's Garden:

#### *"That Council:*

- 1. Note the information contained in the Draft Mrs York's Garden Master Plan report.*
- 2. Place the Draft Mrs York's Garden Master Plan on public exhibition for 42 days from 14 December 2018 to 25 January 2019.*
- 3. Request the General Manager provide a report to the March 2019 Ordinary Council Meeting outlining community feedback provided during the public exhibition period."*

Council's key objective in undertaking this review is to produce an overall Mrs York's Garden Master Plan which provides clear direction for all future works.

Public Exhibition

The public exhibition is now complete. There were a total of 205 visits to Councils' Have Your Say engagement website page, during the exhibition period the document was downloaded or viewed 84 times.

A total of 21 submissions were received, the majority of these (15) were via Councils' Have Your Say website. Submissions were from a range of members of the community including members of Friends of Mrs York's Garden, neighbouring residents and other community members.

In term of support or otherwise for the Mrs York's Draft Master Plan the submissions were as follows:

Number of respondents indicated support for the following:

- waterfall and windmill concept (6)
- addition of viewing platform (6)
- additional seating and shelter (6)
- upgrading current paths and tracks throughout precinct (4)
- continuation of path to Gaol Point (3)

Number of respondents indicated not to support:

- additional Norfolk Pine Trees Stewart Street (8)
- additional shelter obstructing view (2)
- additional paths Allman Hill, boardwalk to existing path, between shelters (5)
- terracing of slope (1)
- Stone step design of waterfall (5)

Number of respondents also provided the following suggestions:

- addition of BBQs
- variety design comments relating to possibility of future pathway design Stewart Street.
- replacement planting of Hibiscus tileaceous (tree)
- water harvesting from new building structures
- Use of solar power to power waterfall pump

Detailed consideration of the submissions received is included later in this report.

Draft Master Plan Review

The Draft Master Plan has been reviewed in the context of feedback received during the exhibition period with the following aspects to be included within the proposed Mrs York's Garden Master Plan:

- Allman Hill footpath, historical enhancement, tree planting and seating to be implemented
- Viewing platform to be incorporated (looking out to Town Beach)
- Waterfall with natural boulders and plantings / windmill to be incorporated as an interpretive sculpture part of bridge
- Stone Seat access track upgrade to be implemented
- Pedestrian footpath upgrades / connections to be implemented
- Two tiers of terracing to be implemented
- Gaol Point additional seating implemented
- Seating and shade structure to be implemented
- No additional tree planting along Stewart Street

- Existing Stewart Street footpath to be retained with remedial treatment around tree roots (short term). Adjust road cross section – reduce road width / increase pedestrian path / add parallel parking

**Options**

Council has the option to adopt the Mrs York’s Garden Master Plan, or request further changes.

**Community Engagement & Internal Consultation**

The Draft Mrs York’s Garden Master Plan was available for public comment from 14 December 2018 to 25 January 2019. During this period 21 submissions were received.

Additionally Council facilitated the following public engagement initiatives to capture further comment and detail used to create to Final Draft Version:

- Site walk and meeting with key stakeholders Friends of Mrs York’s Garden (FMYG) to identify future direction and wish list. Meeting was attended by 2 Council Officers (Senior Landscape Architect and Parks Project Officer) and members representing FMYG.
- Information meetings with FMYG, presenting Draft Mrs Yorks Garden Master Plan prior to and during Have Your Say submission period.
- Popup session located within Mrs York’ Precinct presenting Draft Mrs York’s Garden Master Plan
- Ongoing communication with representatives of FMYG.

Internal consultation occurred with variety of stakeholder including:

- Group Manager of Recreation and Buildings
- Senior Landscape Architect
- Group Manager Natural Resources
- Senior Stormwater Engineer
- Parks and Open Space Co-Ordinator

Public Submission Summary

<u>Submission Number</u>	<u>Issue</u>	<u>Response</u>
1	Unanimous support and highest priority to have waterfall and windmill, with running water, natural rock and water plants. Whilst a mechanical windmill is not practical, flow of water could be powered by solar or electric pump to reticulate water.	All points identified / supported within presented Master Plan

<u>Submission Number</u>	<u>Issue</u>	<u>Response</u>
	<p>Committee support a viewing deck above or nearby the waterfall to provide vantage point to look over gardens and store water pumping equipment</p> <p>Addition of another picnic table strongly supported – one member mentioned shelters should not obstruct views of apartments Stewart Street</p>	
2	<p>Replacement of concrete path with gravel walkway – consider a boardwalk design better suited for garden and ease of access.</p> <p>Additional paths around Allman hill graves not required, increase maintenance for garden group.</p> <p>No planting of additional Norfolks.</p> <p>Terracing of slope not supported Disagree with the concept of amphitheatre (noise)</p>	<ol style="list-style-type: none"> <li>1. Remedial treatment around tree roots short term. Long term increased width path design to be completed.</li> <li>2. Mowing site carried out via PMHC Parks Team</li> <li>3. Planting within Stewart Street has been removed from Plan</li> <li>4. Increase the usability of area with levelled area</li> <li>5. Neighbouring asset not part of Mrs York’s Garden Master Plan</li> </ol>
3	<p>Add downpipes, gutters, drainage and underground tanks to be incorporated with new water capturing assets ie shelters</p>	<p>Supported where possible and included within future asset design</p>
4	<p>Additional Norfolk Island Planting along Stewart Street (8 submissions)</p>	<p>Planting within Stewart Street has been removed from Plan</p>
5	<p>Highest priority – water fall precinct to have running water natural rock / planting</p>	<p>All points identified / supported within presented Master Plan</p>

<u>Submission Number</u>	<u>Issue</u>	<u>Response</u>
	<p>Embellishing the existing spillway. Windmill integrated in some form, most likely as sculptural form, power for waterfall preferred option solar.</p> <p>Viewing platform along Clarence Street, either part of waterfall or further along Grant Street car park.</p> <p>Windmill sculpture in waterfall area, not gaol point end.</p> <p>(2 other Submissions identified same comments)</p>	
6	<p>Terracing and path from Stewart Street not a priority, should be considered when amphitheatre become reality.</p> <p>(2 other Submissions identified same comments)</p>	<p>Increase the usability of area with levelled area</p>
7	<p>Do not support dry stone stepped design</p> <p>Replacement concrete footpath with gravel not preferred – boardwalk preferred.</p> <p>Additional pathways Allman Hill and boardwalk and between picnic shelters not supported - additional maintenance</p>	<ol style="list-style-type: none"> <li>1. Detail design waterfall to promote a more natural concept</li> <li>2. Remedial treatment around tree roots short term. Long term increase width path design to be completed.</li> <li>3. Mowing site carried out via PMHC Parks Team</li> </ol>
8	<p>The “Well” to be retained and embellished to create public art</p>	

<u>Submission Number</u>	<u>Issue</u>	<u>Response</u>
	<p>Additional seating and shelter</p> <p>Upgrading current maintenance track to boardwalk</p> <p>Widening / upgrade of main walking path through reserve</p> <p>Ability for current waterfall tank to be utilised for watering plants and storing water</p>	<p>All points identified / supported within presented Master Plan</p>
9	<p>Walking from Goal Point to the CBD will use the new wider path proposed thru the middle of the gardens I don't think this is appropriate in the evening when there won't be enough lighting so a path at street level is still required.</p> <p>Maybe a raised boardwalk could be built around the northern side of each of the trees, similar to that on the roadway to Shelly Beach and the one large tree next to the roadway that has the raised boardwalk wrap around the tree.</p>	<p>Consideration at time of asset detail design</p>
10	<p>Continuation of path from Mrs York's to Gaol Point</p>	<p>Identified within presented Master Plan</p>
11	<p>Re-establish waterfall and windmill to give authenticity to project-original concrete to be retained, flowing solar powered water</p> <p>Windmill a sculptural design.</p> <p>New paths and highlighting graves</p> <p>Viewing platform</p>	<p>All points identified / supported within presented Master Plan</p>
12		

<u>Submission Number</u>	<u>Issue</u>	<u>Response</u>
	Replacement planting for lost Hibiscus	Tree planting identified for Allman Hill Clarence Street area
13	Proposed picnic tables not to have shelters to obstruct views from apartments	Shelter located within suitable location to limit loss of view
14	Retention of path Stewart street	Path being retained
15	Consider 2 electric bbqs  New vegetation has 1.5m height limit  Replace the concrete footpath along the road between Lions Lookout and Grant Street with a 2-metre wide deck path that can be built either side and around the Norfolk Island Pines.	Consideration at time of asset detail design
16	I would like to see the concrete spillway kept as it is with some planting around the concrete. This is one of only two iconic items made by Mrs York. The other being the bench under the Tuckeroo.  There should be a viewing platform in Clarence Street, overlooking the spillway and the gardens below.	All points identified / supported within presented Master Plan

<u>Submission Number</u>	<u>Issue</u>	<u>Response</u>
17	<p>The replacement of the concrete path along Stewart Street, with gravel would not be a satisfactory change for people with disabilities who need a wheelchair.</p> <p>The path already through the park isn't wheelchair friendly. It isn't the right gradient for wheelchairs.</p> <p>Not in support of a concrete pathway through the grass area from the boardwalk.</p>	<ol style="list-style-type: none"> <li>1. Remedial treatment around tree roots short term. Long term increase width path design to be completed</li> <li>2. Access to provide continuation and connectivity to centre path</li> </ol>
18	<p>Continue path adjacent to Stewart St opposite HW motel to goal point car park as stepping onto road dangerous</p>	<p>Identified / supported within presented Master Plan</p>

### Planning & Policy Implications

If adopted, the Mrs York's Garden Master Plan will be the basis for planning and embellishment of Mrs York's Garden.

### Financial & Economic Implications

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

### Attachments

- 1[View](#). Mrs York's Garden Master Plan Overall Concept Commented
- 2[View](#). Mrs York's Garden Master Plan Overall
- 3[View](#). Mrs York's Garden Master Plan West
- 4[View](#). Mrs York's Garden Master Plan Centre
- 5[View](#). Mrs York's Garden Master Plan East

# 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: **RESPONSE TO SUBMISSIONS - DRAFT EPBC ACT PRELIMINARY DOCUMENTATION ASSESSMENT REPORT - PORT MACQUARIE AIRPORT MASTER PLAN IMPLEMENTATION AND VEGETATION CLEARING ON COUNCIL OWNED LAND IN THE THRUMSTER URBAN RELEASE AREA**

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

3.3.1 Develop, manage and maintain Port Macquarie Airport as a key component of the regional transport network and continue to grow the airport's contribution to the regional economy.

### RECOMMENDATION

#### That Council:

1. **Note the submissions received during the public exhibition of the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area.**
2. **Prepare the Final EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, and submit the report to the Australian Government Department of the Environment and Energy for final assessment.**
3. **Publicly notify and publish the Final EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, in accordance with the requirements of the Australian Government Department of the Environment and Energy.**

### Executive Summary

This report provides a summary of the submissions received in response to the public exhibition of the Draft *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, for Council's consideration.

In accordance with the Australian Government Department of the Environment and Energy assessment process, Council is now required to:

- finalise the Preliminary Documentation Assessment Report and submit the report to the Department for final assessment of the proposed action; and

- publish the final Preliminary Documentation Assessment Report along with the submissions received on the draft version (noting that this is for public notification only and further submissions are not sought as part of this process).

### Discussion

At the Ordinary Council Meeting held on 12 December 2018, Council resolved to place the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, on public exhibition as below:

*11.01 DRAFT EPBC ACT PRELIMINARY DOCUMENTATION ASSESSMENT REPORT - PORT MACQUARIE AIRPORT MASTER PLAN IMPLEMENTATION AND VEGETATION CLEARING ON COUNCIL OWNED LAND IN THE THRUMSTER URBAN RELEASE AREA*

*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 9:33pm.*

*RESOLVED: Levido/Alley*

*That Council:*

- 1. Note the information contained in the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area.*
- 2. Publicly notify and exhibit the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, in accordance with Section 95A(3) of the Environment Protection and Biodiversity Conservation Act 1999, from 13 December 2018 to 14 February 2019.*
- 3. Request the General Manager to consider a response to submissions following the public exhibition period prior to final assessment by the Australian Government Department of the Environment and Energy.*

*CARRIED: 7/0*

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

*AGAINST: Nil*

In accordance with Resolution 2, the documentation was placed on public exhibition from 13 December 2018 to 14 February 2019. During the exhibition period, three (3) submissions were received via Council's "Have Your Say" website.

This report addresses Resolution 3, and provides a response to the submissions received for Council's consideration prior to final assessment by the Australian Government Department of the Environment and Energy.

### Options

The assessment process for the Preliminary Documentation Assessment Report is prescribed under the *Environment Protection and Biodiversity Conservation Act 1999*.

Final assessment and approval of the proposed action is subject to Council considering the submissions received during the exhibition period, preparing and submitting the final document for formal assessment by the Australian Government

Department of the Environment and Energy, and publicly notifying and publishing the Final Preliminary Documentation Assessment Report along with the submissions received on the draft version (noting that this is for public notification only and further submissions are not sought as part of this process).

Not proceeding with these steps puts at risk Council’s ability to implement the Port Macquarie Airport Master Plan and comply with the Civil Aviation Safety Authority (CASA) aerodrome standards for Code 4C aerodromes.

**Community Engagement & Internal Consultation**

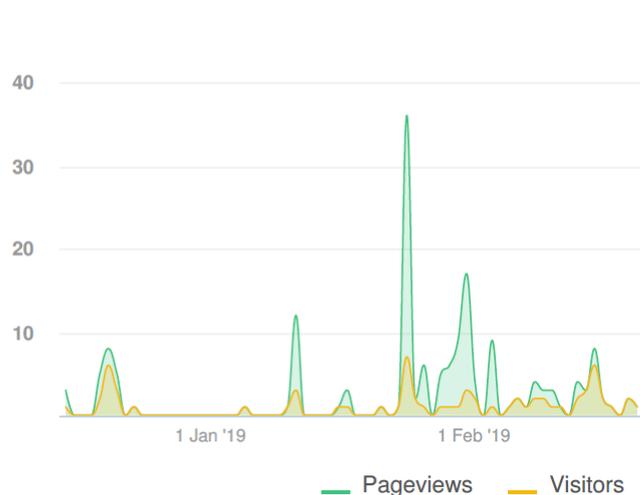
The Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, was placed on public exhibition from 13 December 2018 to 14 February 2019.

The extended public exhibition period took into account the Christmas – New Year holiday period.

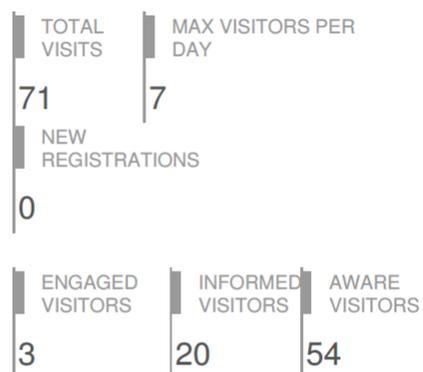
The Draft Preliminary Documentation Assessment Report and associated documentation was placed on exhibition at Council’s offices and Libraries in Laurieton, Port Macquarie and Wauchope. A copy was also available to view at the State Library of NSW, Macquarie St, Sydney.

The documentation was also available via Council’s “Have Your Say” website with 71 visits to the project page, and 36 downloads of elements of the documentation provided.

**Visitors Summary**



**Highlights**



During the exhibition period, three (3) submissions were received via Council’s “Have Your Say” website:

Submission	Issue
1. Alan Forrester	I cannot see in the report any reference to the global climate change and



Submission	Issue
	<p>progressive sea level changes. What reference data is provided in this report with regards to the sea level measurements of the proposed land for industrial use. Investment in 25-50 year infrastructure should reference this. See below from : NSW Sea Level Rise Policy Statement 2009</p> <p>In 2006, the State Government gazetted the new Standard Instrument – Principal Local Environmental Plan. Clause 5.5 of the Standard Instrument prevents the granting of development consent on land that is wholly or partly within the NSW Coastal Zone, unless consideration has been given to the effect of coastal processes and coastal hazards and potential impacts, including sea level rise on the proposed development, and arising from the proposed development.</p> <p>Two additional NSW Government policies of relevance to sea level rise are the 1988 NSW Coastline Hazard Policy and the NSW Flood Prone Land Policy. This Sea Level Rise Policy Statement supersedes the 1988 NSW Coastline Hazard Policy. Most of the objectives from that policy were included in the NSW Coastal Policy 1997, which remains current. Other objectives from the NSW Coastline Hazard Policy are updated by this Sea Level Rise Policy Statement.</p>
<p><b>Response/ Comment:</b></p>	<p>The issues of climate change and sea level rise are not matters specifically assessed under the EPBC Act, which is the Australian Government’s environmental legislation and framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places – defined in the EPBC Act as “matters of national environmental significance”.</p> <p>The matters raised in the submission are typically considered under NSW State Government legislation at the development assessment (DA) stage of a project.</p> <p>As such, no change is proposed to the Draft Preliminary Documentation Assessment Report in response to this submission.</p>
<p>2. Sam Shead</p>	<p>If what’s needs to happen needs to happen I say yes to it. The one concern I</p>

Submission	Issue
<p><b>Response/ Comment:</b></p> <p>The Draft Preliminary Documentation Assessment Report identifies potential impacts relating to koalas / koala habitat at section 5.3.6 and the corresponding proposed avoidance, mitigation and management measures at Sections 6 and 7.</p> <p>Consistent with the NSW State Government approved Biodiversity Certification Agreement, the proposed conservation areas include approximately 350ha of vegetation mapped as koala habitat which will be permanently protected, fully funded and actively managed for conservation as part of the proposed biobank site(s).</p> <p>The Draft Preliminary Documentation Assessment Report makes provision for pre-clearance surveys of threatened fauna, including consideration of the need to relocate any koala, to be undertaken in accordance with a fauna pre-clearance protocol prior to any clearing of vegetation.</p> <p>As such, no change is proposed to the Draft Preliminary Documentation Assessment Report in response to this submission.</p>	<p>have with it please make sure you guys find a good home for any koalas that you find it is so important that they stay safe. Having what is needed to make the airport better. That's what I have to say.</p>
<p>3. Russell John May</p> <p><b>Response/ Comment:</b></p> <p>The Draft Preliminary Documentation Assessment Report has been prepared to assess EPBC Act impacts associated with vegetation clearing required to allow for the implementation of the Port Macquarie Airport Master Plan 2010 Addendum Report (dated December 2013). This includes the ongoing operation and development of the Airport in accordance with Civil Aviation Safety Authority (CASA) aerodrome standards for Code 4C aerodromes.</p> <p>Consistent with the NSW State Government approved Biodiversity Certification Agreement, the proposed action defined in the Draft Preliminary Documentation Assessment Report includes widening of the runway strip, improvements to the airport obstacle limitation surfaces (OLS) (approach / take-off paths),</p>	<p>Does this Draft Documentation fully comply with the Port Macquarie Airport Master Plan 2010 for C4 classification? Because PMHC Proposal on their Orbital Road North/South link does not comply with 9.0 GROUND TRANSPORT SYSTEM 9.1 ACCESS ROADS! Will the proposed vegetation clearing cater for runway extension, widening, taxiway and future outer link road, linking Area 13 Thrumster to Hastings River Drive?</p>

Submission	Issue
	<p>potential future development of aviation related infrastructure including a future parallel taxiway, establishment of an Airport Business Park, establishment of flood free road access to the Airport between the Oxley Highway and Hastings River Drive via Port Macquarie Airport and the Airport Business Park and an upgrade to Boundary Street, future residential and light industrial development on Council owned land within the Thrumster Urban Release Area, and the establishment of water and sewer easements to meet expected future needs of the Thrumster Urban Release Area and fire trails within the conservation areas to aid in strategic fire and conservation management.</p> <p>The Port Macquarie Airport Master Plan 2010 identified the need for flood-free road access to the Airport, with planning for an upgrade of Boundary Street and/or an alternative principal access route to the Airport to be undertaken in conjunction with the long-term planning for a future Outer Link Road (now referred to as the Port Macquarie Orbital Road). The Master Plan 2010 made reference to “a future Outer Link Road, linking the proposed Area 13 Thrumster development to Hastings River Drive via the proposed Airport Precinct business park”.</p> <p>The subsequent Port Macquarie Airport Master Plan 2010 Addendum Report (dated December 2013) made reference to “Planning for improvements to Boundary Street is to be considered in conjunction with planning for an Outer Link Road (North - South link) linking the Oxley Highway and Hastings River Drive as part of Council’s strategic regional road network. It is recommended that as part of the planning for a future Outer Link Road, Council give consideration to the future road access requirements to the Airport”.</p> <p>In relation to the proposed Port Macquarie Orbital Road and flood-free Primary Airport Access Road, the scope of the Draft Preliminary Documentation Assessment Report is limited to the sections of the potential future road corridors specifically located within the Port Macquarie Airport site.</p> <p>It is noted that the proposed Port Macquarie Orbital Road and flood-free Primary Airport Access Road are currently subject to a separate community engagement process. It is also noted that beyond the Port Macquarie Airport site, the proposed Orbital Road and flood-free Primary Airport Access Road will be subject to further detailed environmental impact assessments in accordance with relevant legislation.</p> <p>As such, it is considered that the draft documentation is consistent with the Port Macquarie Airport Master Plan, and no change is proposed to the Draft Preliminary Documentation Assessment Report in response to this submission.</p>

As noted above, there are no changes proposed to the Draft Preliminary Documentation Assessment Report in response to the submissions received.

Following consideration by Council, a final version of the Preliminary Documentation Assessment Report will be prepared for submission to the Australian Government Department of the Environment and Energy for final assessment.

Council is also required to publicly notify and publish the Final Preliminary Documentation Assessment Report along with the submissions received on the draft version (noting that this is for public notification only and further submissions are not sought as part of this process).

**Planning & Policy Implications**

As with the NSW State Government approved Biodiversity Certification Agreement, the approval under the EPBC Act is critical to the long-term implementation of the Port Macquarie Airport Master Plan.

**Financial & Economic Implications**

The Australian Government Department of the Environment and Energy has a policy of cost recovery for environmental assessments under the EPBC Act. Fees amounting to \$8,298 are payable for the final assessment. These fees will be funded from the Airport Reserve.

The financial and economic implications associated with the Port Macquarie Airport and surrounding lands Biodiversity Certification Agreement were reported to Council on 19 October 2016.

The Final Preliminary Documentation Assessment Report proposes some additional mitigation measures over and above the Biodiversity Certification Agreement to offset potential impacts to *Allocasuarina defungens* / *thalassoscopica*, an endangered species under the EPBC Act, at a cost over 5 years of up to \$75,000. These additional measures would be funded from the Airport Reserve.

**Attachments**

Nil

# 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: NOTICE OF MOTION - PETITION - SAVE BARTLETTS BEACH AND RESERVE

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Mayor Peta Pinson has given notice of her intention to move the following motion:

#### RECOMMENDATION

**That Council note the petition received opposing the destruction of Bartletts Beach Reserve through ongoing environmental and communal impacts from paragliders.**

#### Comments by Mayor (if provided)

Mr Bill Shelly, on behalf of local residents, has submitted to Council a petition opposing the destruction of Bartletts Beach Reserve and ongoing environmental and communal impacts from paragliders at Bartletts Beach Reserve, Bonny Hills.

Bartletts Beach Reserve has been used for paragliding for many years and Mr Shelly has opposed the use of the Reserve to Council on a number of occasions.

Currently there are 3 paragliding companies all with leases for this area, with these leases expiring between July and December 2019. These leases have been approved in accordance with Council's adopted policy *Commercial Activities on Council-Managed Land*.

A copy of the petition has been tabled for the information of Councillors.

#### Attachments

Nil

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**Item:** 12.02

**Subject:** NOTICE OF MOTION - 20TH ANNIVERSARY OF LANDCARE IN PORT  
MACQUARIE

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

### RECOMMENDATION

**That Council:**

1. **Note the contents of the Landcare reports as tabled at this meeting.**
2. **Request the General Manager write to Port Macquarie Landcare congratulating them on their 20 years of contribution to the natural environment and our community and pass on Councils gratitude to them for the ongoing work that they do.**

### Comments by Councillor (if provided)

On 26 February 2019, I (Peter Alley) attended an event marking the 20<sup>th</sup> Anniversary of Landcare in Port Macquarie.

Landcare provides teams of volunteers to care for our natural environment. They have undertaken many projects throughout our community.

While attending, I was presented with the reports of three projects:

- Absalom Reserve
- Timber Ridge Reserve
- Rushcutter Reserve

These reports are attached and show the enormous value that Landcare Volunteers make to our community.

### Attachments

- 1 [View](#). Absalom Reserve
- 2 [View](#). Timber Ridge Reserve
- 3 [View](#). Rushcutter Reserve

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Item: 12.03

Subject: TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES -  
BOTANIC DRIVE, KEW

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. Accept the transfer of Lot 11 DP1250178, Botanic Drive, Kew.
2. Delegate Authority to the General Manager to execute, electronically or otherwise, all documents including, but not limited to, any authorisation form as required associated with the transfer in accordance with the *Electronic Transactions Act 2000*.
3. Pursuant to Section 34 of the *Local Government Act 1993* commence the process to classify Lot 11 DP1250178 as “operational land” by placing on public exhibition the proposed resolution “It is intended to classify Lot 11 DP1250178 (land off Botanic Drive, Kew) as operational land” from 27 March 2019 for a minimum period of 28 days.
4. Note that a further report will be tabled at the May 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

#### Executive Summary

This report is presented to Council to consider the transfer of land arising from the residential development of land off Botanic Drive at Kew. The land to be transferred contains a sewer pumping station constructed by the developer to service the residential development. As an item of public infrastructure, the land comprising the sewer pumping station should be held in public, that is, Council ownership.

The land, once transferred into Council ownership, is required to be classified in accordance with the requirements of the *Local Government Act 1993*.

#### Discussion

The development of the residential estate known as the Laurieton Resort, required the developer to provide infrastructure such as water and sewer to service the subdivided lots. A sewer pumping station was required. With the registration of the subdivision plan DP1250178 (see attached) on 18 February 2019, the transfer of the land containing the sewer pumping station, Lot 11 DP1250178, can now proceed.

**Options**

Given the land to be transferred contains sewer infrastructure, the land should be in Council ownership and classified as “operational” land.

**Community Engagement & Internal Consultation**

The proposed land classification will be notified in Council’s *Community Now* Public Notices for a minimum period of 28 days. Following the conclusion of the notification period, a further report will be provided to Council detailing any submissions received during the notification period.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

Nominal cost will be incurred providing public notification in *Community Now*.

**Attachments**

1 [View](#). Deposited Plan DP1250178 showing land (Lot 11) to be transferred

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Item: 12.04

Subject: REGIONAL TRANSPORT INFRASTRUCTURE STEERING GROUP  
MEMBERSHIP AMENDMENT

Presented by: Infrastructure, Jeffery Sharp

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### Alignment with Delivery Program

4.4.1 Plan, investigate, design and construct transport assets which address pedestrians, cyclist and vehicular needs to cater for the future growth of the region.

### RECOMMENDATION

#### That Council:

1. **Appoint the Group Manager Transport and Stormwater Network as a voting member of the Regional Transport Infrastructure Steering Group and remove the Engineering Planning Manager, Transport and Stormwater Network.**
2. **Invite representatives of the Office of Environment and Heritage, Future Transport, Transport for NSW, Department of Premier and Cabinet, Department of Planning and Roads and Maritime Services – Maritime Division as additional members of the Regional Transport Infrastructure Steering Group.**
3. **Endorse the amended Regional Transport Infrastructure Steering Group Charter reflecting the membership changes.**

### Executive Summary

In support of operational changes within the Infrastructure Division, amendment to the membership of the Steering Group is requested. The changes have been made following departure of the substantive Group Manager Transport and Stormwater Network and secondment of the Engineering Planning Manager into this role, effectively leaving the Engineering Planning Manager role vacant.

Subsequently, approval is sought to appoint the Group Manager Transport and Stormwater Network as a voting member on the Steering Group, replacing the Engineering Planning Manager.

In addition, approval is sought to extend invitations to Steering Group meetings as non-voting members to representatives from the following organisations:

- Office of Environment and Heritage
- Future Transport
- Transport for NSW
- Department of Premier and Cabinet
- Department of Planning
- Roads and Maritime Services – Maritime Division

The addition of these members would serve to ensure that vital stakeholders for major regional transport infrastructure projects are involved from the initial stages and are providing valuable input at the earliest possible point in strategic planning.

In accordance with the Steering Group Charter, endorsed by Council at the June 2018 Ordinary Council meeting, appointment of members is only by a Council resolution duly passed.

A copy of the proposed amended Regional Transport Infrastructure Steering Group Charter is attached.

### **Discussion**

The Steering Group Charter that was endorsed by Council at the June 2018 Ordinary Council meeting outlines the membership for this Steering Group under section 3.1 as:

#### 3.1 Voting Members

- Councillor, Major Projects Portfolio
- Director Infrastructure
- Director Strategy and Growth
- Engineering Planning Manager, Transport and Stormwater Network
- RMS Manager – Regional Planning (North/West)
- RMS Regional Manager (Northern)

It is recommended that the Engineering Planning Manager, Transport and Stormwater Network be replaced with the Group Manager Transport and Stormwater Network.

In addition, it is also recommended that section 3.2 Non-Voting Members be amended to include representatives from the following organisations.

- Office of Environment and Heritage
- Future Transport
- Transport for NSW
- Department of Premier and Cabinet
- Department of Planning
- Roads and Maritime Services – Maritime Division

Inclusion of representatives from other NSW State agencies should be considered to ensure clarity around the transport issues facing our LGA and provide an opportunity for their input into the important projects the Steering Group discuss.

### **Options**

Council has the option to approve, decline or amend the recommendation.

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

Consultation has occurred with the Regional Transport Infrastructure Steering Group, the Director Infrastructure, Group Manager Transport and Stormwater Network and the Director Strategy and Growth.

**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**

1 [View](#). AMENDED Regional Transport Infrastructure Steering Group Charter

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**Item:** 12.05

**Subject:** QUESTION FROM PREVIOUS MEETING - WAUCHOPE HERITAGE  
DEVELOPMENT CONTROL PLAN

**Presented by:** Strategy and Growth, Holly McBride

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### RECOMMENDATION

**That the information in the Question on Notice – Wauchope Heritage Development Control Plan report be noted.**

### Question from Councillor

Could the General Manager please update Councillors on the status of a heritage DCP, or similar, for Wauchope, in view of comments by Council's Heritage Advisor on page 235 of the agenda identifying an "urgent need" for such instruments?

### Comments by Councillor (if provided)

Nil.

### Response

There is no Heritage Development Control Plan (DCP) for Wauchope. However, Council has an Urban Design Framework Plan 2009 for the Wauchope Town Centre, which includes consideration of heritage character and a built form strategy to acknowledge the unique history of the town.

The Port Macquarie-Hastings DCP 2013 includes provisions related to heritage conservation generally, and Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 also contains provisions in relation to Heritage Conservation. Heritage items are listed in Schedule 5 of the LEP based on an inventory of heritage buildings that was undertaken in 1991.

Council has resolved to review the Heritage Inventory, including the potential identification of new heritage items, and completed a Heritage Option Report in 2018, as Stage 1 of work to review the Heritage Inventory. This Report has identified around 100 existing and/or potential heritage items, which require further, more detailed review, prior to Council consideration of potential changes to Schedule 5 of the LEP. The items are located throughout the Local Government Area, including some in Wauchope.

Council's Urban Growth Management Strategy (UGMS) 2017-2036 includes a review of the Port Macquarie-Hastings Inventory as Action 31, with an indicative timeframe for completion in 2019/2020. This action has been considered for inclusion in Council's 2019/20 Operational Plan, along with other short-term actions in the adopted UGMS.

Given the number of high priority strategic planning actions and available resources, the implementation of Action 31 has been deferred in 2019/20 for further consideration in subsequent reviews of the UGMS.

In addition Action 2 of the UGMS proposes that Council review planning for the Wauchope CBD and adjoining mixed-use area, indicatively for completion by 2021/22. The implementation of this action will also be considered in the annual review of the UGMS implementation.

**Attachments**

Nil

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**Item: 12.06**

**Subject: QUESTION FROM PREVIOUS MEETING - PARKING STRATEGY AND  
PARKING CONTRIBUTIONS RESERVE**

**Presented by: Strategy and Growth, Holly McBride**

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### **RECOMMENDATION**

**That the information in the Question on Notice – Parking Strategy and  
Parking Contributions Reserve Report be noted.**

### **Question from Councillor**

Could the General Manager please update Councillors on the status of the review of the Parking Strategy and the parking contributions reserve?

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

Nil.

### **Response**

Council's Car Parking Contributions Plan was adopted in 1993 to levy contributions for the provision of off street car parking in the four centres of Port Macquarie, Gordon Street, Laurieton and Wauchope.

In Port Macquarie, the Plan proposes the provision of off street car parking spaces in a multi-storey car parking structure, whereas in Gordon Street, Laurieton and Wauchope, at grade parking facilities are proposed.

At 30 June 2018, the balance of funds in the Car Parking Contributions Plan was \$4,412,219.

There are no works scheduled at this time for parking in Laurieton and Wauchope.

It is proposed that Council will review the Car Parking Contributions Plan following completion of the Car Parking Strategy review in 2019/2020.

### **Attachments**

Nil

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**Item:** 12.07

**Subject:** QUESTION FROM PREVIOUS MEETING - AIRPORT PLANNING  
PROPOSAL - REGULAR REPORTING SCHEDULE

**Presented by:** Development and Environment, Melissa Watkins

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### RECOMMENDATION

**That Council note the information provided in respect of a regular reporting schedule for the Airport Planning Proposal.**

#### Question from Councillor Turner

Could the General Manager advise if there is a regular reporting schedule planned for the airport planning proposal?

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

Nil.

#### Response

As outlined in the Airport Planning Proposal Status Update report provided to Council in February 2019 a draft Planning Proposal is currently being prepared by King and Campbell consultants on behalf of the proponent (Council Airport). The draft Planning Proposal for the Airport Business Park was anticipated to be presented to Council for consideration at the March 2019 meeting of Council. At the time of preparing this report the draft Planning Proposal has not been provided.

Once submitted, the draft will be reviewed by Council's Development and Environment Division in accordance with the NSW Department of Planning and Environment's *Guide to Preparing Planning Proposals* and if compete, the Planning Proposal will be reported to Council for a decision on whether to seek a Gateway Determination from the NSW Department of Planning Environment.

There currently is no regular reporting schedule proposed for this Planning Proposal, however it is proposed that the matter will be submitted to Council in April 2019, subject to receipt of the draft Planning Proposal form the consultants. Following this, if adopted by Council it can then be submitted the Department of Planning Environment for a Gateway Determination.

Further updates will be provided as the matter progresses, however it is considered that a regular reporting schedule is not warranted in this instance.

#### Attachments

Nil

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Item: 12.08

Subject: **HOMEDALE ROAD PLANNING PROPOSAL & DRAFT  
DEVELOPMENT CONTROL PROVISIONS - CONSIDERATION OF  
SUBMISSIONS**

Presented by: **Strategy and Growth, Holly McBride**

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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. **As a result of the consideration of submissions, amend the Planning Proposal to adjust the northern and eastern boundary of the E3 Environmental Conservation zone and make corresponding amendments to the Height of Buildings, Lot Size and Floor Space Ratio LEP maps, as described in this report.**
2. **Subject to approval under Item 1 above, take the necessary steps under section 3.35 and 3.36 of the *Environmental Planning and Assessment Act 1979* to finalise Local Environmental Plan 2011 (Amendment No 45).**
3. **Adopt the exhibited draft site-specific development control plan provisions as an amendment to Part 5 of the Port Macquarie-Hastings Development Control Plan 2013, incorporating the change referred to in this report, to commence on notification of the Local Environmental Plan in 2 above on the NSW Legislation website.**
4. **Within 28 days, publish a public notice of Council's decision to adopt the site-specific development control provisions in accordance with Clause 21(2) of the *Environmental Planning and Assessment Regulation 2000*.**
5. **Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal and draft development control plan provisions in finalising the matter.**
6. **Notify all persons who lodged a submission of Council's decision.**

### Executive Summary

This report considers the written submissions received in response to the public exhibition of the Homedale Road Planning Proposal and draft site specific development control provisions.

The Planning Proposal and draft site specific development control provisions were exhibited for comment for 28-days between 24 October and 21 November 2018. A total of 16 submissions were received, as discussed in the Key Issues and Community Engagement and Internal Consultation sections of this report.

This Planning Proposal relates to the westward expansion of residential land at Kew onto existing rural land, with the western extent of residential zone ultimately determined by the existence of Regionally Significant Farmland, flooding, riparian buffer and significant vegetation.

The proponent has sought some relaxation of Council's normal buffer requirements in relation to these constraints, however, on review this is not supported by Council staff and relevant State government agencies.

Council considered this matter at its 20 February 2019 Meeting and resolved to defer a decision on the Planning Proposal pending consideration of potential unauthorised works on the site, with advice on this issue to be reported back to Council as soon as practicable. Subsequent investigations have confirmed that these works have been approved as part of the Links Residential Estate Stage 6 works.

It is recommended that Council proceed to approve the exhibited Planning Proposal and draft site specific development control provisions, with minor amendments to the extent of the E3 Environmental Management zone boundary in response to submissions, as discussed in this report.

### Discussion

#### Council Meeting 14 December 2016

At the Meeting held on 14 December 2016, Council resolved to prepare a Planning Proposal to amend the *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011* to rezone land on the western edge of Kew for residential and environmental purposes, as follows:

*RESOLVED: Cusato/Dixon*

*That Council:*

1. *Prepare a planning proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979 in relation to part of Lot 202 DP 1133171, Homedale Road, Kew for residential 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 and 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 Environment 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. *Note that a further report will be presented to Council 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, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann and Turner*

*AGAINST: Nil*

Council Meeting 20 February 2019

At the Meeting held on 20 February 2019, Council considered the submissions received to the public exhibition of the proposal and staff recommendation for approval of the proposal subject to amendments, and resolved as follows:

*RESOLVED: Cusato/Turner*

*That this item be deferred pending consideration of potential unauthorised works on the site and the matter be reported back to Council with advice on these matters as soon as practicable.*

*CARRIED: 6/0*

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

*AGAINST: Nil*

Additional information in relation to the potential unauthorised fill on the subject site is provided in response to submission No 5 (part a) in the 'Community Engagement & Internal Consultation' section of this report.

The Site

The 9.3 hectare (ha) site (Figure 1 below) comprises the rural residue of the adjoining Links Residential Estate to the east and unformed Crown road reserve on the western boundary.



**Figure 1: Subject Site**

Predominately west facing, the site slopes steeply east to west (30% to 5% incline) and overlooks adjoining Regionally Significant Farmland.

Part of the low-lying land in the west is flood-affected, contains an endangered ecological community (EEC), riparian buffer and a potential site of indigenous significance. The site also contains the fringe of an expansive area of adjoining Regionally Significant Farmland to the west.

The proponent, GEM Planning, has provided documentation to confirm that an application has been made to the NSW Department of Industry Crown Lands & Water to close and purchase the Crown road reserve, which is currently under lease by the landowner and fenced within the boundaries of the site.

### The Proposal

Under the *Port Macquarie-Hastings Local Environmental Plan (LEP) 2011*, the site is zoned partly RU1 Rural and partly R1 General Residential.

The Planning Proposal recommends a 5.7ha extension of the R1 zone over the site and corresponding amendments to the Height of Buildings, Floor Space Ratio and Minimum Lot Size LEP maps to enable future residential development.

A residue area of the site contains significant vegetation, riparian buffer, area for stormwater detention and provides a 50 metre (m) wide separation buffer to protect Regionally Significant Farmland on the neighbouring rural land to the west. The Planning Proposal recommends that the residue be zoned to partly E2 Environmental Conservation and partly E3 Environmental Management with a 2ha minimum lot size requirement.

The NSW Department of Planning and Environment agreed to allow preparation and public exhibition of a Planning Proposal in accordance with the Department's Gateway Determination dated 13 March 2017. Prior to public exhibition of the Planning Proposal, the Gateway Determination required that a noise impact assessment be prepared and that consultation occur with relevant State Government agencies.

There was a significant delay whilst the proponent undertook investigations to prepare the noise impact assessment and address a number of State government agency concerns. This prolonged the process and led to the Department amending the Gateway Determination twice to allow extensions of time to complete the Planning Proposal.

As a result of these investigations and other relevant planning considerations, draft site-specific development controls were prepared to support the Planning Proposal. The draft controls relate to minimising noise from an adjoining bulk storage development to the west, ensuring road connectivity to the adjoining Links Estate to the east, and reducing the possibility of harm to a potential site of indigenous heritage.

### Public exhibition

The Planning Proposal and draft site-specific development controls (at **Attachments 1 & 2**) were placed on public exhibition from 24 October to 21 November 2018.

In response to the exhibition period, a total of 16 written submissions were received from residents, Kew business owners/organisations, the proponent and State government agencies. Copies of these submissions are **ENCLOSED** under separate cover for the information of Councillors.

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

#### Key issues

### **1. Buffer to adjoining Regionally Significant Farmland**

During the pre-exhibition consultation phase, the NSW Department of Primary Industries (DPI) Agriculture raised concerns about the adequacy of the proponent's *Land Use Conflict Risk Assessment* in mitigating potential conflict between future use of the adjoining Regionally Significant Farmland and housing in the proposed R1 General Residential zone.

DPI Agriculture recommended that where grazing is expected to be the primary adjoining use, a nominal 50m minimum setback be provided between dwellings and the adjoining rural lands.

Therefore, the Planning Proposal was exhibited on the basis of providing a 50m wide separation buffer where grazing could be expected to the primary adjoining use. A narrower 22m wide separation buffer was proposed where the land adjoins dwelling infrastructure and a bulk storage (temporary fencing) business on the Kendall Road frontage on the neighbouring rural property.

In response to the public exhibition, DPI Agriculture restated their earlier concerns that the Planning Proposal may lead to land use conflict in the future and set a precedent of not protecting Regionally Significant Farmland.

The submission also notes that if the Planning Proposal is to proceed in its current form, DPI Agriculture is concerned that the buffer along part of the western boundary is inadequate at only 22m width. The DPI has advised that a 50m buffer should be developed along the whole of the western boundary to ensure that there is sufficient protection for the adjoining Regionally Significant Farmland from any future complaints.

#### *Comments from Council's Strategy & Growth Division*

Council staff have supported the proposal to not require a 50m buffer to the area of Regionally Significant Farmland that is mapped within the subject land, based on the agronomist's report submitted with the proposal and the fact that this thin strip of Regionally Significant Farmland is not likely to be used for agriculture in the future.

Buffers are required however, to the bulk of the Regionally Significant Farmland which is located on the adjoining property to the west, as shown in Figure 2 of this report. In relation to this land, there is potential for an intensification of agricultural use in the future and there is a need to avoid future land use conflict as a result of rezoning the adjoining land for residential use.

The exhibited Planning Proposal provides a 50m wide buffer of proposed E3 Environmental Management land along the majority of the western boundary of the site, extending approximately 415m north from the southern boundary. As initially recommended by DPI Agriculture, this buffer corresponds to that area on the adjoining farmland where grazing could be expected to the primary land use.

The draft Planning Proposal has a narrower 22m wide buffer at the northern end of this buffer, based on the proponent's *Land Use Conflict Risk Assessment*, which suggests that this is not expected to unreasonably impact on the existing or future use of the adjoining Regionally Significant Farmland.

DPI Agriculture recommend the maintenance of a 50m wide buffer to this land and advise that Council should not set a precedent by allowing potential land use conflict with Regionally Significant Farmland.

The DPI Agriculture concerns can be resolved by extending the proposed 50m wide E3 zone a further 45m to the north to align with the southern boundary of the yard containing the dwelling infrastructure and bulk storage operation within the adjoining rural property to the west. The proposed E3 zone extension in context of the adjoining Regionally Significant Farmland is illustrated in Figure 2.

This change would result in excluding residential concept Lot 725 and part of residential concept Lot 724 shown on a revised concept subdivision plan accompanying the proponent's submission (discussed in 2 below).

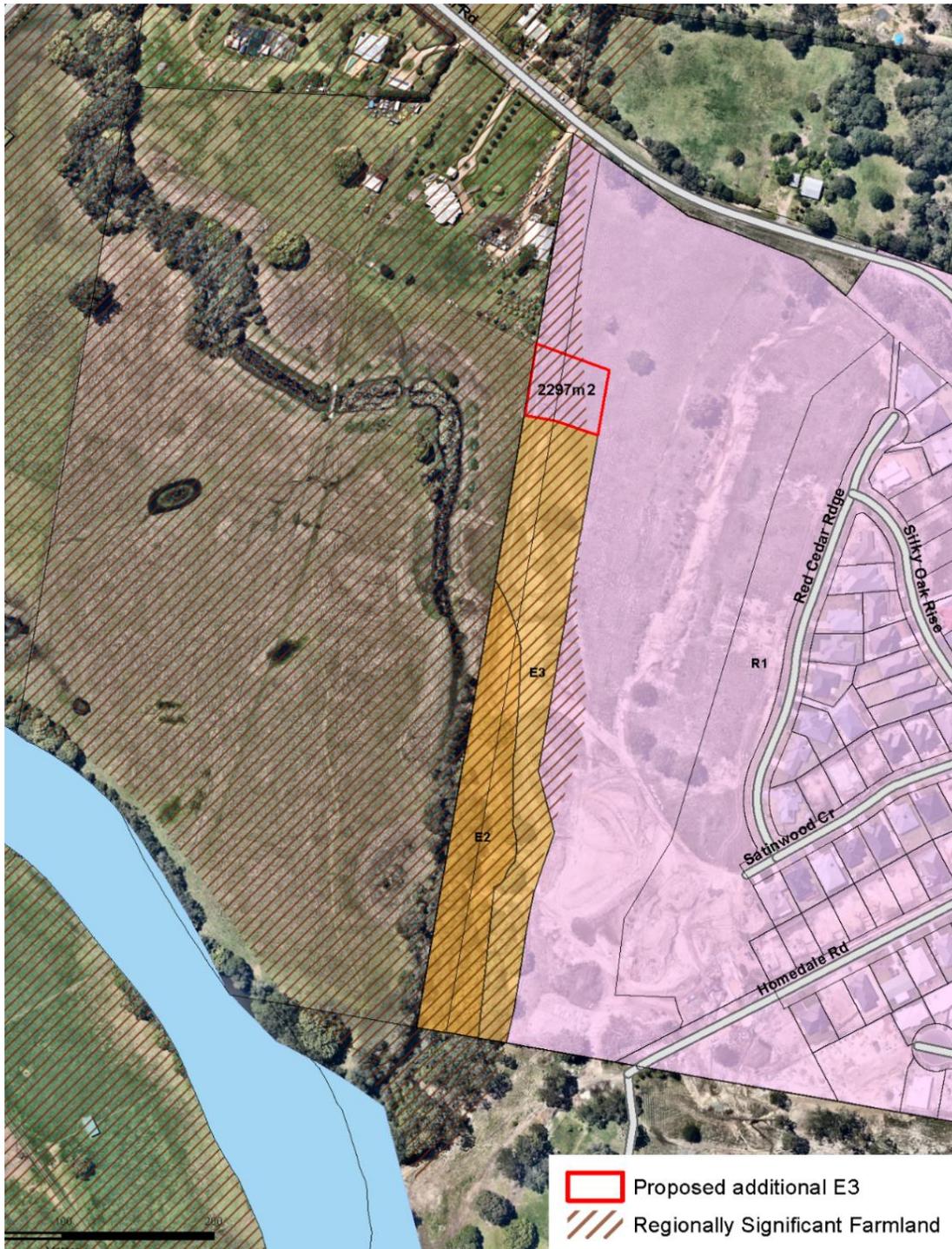


Figure 2: Recommended northward extension of the exhibited E3 zone boundary

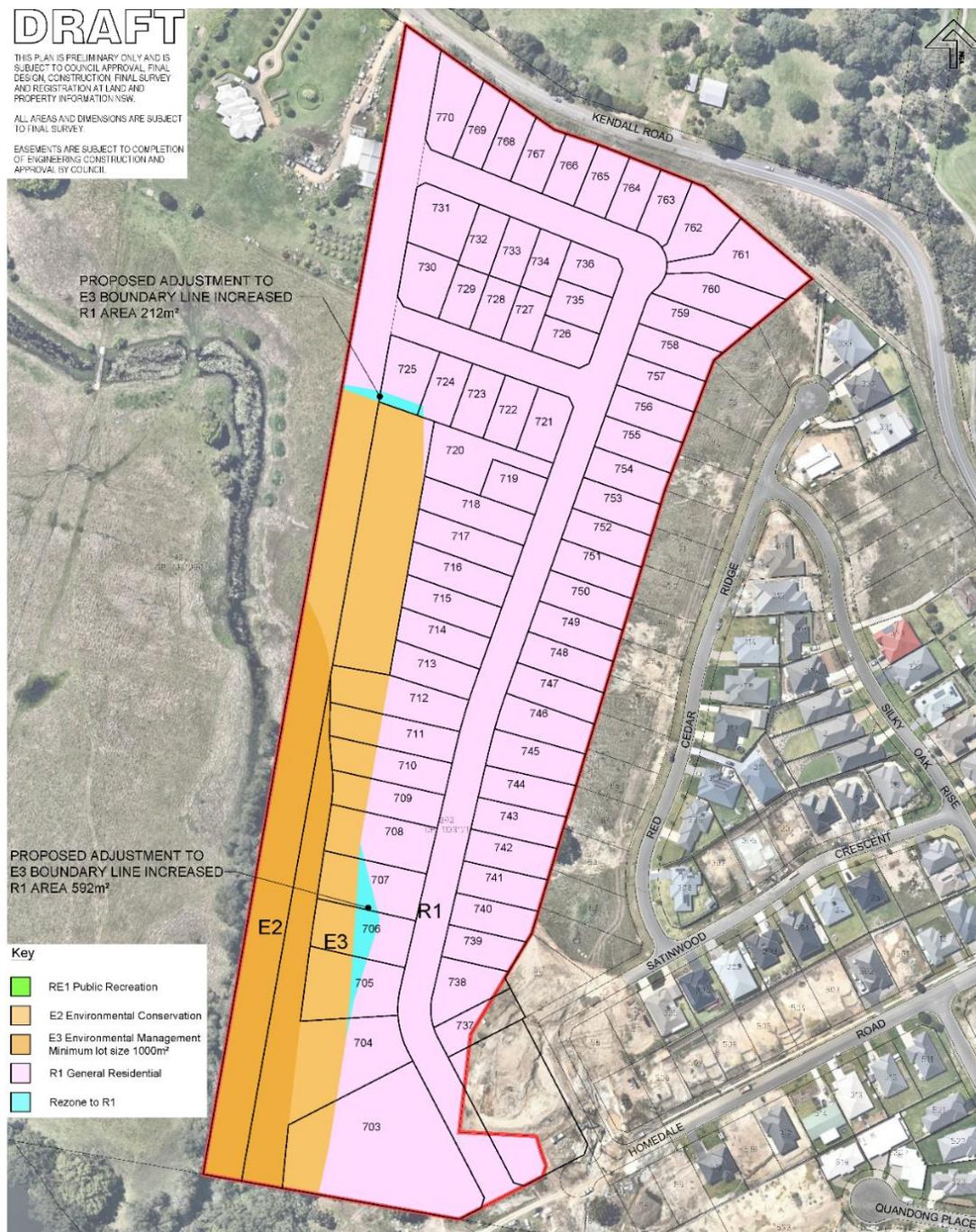
In conclusion, the DPI is concerned regarding the establishment of a precedent. It is acknowledged that there is no intensive agricultural use of the land at present. However, it is possible that in the future more intensive use of the Regionally Significant Farmland may occur.

Accordingly, it is recommended that the E3 zone be extended to the north, as shown in Figure 2. Corresponding changes will also be required to the proposed Height of

Buildings, Lot Size and Floor Space Ratio maps. As this minor amendment does not substantially alter the exhibited Planning Proposal, re-exhibition is not proposed.

**2. Zone E3 Environmental Management - Minimum lot size & configuration**

On behalf of the landowner, GEM Planning has requested that the minimum lot size for the proposed E3 Environmental Management zone be reduced from 2ha to 1,000 square metres (sqm). A revised subdivision concept plan accompanying the submission (Figure 3 below) shows a total of 10 residential lots extending into the proposed E3 zone and abutting the boundary of the proposed E2 zone.



**Figure 3: Revised Subdivision Concept Plan (Source: GEM Planning)**

The submission notes that these lots will achieve a minimum 1,000sqm area and building envelopes will be defined by sewerage service levels, flood prone land limitations, and the E3 zone. The submission also notes that being split zoned, any building on these lots would progress through the Development Application (DA) process rather than as Complying Development, providing Council with direct control over the building locations for each lot.

In addition, GEM Planning seeks a minor mapping amendment to refine the edge of the proposed E3 zone in two locations (shaded blue in Figure 3) to provide a more uniform zone boundary. The submission states that substantial earthworks and site regrading will be required to achieve the proposed internal road link and this will result in filling of these marginally flood affected areas.

*Comments from Council's Strategy & Growth Division*

It is recommended that Council accept a minor variation to the eastern boundary of the proposed E3 zone to rationalise the small (592smq) flood fringe area, recognising that this impact will be negligible. Corresponding changes will also be required to the Height of Buildings, Lot Size and Floor Space Ratio maps. As this change does not substantially alter the exhibited Planning Proposal, re-exhibition is not proposed.

However, the extension of multiple, residential lots into the proposed E3 zone is not supported as past experience shows that where the rear of private properties fall within environmental buffers, residents' mow, erect garden sheds, cubby houses, fences, etc., and over time, the land becomes part of a private residential lot, compromising its function as buffer. There is a need for coordinated ongoing management of these E3 zoned buffer areas.

The E3 zone in the exhibited Planning Proposal was based on a previous concept submitted by the proponent to support the proposal, which showed the residue in a consolidated parcel.

The extent of the proposed E3 zone, as exhibited, largely corresponds to the 1:100 year flood level and contains a potential site of indigenous heritage, mapped Regionally Significant Farmland and area for stormwater detention to service future development. It adjoins a smaller area of proposed E2 Environmental Conservation zone intended to preserve an EEC and provide a 40m wide riparian buffer to protect an adjoining waterway.

During exhibition, the proponent has submitted a new concept subdivision (Figure 3), which seeks to reduce the minimum lot size to allow for the creation of residential lots containing E3 at the rear and abutting the proposed E2 zone.

The requested change to the minimum lot size is not supported because the intent is that this land be retained as a consolidated area attached to a future residential lot to help protect the significant vegetation and waterway, and to ensure a suitable separation buffer to adjoining Regionally Significant Farmland. The proposed 2ha minimum lot size requirement for the residue lands aims to avoid fragmentation of the buffer.

Arrangements for bushfire access and Asset Protection Zones (APZ) will need to be considered at DA stage, which may affect the configuration of lots shown on the

proponent's concept plan. Where environmental zoned land abuts residential land, Council's standard practice is to require a perimeter road on the outside of the environmental lands to address issues such as bushfire hazard, stormwater run-off and environmental edge effects. This is a normal consideration as part of the DA process and as a rule, Council does not accept APZs in the E3 zone.

Whilst it is acknowledged that the stormwater detention area may be dedicated to Council as part of the DA process, at the time of preparing the Planning Proposal in 2016, Council's Environmental Services did not support dedication of the environmental lands into public ownership. It may be possible to revisit the question of land dedication at DA stage.

#### Summary of recommended changes to Planning Proposal

Following consideration of the key issues raised in the submissions, the following amendments are recommended to the exhibited Planning Proposal:

1. Extension of the proposed E3 zone northward to align with the southern boundary of the house yard on the adjoining rural property to the west as shown in Figure 2 of this report.
2. Adjustment to the eastern edge of the proposed E3 zone to exclude 592sqm of flood fringe land intended to be filled for residential development.
3. Corresponding amendments to the Height of Buildings, Lot Size and Floor Space Ratio LEP maps to reflect the revisions to the E3 zone boundary.

In addition, it is recommended that Figure 4 in the draft DCP be updated to show the revised E3 zone configuration.

#### **Options**

Council's options are:

1. To approve the Planning Proposal as exhibited and resolve to make the LEP to rezone the land.
2. To approve the Planning Proposal as exhibited with minor amendments to adjust the E3 zone boundary, as outlined in this report, and resolve to make the LEP to rezone the land.
3. Make amendments to the Planning Proposal. Note: The proposal will need to be re-exhibited if any substantive changes are made. For example, a change to the proposed minimum lot sizes.
4. Not support the Planning Proposal.

Option 2 is recommended.

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

The Planning Proposal and draft site-specific development controls were exhibited for 28 days (from 24 Oct - 21 Nov 2018), in accordance with the requirements of the Department of Planning and Environment's Gateway Determination.

The documentation was made available on Council's website and at Council's Port Macquarie, Wauchope and Laurieton offices for the duration. In addition, all adjoining landowners were notified of the public exhibition in writing and invited to make submissions.

As previously noted, 16 submissions were received. The key matters identified in the submissions have been considered in the *Key Issues* section of this report. A summary of the submissions and a planning response to the matters raised is provided in the table below.

Submission		Issue summary
1.	NSW Department of Primary Industries	<p>Concerned that the proposal may lead to land use conflicts in the future.</p> <p>Proposal sets a precedent of not protecting Regionally Significant Farmland.</p> <p>A 22m wide buffer along the western boundary is inadequate and should be a minimum of 50m and extended along the whole of the western boundary to ensure sufficient protection for the adjoining Regionally Significant Farmland from future complaints.</p>
	<b>Response/ Comment:</b>	This issue is considered in the <i>Discussion</i> section of this report. A northward extension of the E3 zone is proposed. Note, this will affect Council's recommendation for submission 7(part b).
2.	Department of Primary Industries NSW - Fisheries	<p>Supportive of the proposed environmental buffer lands. It is recommended that the buffer lands be clearly delineated from future residential and actively managed to ensure that the buffer is not compromised by under-scrubbing or clearing activities, and functions as intended.</p>
	<b>Response/ Comment:</b>	A Vegetation Management Plan will be required as part of any future DA and the management requirements of the environmental land will be dealt with as part of that process.
3.	NSW Office of Environment and Heritage (OEH)	<p>Satisfied that the issues previously raised during the pre-exhibition consultation regarding biodiversity and Aboriginal heritage have now been addressed.</p>
	<b>Response/ Comment:</b>	Noted.
4.	NSW Roads & Maritime Services	<p>The submission provides general commentary concerning traffic aspects relevant to the subsequent DA stage.</p>
	<b>Response/ Comment:</b>	Noted.

Submission		Issue summary
5.	Julie Edgecombe	<p>a) No objections to the rezoning but a considerable amount of fill has been placed on the lower side of the site near the creek located on our land. When the creek floods, it currently flows onto the low lying area of the adjoining site where the fill has been placed. Concerns are raised that the fill will change the natural flow of flood waters and significantly increase flooding on our land.</p> <p>b) Also concerned about the current volume of overflow stormwater runoff into the creek from the Links Estate and the potential for this to worsen with additional residential development. In heavy rain, the detention basin overflows and the water runs into our property, which can be calf deep in our front garden.</p>
	<b>Response/ Comment:</b>	<p>a) Council’s Development Engineering staff have confirmed that the “fill” is generally in accordance with plans approved under a Construction Certificate issued for The Links Estate Stage 6 works. It is actually a temporary earthworks stockpile as shown on the approved plans but has been located approx. 20m south of the original position shown on the approved plans (see mark-up plan at <b>Attachment 3</b>).</p> <p>The developer’s consultant, Hopkins Pty Ltd, has advised that the original location was considered impractical as it would have interrupted overland flow to detention basin No 2 shown on the approved plan. Also this location is where future earthworks may be undertaken, should Council resolve to proceed with the rezoning and later approvals for development of the site.</p> <p>Hopkins Pty Ltd has also confirmed that the earthworks stockpile has been levelled to reduce runoff and dust impacts. It will be moved again as development progresses in accordance with the Links Estate and any future consents for the subject site.</p> <p>Issues with sediment and erosion control and drainage on the site have also been addressed with the contractor/developer and advice received that these will be attended to.</p>

Submission		Issue summary
		 <p>b) Subject to rezoning and obtaining DA consent, the existing basin in the northeast of the site will be relocated to the western boundary at the time of developing the land and all existing runoff conveyed to the proposed new basin.</p> <p>Any subsequent DA will need to demonstrate that the design of the proposed basin will restrict discharge such that there are no detrimental flood impacts to the creek/gully within the adjoining downstream lot. Modelling will be required to demonstrate that post-development stormwater discharge is less than or equal to pre-development rates.</p> <p>The location of the proposed new basin is approximately mid-way along the western boundary of the site, meaning that stormwater runoff will not be conveyed through the front yard of the downstream property, as is currently the case.</p> <p>Furthermore, as future residential development will require an easement to be created between the outlet from the basin and the creek within the adjoining downstream property, the adjoining landowners will have the ability to have some say in the manner in which stormwater is discharged via the easement negotiation process.</p>
6.	Confidential – name suppressed	<p>The proposal is inappropriate for this particular site due to:</p> <p>a) The environmental sensitivity of the site and proximity to the Camden Haven River and local creek, with likely stormwater, erosion and flooding impacts.</p>

Submission	Issue summary
	<ul style="list-style-type: none"> <li>b) Excessive fill will be required to remove the risk of flooding and provide road connectivity to the Links Estate.</li> <li>c) Reported Koala sightings.</li> <li>d) The land is recognised as being Regionally Significant Farmland.</li> <li>e) The proposed 1.8m acoustic fence on western boundary will be an eyesore and out of character with the area.</li> <li>f) No additional need for provision of housing in the area has been identified by Council.</li> <li>g) Further development of rural land sets a precedent for adjoining rural land to be rezoned.</li> <li>h) Further development of rural land reduces the separation between villages of Kew and Kendall. This impacts on the amenity of the local area which is recognised by Council as being historically significant and of intrinsic value to the unique character of each village.</li> </ul>
<p><b>Response/ Comment:</b></p>	<ul style="list-style-type: none"> <li>a) The stormwater servicing strategy indicates that local overland flooding will be adequately managed at the subsequent DA stage. The strategy has been conceptually prepared to capture and direct all existing stormwater runoff from the site to a basin which is proposed to be centrally located adjacent to the western site boundary. Whilst the site contour plans provided indicate that this is a feasible approach, detailed design and site regrading plans will need to be submitted at DA stage to demonstrate how this will be achieved.  In relation to erosion, future DAs to develop the steeper areas of the site will need to demonstrate compliance with the <i>Port Macquarie-Hastings Development Control Plan</i> and include geotechnical investigations and appropriate solutions (e.g. retaining walls, earthworks) to manage slope limitations.</li> <li>b) Extensive filling of the flood-affected area of the site is not permitted. In response to a submission from the proponent (refer to submission No 7 part b), only a minor area of marginally flood affected land is proposed to be filled.  Also, as noted in the exhibited Planning Proposal, a small section of Crown Road in the northwest of the site is subject to flooding but capable of being raised to the 1:100 year (incl climate change) flood level.</li> </ul>

Submission	Issue summary
	<p>Detailed information will be required for approval at DA stage to demonstrate that filling these area will not adversely impact the floodplain.</p> <p>c) The Preliminary Ecological Assessment Addendum report submitted in support of the proposal provided the following advice in relation to Koalas “<i>as Tallowwood is a Koala food tree species the bases of all of these trees were checked for scats. No scats or other evidence of recent Koala activity was observed</i>” (p.13). Further, the report considers that these trees are in an isolated position, which reduces the likelihood of the trees being browsed by Koalas.</p> <p>d) This matter is considered in more detail in the ‘<i>Discussion</i>’ section of this report.</p> <p>e) While it is acknowledged that the acoustic fence will be out of character for the area, it is considered to be necessary to minimise the potential for noise impacts to future residents due to the existing approved bulk storage business operating on the adjoining land. The final appearance of the fence may be softened by landscaping. This is a matter for consideration at DA stage.</p> <p>f) The site is not identified in the <i>Urban Growth Management Strategy</i> or the <i>North Coast Regional Plan</i> for future urban development. The proposal is however, relatively small in scale and Council has resolved (on 20/8/14) to consider this site specific planning proposal as part of Council’s Strategic Planning program, having regard to the supply of land for housing in the Camden Haven.</p> <p>g) Council’s planning staff are aware that further development of rural land (outside an approved strategy) could set a precedent for future land to be rezoned and this should be a consideration of Council.</p> <p>Where a site is not mapped as an investigation area for urban expansion in the <i>North Coast Regional Plan</i>, the proposed variation to the growth area boundary must be considered in context of the ‘Urban Growth Area Variation Principles’ of the Regional Plan. The Planning Proposal includes this assessment and demonstrates that the site has merit to be considered, even though it is outside the Regional Plan process.</p> <p>h) Council’s planning staff acknowledge that the separation between Kew and Kendall is reducing, which is a concern to the community. However, given the natural limits to further growth on the western boundary (flooding &amp; significant Farmland), a minor extension of the existing residential zone to the west is supported in this case.</p>

Submission		Issue summary
7.	Lesley Forbes	A designated area for a childrens' playground and community gatherings is vital as part of the proposal.
	<b>Response/ Comment:</b>	It is acknowledged that there is a need for a childrens' play space in Kew and Council plans to provide one later this year. While the location of this space is yet to be confirmed, two sites are currently being considered, both of which are located less than 1km from the subject site.
8.	Jason Koenig	Given the expected increase in residents, the need for a shared pathway between Kew and Kendall along Kendall Road is now urgent.
	<b>Response/ Comment:</b>	Council has a long term plan for a shared path on the northern side of Kendall Road and on-road cycling via wider shoulders. At present, there is an existing shared pathway along the northern side of Kendall Road between Homedale Road and Nancy Bird Walton Drive. In the future, the pathway is proposed to extend west to the village of Kendall linking to an existing shared pedestrian/cycle path.
9.	Greg Watson	Not opposed to the change.  The sharp bend in Kendall Road should be straightened. This was promised by Council 10 years ago.  Stormwater runoff needs to be suitably directed to ensure it doesn't flood across Kendall road, as it currently does from the existing Links Estate.
	<b>Response/ Comment:</b>	Road safety treatments are assessed against the priorities and considerations of Council's entire road network. At this time, altering the Kendall Road curve in question does not rate as a high priority from an economic or safety perspective. However, Council will continue to maintain the current safety treatments on Kendall Road (i.e. line marking).  The stormwater servicing strategy has been conceptually prepared to capture and direct all existing stormwater runoff from the site to a basin that is approximately centrally located along the western boundary of the site. Whilst the site contour plans provided indicate that this is a feasible approach, detailed design and site regrading plans will need to be submitted at DA stage to demonstrate how this will be achieved.
10.	John Handford	Do not support the proposal.  Population growth is not beneficial to quality of life in the area. Sustainability and the environment should be our highest priorities.

Submission		Issue summary
	<b>Response/ Comment:</b>	As outlined in the <i>Urban Growth Management Strategy 2017 – 2036</i> , the population of the Port Macquarie-Hastings is expected to grow, on average, by around 1,200 people per year. This growth will create demand for approximately 10,000 new dwellings by 2036. Council is responsible for managing this growth and balancing it with the quality of life on offer in the region.
11.	GEM Planning Projects for John Harvey	<p>Minor mapping amendments are sought to:</p> <ul style="list-style-type: none"> <li>a) Revise the minimum lot size for the E3 Environmental Management zone to 1,000sqm, and</li> <li>b) Refine the edges of the E3 Environmental Management zone to provide a more uniform zone boundary.</li> </ul> <p>It is considered that the flood impacts of the proposed flood fringe filling associated with the perimeter road and designated stormwater management area will have a negligible impact.</p>
	<b>Response/ Comment:</b>	<ul style="list-style-type: none"> <li>a) The proposed change to the minimum lot size for the E3 Environmental Management zone is not supported. This matter is considered in the 'Discussion' section of this report.</li> <li>b) The suggested minor adjustment to the proposed E3 zone boundary is supported for the eastern side only. This matter is considered in the 'Discussion' section of this report.</li> </ul>
12.	Peggy Landon	<p>Commend beautification works in centre of Kew.</p> <p>The Links Estate has led to the growth of Kew but is nearly full. The proposed rezoning of the Chimneys land should be prioritised.</p> <p>Council should also consider the lack of supply of residential land in the area for the future.</p>
	<b>Response/ Comment:</b>	<p>A Planning Proposal for The Chimneys site was received late last year and is currently under assessment. This matter will be reported to Council separately in the future.</p> <p>With respect to future land supply, Council's <i>Urban Growth Management Strategy</i> includes Kew as part of the Camden Haven corridor. Land supply projections for the Camden Haven indicate a 30+ year land supply exists.</p>
13.	Deniece Merryfull for Kew Country Club	The Links Estate has increased visitor and local trade in Kew. Clubhouse and facility improvements are planned for Kew Country Club over the next few years and trade from the Links Estate and Homedale Road residents will

Submission		Issue summary
		help to grow the business. The Kew Country Club considers the rezoning of the Homedale Road site as a priority.
<b>Response/ Comment:</b>	Noted.	
14.	Anna Battersby for Camden Haven Chamber of Commerce	Support the proposal for open space and recreation parklands. The land will provide an appealing recreation area for the public to enjoy.
<b>Response/ Comment:</b>	This submission appears to have confused the Homedale Road Planning Proposal with the recently submitted Chimneys Planning Proposal, which relates to adjoining land to the south. The Chimneys Planning Proposal is currently under assessment and will be reported to Council separately.	
15.	Barry Barr for iKew Information Centre	Supportive of the proposal. Future residential development of the site will enhance Kew.
<b>Response/ Comment:</b>	Noted.	
16.	Mick Baker for Mick Baker's Landscaping	Supportive of the proposal. The continued growth of Kew depends on the continued release of quality residential land. The land situated at the end of the Homedale Road has sat dormant for many years with many plans and ideas but nothing coming to fruition. Now is the time for Council to consider rezoning this land to secure the future of Kew and its growth business hub.
<b>Response/ Comment:</b>	As per submission No. 14, this submission appears to have confused the Homedale Road Planning Proposal with the recently submitted Chimneys Planning Proposal, which relates to adjoining land to the south. The Chimneys Planning Proposal is currently under assessment and will be reported to Council separately.	

All persons and State government agencies that made a submission have been notified of this matter being reported to Council.

Throughout the planning process, internal consultation in relation to the proposal has occurred with a range of staff from across the organisation including, Transport and Stormwater Network, Water and Sewer, Environmental Services, Regulatory Services, Development Assessment Planners, Development Engineers, Recreation and Buildings, Digital Technology, and Community Place.

### Planning & Policy Implications

The preparation of a Planning Proposal for the site was considered and prioritised together with other site-specific proposals in a report to Council dated 20 August

2014. In preparing the Planning Proposal, Council has been required to follow the procedures set out by the NSW Government's *A Guide for the Preparation of LEPs* and *A Guide to Preparing Planning Proposals*.

Although the site is not identified for urban expansion in the *Port Macquarie-Hastings Urban Growth Management Strategy* or *North Coast Regional Plan*, the proposal is relatively small in scale and Council has resolved (on 20/8/14) to consider this site specific Planning Proposal as part of its Strategic Planning program, having regard to the supply of land for housing in the Camden Haven. It is proposed to protect significant areas of vegetation in environmental zoning and preserve a separation buffer to adjoining Regionally Significant Farmland.

The Planning Proposal has also been assessed against the 'Urban Growth Area Variation Principles' of the Regional Plan and, subject to extending the proposed E3 zone as recommended in the 'Discussion' section of this report, is considered to have merit even though it is outside the urban growth area boundary.

The draft site-specific development controls aim to provide guidance to developers and Council staff in the preparation and assessment of future DAs for the site and supplement the relevant provisions in Parts 2 and 3 of the *Port Macquarie-Hastings Development Control Plan 2013*.

The exhibition phase of the process has enabled the proponent, residents, business owners/organisations and State government agencies the opportunity to review and make comment on the proposal before a final decision is made. If Council resolves to amend the Planning Proposal as recommended in this report, the proposed realignment of the E3 zone boundary is not a substantive change to the exhibition proposal and re-exhibition will not be required.

### **Financial & Economic Implications**

Preparation of the Planning Proposal has been funded by the proponent in accordance with Council's Schedule of Fees and Charges for amendments to the *Port Macquarie-Hastings Local Environmental Plan 2011*. Council's Strategic Land Use Planning section prepared the site-specific development controls at no cost to the proponent.

### **Attachments**

- 1 [View](#). Homedale Road Planning Proposal - exhibition version
- 2 [View](#). Draft Development Control Plan provisions
- 3 [View](#). Temporary earthworks stockpile mark-up plan

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Item: 12.09

Subject: HIGHWAY SERVICE CENTRE PLANNING PROPOSAL - STATE  
GOVERNMENT AGENCY CONSULTATION

Presented by: Strategy and Growth, Holly McBride

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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

1. That the information contained in the Highway Service Centre Planning Proposal – State Government Agency Consultation report, be noted;
2. Council proceed to exhibition as soon as the proposed Voluntary Planning Agreement (VPA) is signed by the proponent and landowner;
3. Noting, if the VPA proposed by the proponent is not signed to enable Council to proceed to community engagement, a further report will be prepared at that time so that Council can review the basis for the Planning Proposal and whether or not it should proceed.

### Executive Summary

Council has received responses from State Government agencies in relation to the Planning Proposal to permit Highway Service Centre as an additional permitted use on land on the western side of the Pacific Highway at the interchange of the Pacific and Oxley Highways.

This report provides a summary of the responses received and recommends the Planning Proposal proceed to community engagement following completion of a Planning Agreement in consultation with the proponent and landowner.

### Discussion

At the Ordinary Council Meeting held on 21 November 2018, Council considered a report on draft development controls, and resolved as follows:

*RESOLVED: Cusato/Hawkins*

*That Council:*

1. *Endorse the Draft Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites for public authority consultation and public exhibition together with the Port Macquarie Highway Service Centre Planning Proposal.*
2. *Note that prior to the public exhibition, the Draft Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites will be updated to include details of vehicle ingress and egress, as noted in this report.*

3. *Proceed with public authority consultation with RMS, RFS, OEH & EPA in accordance with the DoP Gateway Determination letter dated 29 August 2018.*
4. *Request the General Manager to report to the March 2019 Council Meeting with an update on the Public Authority consultation with RMS, RFS, OEH & EPA.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

In accordance with parts 3 and 4 of the resolution, the following provides an update on the consultation with State government agencies in relation to the Highway Service Centre (HSC) Planning Proposal.

As required by the Department of Planning & Environment’s Gateway Determination, consultation to assist in the preparation of the HSC Planning Proposal has occurred with the Roads and Maritime Services, NSW Rural Fire Service, Office of Environment & Heritage and the Environment Protection Authority.

The consultation process took place from 29 November 2018 to 15 February 2019. During this period, all of the above State agencies provided written responses (at **Attachment 1**). A summary of the key feedback is below.

State government agency	Key feedback
1. Roads & Maritime Services (RMS) - letter dated 15/2/2019	<p>RMS raise no objections to the Planning Proposal.</p> <p>The correspondence noted that the proponent’s additional traffic modelling by Bitzios consultants, to supplement the initial 2017 TTM Traffic Impact Assessment, has helped to inform RMS’s assessment and to identify appropriate mitigation measures for the proposal.</p> <p>RMS acknowledge that due to the complexities of the road network and traffic modelling, there are some unknowns in fully understanding impacts for the 10-year design horizon. Nevertheless, progression of the Planning Proposal is supported on the basis of the following works to mitigate the impact of the HSC on opening, and to allow implementation of future works on the Oxley and Pacific Highways:</p> <ul style="list-style-type: none"> <li>– Construction of a two lane concrete roundabout on the Oxley Highway at the HSC access, including a fourth leg stub on the northern side to support a potential future connection of Billabong Drive.</li> <li>– Two lanes eastbound on the Oxley Highway from west of the HSC access to the Pacific Highway/Oxley Highway interchange roundabout.</li> </ul>

	State government agency	Key feedback
		<ul style="list-style-type: none"> <li>- Installation of hardware to support monitoring of end-of-queue eastbound traffic on the Oxley Highway, and roundabout metering of the HSC egress to the Oxley Highway.</li> <li>- Extension of the proposed Pacific Highway northbound off-ramp, noting that the HSC access off-ramp needs to be located beyond the current queue length of 500 metres in the AM peak.</li> </ul> <p>RMS emphasise that extension of the Pacific Highway off-ramp is a key mitigation aspect for the HSC and that the modelled off-ramp concept would need to be lengthened to adequately cater for the expected development impact. Given that this will need to be adequately addressed at DA stage, RMS did not consider this would prevent the concept from being publicly exhibited.</p>
2.	NSW Rural Fire Service (RFS) – letter dated 23/1/2019	<p>The RFS raised no objections to the Planning Proposal.</p> <p>Advice was provided that any future subdivision of the proposed motel complex and dwelling (on the residue lot) are to have sufficient separation to the proposed property boundary to comply with <i>Planning for Bush Fire Protection guidelines</i>.</p>
3.	Office of Environment & Heritage – letter dated 11/1/2019	<p>OEH raised no objection to the Planning Proposal.</p> <p>The correspondence noted however, that the Aboriginal Cultural Heritage Assessment report would have benefited from a more detailed description of the survey method, including the survey effort and the locations where the survey was undertaken, and from more detailed evidence of the consultation undertaken with Aboriginal knowledge-holders.</p> <p>No issues were raised regarding biodiversity on the basis that OEH will undertake a detailed review of the submitted Biodiversity Development Assessment Report at DA stage.</p>

	State government agency	Key feedback
4.	Environment Protection Authority (EPA) – letter dated 11/12/2018	<p>The EPA raised no objections to the Planning Proposal.</p> <p>General commentary was provided around the need to ensure any noise generated by increased traffic as a result of the HSC proposal will not impact significantly on the existing amenity, and that construction noise comply with the State Government’s <i>Interim Construction Noise Guidelines 2009</i>.</p> <p>The EPA also advised that the proposal is to ensure suitable stormwater quality and integrated water cycle management outcomes.</p>

Note: The RMS letter dated 15/2/2019 has been referred to Council’s Transport and Stormwater Network (TSN) section. As the proposed Highway Service Centre intersection to the Oxley Highway does not align with the existing intersection at Billabong Drive, TSN has provided the following comments:

- Whilst is not impossible to construct a roundabout at the current location of Billabong Drive the applicant has outlined that they believe this is cost prohibitive for their development to undertake the works.
- If it is necessary in the future to realign Billabong Drive to create the one intersection on the Oxley Highway at the location of the proposed entry/exit to the HSC, the cost to realign Billabong Drive will pass onto the northern land owner and/or Council.
- This single intersection may be necessary to provide safe access to future development in the Bushlands Drive and Sancrox Road areas and to efficiently integrate with the Local and State Road networks. This realignment may be a future requirement of RMS as traffic volumes in the area grow and as more demand is placed on the road network by land development.
- The proposed realignment of Billabong Drive has not been assessed in terms of constructability and cost.
- The impact that this realignment may have on the northern land owner and any future development on that site has also not been assessed.

At the time of writing this report, Council is responding to questions from the landowner, with the aim that a Voluntary Planning Agreement (VPA) can be signed by both the proponent and landowner, to allow the Planning Proposal to progress to public exhibition. This is in accordance with Council’s Planning Agreements Policy which requires the VPA to be documented and negotiated prior to public exhibition, and is the Council’s normal practice in such matters.

As the preparation of the VPA is the subject of legal advice to Council, further detail regarding the current status of the draft agreement is provided in Confidential Attachment No.2, for the information of Councillors.

The confidential attachment titled "*Highway Service Centre Planning Proposal – State Government Agency Consultation*" contains information that relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings, on the ground of legal professional privilege (Local Government Act 1993 – Section 10A(2)(g)).

Council staff have prioritised the preparation of the VPA within Council's strategic planning program to ensure that the exhibition of the Planning Proposal is not unnecessarily delayed.

### Options

This report is presented for the information of Councillors. Council could opt to request a further update report or await a report on the outcome of the community engagement phase of the Planning Proposal process.

### Community Engagement & Internal Consultation

In accordance with Council's Planning Agreements Policy, a draft Planning Agreement is being prepared for signature by the proponent and landowner, as an irrevocable offer, prior to public exhibition of the Planning Proposal taking place.

Upon execution of the draft Planning Agreement by all parties, the Highway Service Centre Planning Proposal, draft Planning Agreement and draft Highway Gateway Sites Development Control Plan provisions can proceed to public exhibition for 28 days and submissions invited.

Following review and evaluation of all submissions received to the public exhibition period, a further report will be presented to Council for a final decision.

### Planning & Policy Implications

In accordance with the NSW Department of Planning and Environment's Gateway Determination, consultation with State government agencies in relation to the HSC Planning Proposal has occurred under section 2.24(2)(d) of the *Environmental Planning and Assessment Act 1979*.

### Financial & Economic Implications

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

### Attachments

[1View](#). State Government Agency responses

[2View](#). Confidential - Highway Service Centre Planning Proposal - State Government Agency Consultation (Confidential)

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**Item:** 12.10

**Subject:** LAND TENURE OF MCINHERNEY PARK - LOT 2 DP 535212

**Presented by:** Development and Environment, Melissa Watkins

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note that:**

- 1. Lot 2 DP 535212, McInherney Park, Port Macquarie is owned by Council.**
- 2. The proposed boat storage and amenities building approved under DA2017 – 667 would be owned by Council.**
- 3. The building could be part leased to a community group such as Sailability.**
- 4. Confirmation of land ownership will be undertaken with the approval of all future development application assessment reports prepared in the Council Business Paper System.**

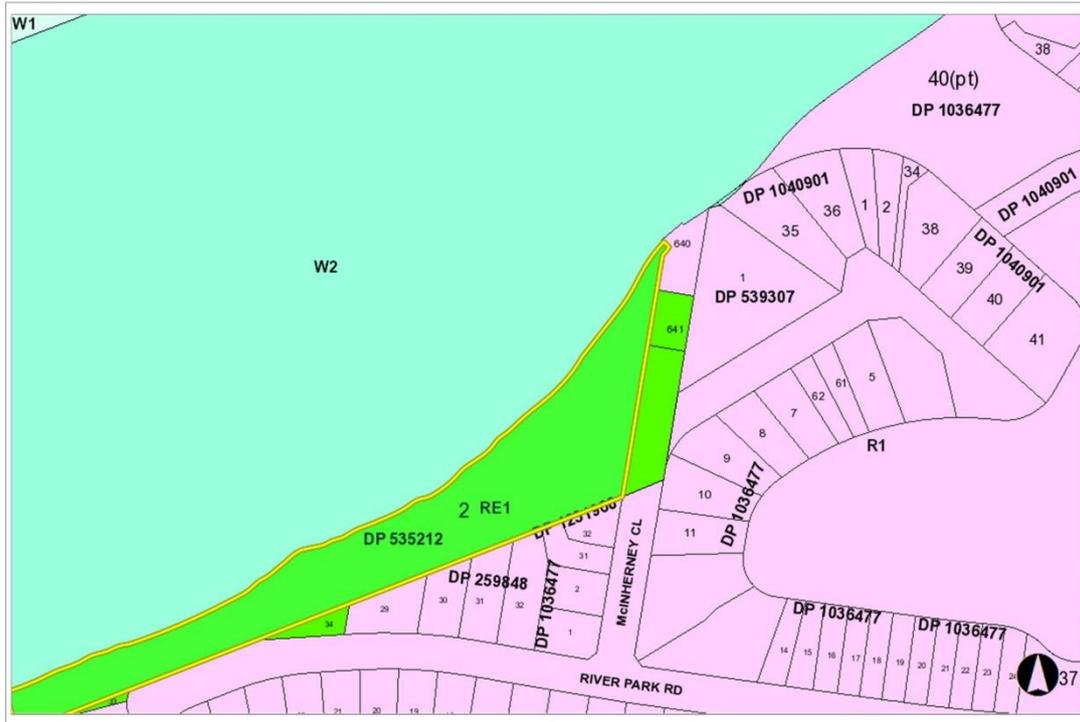
### **Executive Summary**

This report is for the information of Council and confirms that Lot 2 DP 535212, McInherney Park, Port Macquarie, is owned by Council.

The proposed boat storage and amenities building approved under DA2017 – 667 on the land would be owned by Council with an option for Council to part lease the building to a community group such as Sailability.

### **Discussion**

At the Ordinary Council Meeting on 20 February 2019 Council considered a development application (DA2019 – 667) for the construction of a boat storage and amenities building on Lot 2 DP 535212 – site map below:



Council resolved the following:

*'RESOLVED: Intemann/Hawkins*

1. That DA2017 – 667 for demolition of existing building and construction of boat storage facility and public amenities, tree removal and road works at Lot 2, DP 535212, McInherney Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.
2. That the facility and land tenure arrangements be confirmed and reported back to Council.

*CARRIED: 6/1*

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

*AGAINST: Cusato'*

This report seeks to address part 2 of the above resolution.

Following consultation with Council's property staff and a Title Search, it has been confirmed that the assessment report for DA2017 – 667 incorrectly identified the land as being owned by the Crown. These details are included in the report manually rather than via an automated process via a direct link to Council's property database. Land ownership will be required to be confirmed in all future development application assessment reports prepared in the Council Business Paper System to avoid this occurring in the future.

It is confirmed that Lot 2 DP 535 212, McInherney Park, Port Macquarie is owned by Council and is classified as community land. The land was donated to Council in 1969 with a deed requiring that the land 'be secured to the public forever for the purpose of recreation and in particular for sailing and other aquatic sports...'

If constructed, the building approved under DA2017 – 667 would be owned by Council. Council would have the option to part lease the building to a community group such as Sailability.

**Options**

Council could opt to note the information in the report or seek further information on the matter.

**Community Engagement & Internal Consultation**

Internal consultation has been undertaken with Council's Development Assessment, Recreation and Buildings and Property staff.

**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:** 12.11

**Subject:** UPDATE ON KOOLONBUNG CREEK FLYING-FOX CAMP  
MANAGEMENT PLAN

**Presented by:** Development and Environment, Melissa Watkins

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### Alignment with Delivery Program

4.8.3 Promote biodiversity programs.

### RECOMMENDATION

**That the information in the Kooloonbung Creek flying-fox camp management plan update report be noted.**

### Executive Summary

The development of a new Camp Management Plan (CMP) for the flying fox colony at Kooloonbung Creek commenced in August 2018. The CMP will provide Council with a framework for managing community impacts associated with flying-fox roosting along Kooloonbung Creek, whilst ensuring flying-foxes and their ecological needs are conserved.

A draft CMP is currently being finalised. The draft CMP will follow the Office of Environment and Heritage (OEH) and state legislative guidelines and will contain recommendations, specific to Kooloonbung Creek, for actions based on feedback from the community to date. The draft CMP will be presented to Council for adoption in April 2019 and subject to adoption, will be placed on public exhibition during April and May 2019. The final CMP will be returned to Council for consideration of submissions and adoption following the public exhibition period.

Ongoing monitoring of the flying fox colony will continue during this time.

This report provides an update on the process to date and future actions.

### Discussion

On the 15 August 2018 Council resolved as follows:

*RESOLVED: Intemann/Pinson*

*That Council:*

- 1. Note the information contained in the Management of the Flying-fox Colony in Kooloonbung Creek Nature Reserve report;*
- 2. Establish a Consultative Committee for Flying-fox Management in Kooloonbung Creek;*
- 3. Invite nominations for membership on the Committee from the following:*

- *Affected residents;*
  - *Representatives from the Office of Environment and Heritage (OEH);*
  - *Representatives of the Friends of Kooloonbung;*
  - *Expert ecologists; and*
  - *Other interested community representatives.*
4. *Prepare a Project Plan for delivery of a Camp Management Plan and associated community consultation/engagement/education program;*
  5. *Formally seek OEH and Local Government NSW funding for the development of a Camp Management Plan and future implementation of the Camp Management Plan;*
  6. *Engage a suitably qualified consultant to assist in the preparation of a new Flying-fox Camp Management Plan for Kooloonbung Creek, which takes account of new camp management options and legislation and to undertake associated community consultation (including formalised attitudinal surveys, etc.).*
  7. *Ensure that the Kooloonbung Creek Management Plan fully explores all other options and outlines the legislative obligations, pros, cons, and costs for management options including but not limited to:*
    - a) *Noise barriers (e.g. Perspex sheeting);*
    - b) *Buffer landscaping using non-roost trees;*
    - c) *Specific rebates to residents to assist with air-conditioning etc.;*
    - d) *(Voluntary) acquisition of properties for affected residents with these residences leased back by Council with agreements in place;*
    - e) *Other novel options.*
  8. *Further considers the draft Camp Management Plan and the options outlined therein at a future meeting of Council, with further Actions to be based on this work.*
  9. *Request the General Manager provide quarterly reports to Council on progress in these matters.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

The first community meeting was held at Council on 4 September 2018. The meeting was a mix of community members, OEH state representatives, and Council staff. The outcome of the meeting was to form a community consultative committee that would assist in drafting a Camp Management Plan for flying-fox in the Kooloonbung Creek area.

Quotations were sought for assistance from a specialist external consultant in October 2018. Four companies were approached resulting in two proposals submitted to Council. *Ecosure* were chosen as the consultant of choice based on their experience, price and understanding of the project brief.

*Ecosure* commenced working with Council in early November 2018. The timeline for the project and the overall tasks are as follows:

Project Action	Description	Due Date
1	Councils General Manager, Mayor & Director Development & Environment & Natural Resource Management staff met impacted residents on site	COMPLETED – July 2018
2	Minister of Environment Gabrielle Upton and the Local Member Leslie Williams met with at Kooloonbung Creek with Council's General Manager, Mayor and Director Development & Environment and a number of the nearby residents	COMPLETED – July 2018
3	Initial community meeting at Council and formation of Community Consultative Committee	COMPLETED – September 2018
4	Procurement of external consultant to undertake Kooloonbung Creek Flying-fox Camp Management Plan	COMPLETED - October 2018
5	Project inception meeting with Ecosure	COMPLETED – October 2018
6	2 <sup>nd</sup> Community Consultative Committee meeting	COMPLETED - November 2018
7	Media release regarding Camp Management Plan	COMPLETED - November 2018
8	Online public survey – “Have your Say” to assess wider community opinions on flying-foxes	COMPLETED - November 2018
9	1 <sup>st</sup> Draft of the Kooloonbung Creek Flying-fox Camp Management Plan – provided to Council staff and Community Consultative Committee for comment	COMPLETED - December 2018
10	Draft Kooloonbung Creek Flying-fox Camp Management Plan – provided to OEHL for comment	COMPLETED - December 2018
11	3 <sup>rd</sup> Community Consultative Committee meeting – meeting to discuss the first draft camp management plan.	COMPLETED - December 2018
12	4 <sup>th</sup> Community Consultative Committee meeting – Additional discussion on camp management actions	COMPLETED - February 2019
13	Application for funding from NSW for Flying-fox grants	COMPLETED – March 2019
14	Final Draft CMP produced & agreed by Council staff and OEHL	FORECASTED - March 2019
15	Final Draft Kooloonbung Creek Flying-fox CMP submitted to Council for consideration to enable broader public consultation <i>*This has been extended due to additional requests from the community to discuss the camp management plan actions in more detail</i>	FORECASTED – APRIL 2019

Project Action	Description	Due Date
16	Public exhibition of the Draft Kooloonbung Creek Flying-fox Camp Management Plan	FORECASTED – April-May 2019
17	Results of public consultation presented to the Community Consultative Committee	FORECASTED – May 2019
18	Results of public consultation and final Kooloonbung Creek Flying-fox Camp Management Plan submitted to Council for endorsement/adoption	FORECASTED – May 2019

Actions recommended in the draft Kooloonbung Creek Flying-fox Camp Management Plan will be prioritised for implementation in Councils 2019/20 Operational Plan and future budgets as both state government recommendations and budgetary constraints permit.

**Community Engagement & Internal Consultation**

		Outcomes
1.	Community Consultative meeting 4 September 2018	<ul style="list-style-type: none"> <li>Reduce red tape to allow residents and Council to take action</li> <li>Scoping of alternative roosting sites</li> <li>Disperse the bat colony</li> <li>Continue to achieve the ecological outcomes of Kooloonbung creek</li> </ul>
	<b>Response/Comment:</b>	<p>Council has encouraged community residents to be part of the discussion and development of the Kooloonbung Camp Management Plan. PMHC staff have explained the process of developing a CMP at the meeting and have subsequently published a new website dedicated to Flying Foxes on the Council website to explain the environmental and legislative constraints that need to be adhered to.</p> <p>Within the report Council will address community concerns such as alternative roosting sties, options to disperse the colony and how to effectively maintain the ecological outcomes of the colony.</p>
2.	Community Consultative meeting 14 November 2018	The purpose of this committee meeting was to identify what is to be included in a Camp Management Plan, including the hierarchy of actions that can be proposed and the order in which they can be carried out. It was also to seek feedback from affected and interested residents regarding priorities which may be included as actions in the Camp Management Plan, to be written and produced by external consultants Ecosure.
	<b>Response/Comment:</b>	Residents had the opportunity to identify and prioritise actions that may be included in the Camp Management

		Outcomes
		<p>Plan. These submissions have been given to Ecosure for consideration and will be reflected in the draft Camp Management Plan.</p> <p>The results from the community online survey will be integrated into the second draft Camp Management Plan.</p>
3	<p>Community Consultative meeting 12 December 2019</p>	<p>The purpose of this committee meeting was to discuss the first draft of the Camp Management Plan.</p>
	<p><b>Response/ Comment:</b></p>	<p>Open discussion was had regarding what was to be included in the draft management plan. This included a lengthy discussion on the viability of undertaking a dispersal of the colony. It was strongly suggested by the external consultant that dispersal was not only costly but was also fraught with high failure rates.</p> <p>Community members were asked to submit their edits in writing to EcoSure for integration into the draft plan.</p>
4.	<p>Community Survey – Have your say – Public Exhibition</p>	<p>A community survey was published on the Have Your Say platform of the PMHC website. 39 submissions were received. The submissions have been integrated into the draft management plan.</p>
5.	<p>Draft management plan - Have your say – Public Exhibition</p>	<p>Version 1 of the draft camp management plan was put on public exhibition on the Have Your Say platform of the PMHC website between December and February 2019. 4 submissions were received. Information received from these submissions has been integrated into the draft Camp Management Plan.</p>
6.	<p>Community Consultative meeting 27 February 2019</p>	<p>The purpose of this committee meeting was to discuss the proposed actions that are to be implemented as per the camp management plan.</p>
	<p><b>Response/ Comment:</b></p>	<p>Residents had the opportunity to discuss each action in detail including timing, cost and complexity to implementation. The outcome of the meeting was that the final actions agreed to at the meeting will be included into Table 8 of the draft plan which will go to Council for consideration.</p>

As outlined above there is further community engagement and consultation to be undertaken in the finalisation of the plan.

**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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**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 John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council**

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-18-49 Kingfisher WTS Supply and Install Weighbridges and Gate Office**

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 14.03 T-18-59 Hastings River Drive Upgrade - Pre-construction**

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.**
- 3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.**

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

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**RECOMMENDATION**

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

**Item 14.01 John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council**

**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-18-49 Kingfisher WTS Supply and Install Weighbridges and Gate Office**

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

**RECOMMENDATION**

**Item 14.03 T-18-59 Hastings River Drive Upgrade - Pre-construction**

**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**