



PORT MACQUARIE-HASTINGS
COUNCIL



Ordinary Council

Business Paper

date of meeting: Wednesday 17 April 2019

location: Council Chambers
17 Burrawan Street
Port Macquarie

time: 5.30pm

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

Community Vision

A sustainable high quality of life for all

Community Mission

Building the future together
People Place Health Education Technology

Council's Corporate Values

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

Community Themes

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

How Members of the Public Can Have Their Say at Council Meetings

Council has a commitment to providing members of the public with an input into Council's decision making. The Council's Code of Meeting Practice provides two (2) avenues for members of the public to address Council on issues of interest or concern at the Ordinary Council Meeting.

These are:

- Addressing Council on an Agenda Item (if the matter **is** listed in the Council Business Paper)
- Addressing Council in the Public Forum (if the matter **is not** listed in the Council Business Paper)

You can request to address Council by completing the:

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

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

Requests can also be lodged on-line at:

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

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

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

- Council will permit no more than two (2) speakers 'in support of' and two (2) speakers 'in opposition to' the recommendation on any one (1) Agenda Item.
- A maximum of five (5) speakers will be heard in the Public Forum.
- There is no automatic right under legislation for the public to participate in a Meeting of Council or a Committee of Council.
- For a member of the public to be considered to address Council they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Consideration of items for which requests to address the Council Meeting have been received will commence at 5:30pm.
- When your name is called, please proceed to the Council Table and address Council.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- Councillors may ask questions of a speaker following an address. Each answer, by the speaker to a question, is limited to two (2) minutes. A speaker cannot ask questions of Council.
- An Agenda Item will be debated by Council following the address.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- If you have any documentation to support your presentation, provide two (2) copies to Council by 12 noon on the day of the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 12 noon on the day of the Meeting.
- The following will **not** be considered in the Public Forum (in accordance with the Code of Meeting Practice, clause 2.14.14):
 - Proposed or current development and rezoning applications and related matters.
 - A third (3rd) 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 17 April 2019

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	1
02	Local Government Prayer	1
03	Apologies.....	1
04	Confirmation of Minutes	1
05	Disclosures of Interest.....	24
06	Mayoral Minute	
06.01	Mayoral Discretionary Fund Allocations	28
06.02	NSW State Government Election - Congratulations to Local Members	29
07	Confidential Correspondence to Ordinary Council Meeting.....	30
08	Public Forum	31
09	Leadership and Governance	32
09.01	General Managers Remuneration	33
09.02	Status of Reports From Council Resolutions.....	37
09.03	Request for Leave of Absence - Councillor Sharon Griffiths	43
09.04	Code of Meeting Practice	45
09.05	Monthly Budget Review - March 2019.....	48
09.06	Investments - March 2019	56
10	Your Community Life	60
10.01	Recommended Items from the Mayor's Sporting Fund Sub-Committee - March 2019	61
10.02	T-19-13 Tastings on Hastings - Event Coordinator	62
11	Your Business and Industry	66
11.01	Event Sponsorship Program Round 2, 2019	67
12	Your Natural and Built Environment	72
12.01	Land Acquisition - 201 Beechwood Road, Yippin Creek.....	73
12.02	Classification of Land Containing Sewer Infrastructure.....	75
12.03	Augmentation of the Beechwood Water Supply - Acquisition of Easement.....	78
12.04	Land Acquisition - Long Flat Sewerage Scheme.....	81
12.05	Long Term Energy Strategy - 6 Month update	84
12.06	Urban Growth Management Strategy Update	88
12.07	The Ruins Way, Innes Peninsula Environmental Management Land Planning Agreement	100
12.08	Update on Site Specific Planning Proposal Requests	103

12.09	Planning Proposal: Land at the Intersection of Houston Mitchell Drive and Ocean Drive, Bonny Hills	<u>113</u>
12.10	Question from Previous Meeting - Coastal Koala Plan of Management - Aerial Photograph 2012.....	<u>132</u>
12.11	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.....	<u>133</u>
12.12	DA2016 - 1000.1 Waste Management Facility and Caretaker's Residence at Lot 315 DP 1075670, No. 6 Enterprise Place, Wauchope	<u>135</u>
12.13	Draft Kooloonbung Creek Flying-fox Camp Management Plan	<u>159</u>
12.14	Save Our Recycling Campaign.....	<u>161</u>
13	Questions for Next Meeting	
14	Confidential Matters	
	Motion to move into Confidential Committee of the Whole	<u>165</u>
14.01	John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council	
14.02	Port Macquarie Airport Hangar Lease Rental Valuations	
14.03	T-19-04 Construction of Pile Strengthening and Bridge Repairs - Dunbogan Bridge Rehabilitation	
14.04	T-18-60 Operation & Management of Four Council Owned Swimming Pools	
14.05	T-19-02 Lease of the Cafe and Retail Lease Areas and other commercial opportunities at the Port Macquarie Airport	
14.06	Land Acquisition - 210 Hastings River Drive, Port Macquarie	
	Adoption of Recommendations from Confidential Committee of the Whole	

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

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

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

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

Item: 03**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 20 March 2019 be confirmed.

PRESENT

Members:

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director 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)

The meeting opened at 5:30pm

01 WELCOME TO COUNTRY

The Mayor opened the Meeting and invited Mr Jamie Donovan of the Bunyah Local Aboriginal Land Council, to deliver the Welcome to Country.

Mr Donovan advised that due to protocols he will be delivering an Acknowledgement to Country.

02 LOCAL GOVERNMENT PRAYER

Mr Peter Huxley from the Wauchope Presbyterian Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Dixon

That the Minutes of the Ordinary Council Meeting held on 20 February 2019 be confirmed.

CARRIED: 9/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Cusato declared a Pecuniary Interest in Item 11.01 - 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, the reason being that Councillor Cusato owns a hangar at Port Macquarie Airport.

Councillor Cusato declared a Pecuniary Interest in Item 12.07 - Question from Previous Meeting - Airport Planning Proposal - Regular Reporting Schedule, the reason being that Councillor Cusato owns a hangar at Port Macquarie Airport.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.08 - Homedale Road Planning Proposal & Draft Development Control 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 a property the subject of the report before Council.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

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

CARRIED: 9/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Griffiths/Hawkins

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

CARRIED: 9/0

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

AGAINST: Nil

08 PUBLIC FORUM

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

1. Mr Raymond Griffiths, regarding rural roads.
2. Mr Grant Mitchell regarding "Save Fernhill" Petition.
3. Mr Martin Garoni regarding Rainbow Beach sports fields.
4. Mr Jason Keonig regarding pathway from Kew Country Club to Kendall Community Op Shop.

RESOLVED: Alley/Turner

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

CARRIED: 9/0

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

AGAINST: Nil

08.01 RURAL ROADS

Mr Raymond Griffiths, representing the Rollands Plains Community Group, addressed Council in relation to rural roads and answered questions from Councillors.

08.02 "SAVE FERNHILL" PETITION

Mr Grant Mitchell, representing the Save Fernhill Community Action Group, addressed Council and presented the "Save Fernhill" petition and answered questions from Councillors.

08.03 RAINBOW BEACH SPORTS FIELDS

Mr Martin Garoni, representing the Lake Cathie / Bonny Hills Sporting Committee, addressed Council in relation to the Rainbow Beach sports fields and answered questions from Councillors.

**08.04 PATHWAY FRM KEW COUNTRY CLUB TO KENDALL
COMMUNITY OP SHOP**

Councillor Levido left the meeting, the time being 6:18pm.

Mr Jason Keonig, representing the Camden Haven Schools to Schools, addressed Council in relation to a pathway from Kew Country Club to Kendall Community Op Shop and answered questions from Councillors.

Councillor Levido returned to the meeting, the time being 6:25pm.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

- Item 12.01 – Ms Raeleen Shelly in support of the recommendation.
- Item 12.01 – Mr Lucas Tubergen in support of the recommendation.
- Item 12.08 – Ms Geraldine Haigh in support of the recommendation.
- Item 12.08 – Mr Michael Mowle in support of the recommendation.
- Item 12.09 – Mr Peter Scott in support of the recommendation.
- Item 12.09 – Mr Tony Thorne being neutral to the recommendation.

RESOLVED: Dixon/Griffiths

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

	CARRIED:	9/0
FOR:	<i>Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner</i>	
	AGAINST:	Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Alley/Dixon

That Standing Orders be suspended to allow items 12.01, 12.08 and 12.09 to be brought forward and considered next.

CARRIED: 9/0

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

AGAINST: Nil

12.01 NOTICE OF MOTION - PETITION - SAVE BARTLETTS BEACH AND RESERVE

Ms Raeleen Shelly, addressed Council in support of the recommendation and answered questions from Councillors.

Mr Lucas Tubergen, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Pinson/Dixon

That Council:

1. Note the petition received opposing the destruction of Bartletts Beach Reserve through ongoing environmental and communal impacts from paragliders.
2. Note that the General Manager will report a review of the appropriate policy to the June 2019 Council Meeting.

CARRIED: 9/0

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

AGAINST: Nil

12.08 HOMEDALE ROAD PLANNING PROPOSAL & DRAFT DEVELOPMENT CONTROL PROVISIONS - CONSIDERATION OF SUBMISSIONS

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 6:50pm.

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

Mr Michael Mowle of Hopkins Consultants Pty Ltd and representing the applicant, addressed Council in support of the recommendation.

RESOLVED: Cusato/Dixon

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.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 6:56pm.

12.09 HIGHWAY SERVICE CENTRE PLANNING PROPOSAL - STATE GOVERNMENT AGENCY CONSULTATION

Mr Peter Scott addressed Council in support of the recommendation and answered questions from Councillors.

Mr Tony Thorne of King and Campbell Pty Ltd and representing Hazenveld addressed Council being neutral to the recommendation and answered questions from Councillors.

MOTION

MOVED: Intemann/Cusato

-
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.
 4. That any intersection or road realignment of Billabong Drive be taken into account in the Sancrox / Fernbank Creek structure planning process.

FORESHADOW MOTION

MOVED: Hawkins/

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.

MOTION WAS PUT

RESOLVED: Intemann/Cusato

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.
4. That any intersection or road realignment of Billabong Drive be taken into account in the Sancrox / Fernbank Creek structure planning process.

CARRIED: 7/2

FOR: Alley, Cusato, Dixon, Intemann, Levido, Pinson and Turner

AGAINST: Griffiths and Hawkins

09.01 GENERAL MANAGER'S PERFORMANCE PANEL

RESOLVED: Intemann/Dixon

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- 2019 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.

CARRIED: 9/0

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

AGAINST: Nil

09.02 EXTENSION OF A MEMORANDUM OF UNDERSTANDING WITH NORFOLK ISLAND REGIONAL COUNCIL

Councillor Turner left the meeting, the time being 7:30pm.

Councillor Turner returned to the meeting, the time being 7:31pm.

RESOLVED: Cusato/Hawkins

That Council:

1. 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.
2. Request the General Manager present a report to Council in February 2021 as to income and expenditure for administering the Memorandum of Understanding with the Norfolk Island Regional Council.

CARRIED: 9/0

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

AGAINST: Nil

09.03 NOTICE OF MOTION - COUNCILLOR STRATEGIC PLANNING

RESOLVED: Intemann/Turner

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 high level Councillor strategic priorities for the coming year.

CARRIED: 9/0

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

AGAINST: Nil

09.04 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Councillor Dixon left the meeting, the time being 7:40pm.

RESOLVED: Cusato/Intemann

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

CARRIED: 8/0

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

AGAINST: Nil

09.05 MONTHLY BUDGET REVIEW - FEBRUARY 2019

Councillor Dixon returned to the meeting, the time being 7:43pm.

RESOLVED: Hawkins/Griffiths

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.

CARRIED: 9/0

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

AGAINST: Nil

09.06 INVESTMENTS - FEBRUARY 2019

RESOLVED: Cusato/Hawkins

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

CARRIED: 9/0

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

AGAINST: Nil

09.07 DELIVERY PROGRAM (2017-2021) SIX MONTHLY PROGRESS REPORT (JULY TO DECEMBER 2018)

Councillor Cusato left the meeting, the time being 7:50pm.

Councillor Cusato returned to the meeting, the time being 7:52pm.

RESOLVED: Dixon/Griffiths

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

CARRIED: 9/0

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

AGAINST: Nil

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

RESOLVED: Alley/Turner

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.

CARRIED: 9/0

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

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

RESOLVED: Hawkins/Alley

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.

CARRIED: 9/0

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

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

RESOLVED: Pinson/Griffiths

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.

CARRIED: 9/0

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

AGAINST: Nil

10.02 MRS YORK'S GARDEN MASTER PLAN - PUBLIC EXHIBITION

The Director Development and Environment tabled revised plans.

MOTION

MOVED: Hawkins/Alley

That Council:

1. Note the submissions received during the Draft Mrs York's Garden Master Plan exhibition period.
2. Adopt the amended Master Plan as presented with the following amendment: "Proposed tree plantings adjacent to Stewart Street as proposed in the draft Master Plan should be retained to strengthen the cultural Norfolk Island Pine plantings in this area as well as provide continuous high-level separation between the road and footpath from the lawn and gardens below."
3. Thank those who made submissions and advise them of the outcome of Councils' determination of this matter.
4. Request the General Manager to refer to the Town Centre Master Plan Sub-Committee to investigate high level conceptual options for reconfiguration of pedestrian access on the northern side of Stewart Street between Grant Street and Lord Street to incorporate an upgraded walkway on the northern side of the road while maximising on-road parking opportunities and emphasizing pedestrian safety.

AMENDMENT

MOVED: Cusato/Turner

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.
4. Request the General Manager to refer to the Town Centre Master Plan Sub-Committee to investigate high level conceptual options for reconfiguration of pedestrian access on the northern side of Stewart Street between Grant Street and Lord Street to incorporate an upgraded walkway on the northern side of the road while maximising on-road parking opportunities and emphasizing pedestrian safety.

THE AMENDMENT WAS PUT

MOVED: Cusato/Turner

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.
4. Request the General Manager to refer to the Town Centre Master Plan Sub-Committee to investigate high level conceptual options for reconfiguration of pedestrian access on the northern side of Stewart Street between Grant Street and Lord Street to incorporate an upgraded walkway on the northern side of the road while maximising on-road parking opportunities and emphasizing pedestrian safety.

CARRIED: 6/3

FOR: Cusato, Dixon, Griffiths, Intemann, Pinson and Turner

AGAINST: Alley, Hawkins and Levido

THE AMENDMENT BECAME THE MOTION AND WAS PUT

RESOLVED: Cusato/Turner

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.
 4. Request the General Manager to refer to the Town Centre Master Plan Sub-Committee to investigate high level conceptual options for reconfiguration of pedestrian access on the northern side of Stewart Street between Grant Street and Lord Street to incorporate an upgraded walkway on the northern side of the road while maximising on-road parking opportunities and emphasizing pedestrian safety.

CARRIED: 9/0

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

AGAINST: Nil

11.01 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

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 8:29pm.

RESOLVED: Turner/Intemann

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.

CARRIED: 8/0

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

AGAINST: Nil

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

Item - 12.01 Notice of Motion - Petition - Save Bartletts Beach and Reserve - has been moved to another part of the document.

12.02 NOTICE OF MOTION - 20TH ANNIVERSARY OF LANDCARE IN PORT MACQUARIE

Councillor Hawkins left the meeting, the time being 8:32pm.

Councillor Hawkins returned to the meeting, the time being 8:34pm.

RESOLVED: Alley/Turner

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 Council's gratitude to them for the ongoing work that they do.

CARRIED: 9/0

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

AGAINST: Nil

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

RESOLVED: Intemann/Cusato

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.

CARRIED: 9/0

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

AGAINST: Nil

12.04 REGIONAL TRANSPORT INFRASTRUCTURE STEERING GROUP MEMBERSHIP AMENDMENT

RESOLVED: Levido/Cusato

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.

CARRIED: 9/0

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

AGAINST: Nil

12.05 QUESTION FROM PREVIOUS MEETING - WAUCHOPE HERITAGE DEVELOPMENT CONTROL PLAN

RESOLVED: Intemann/Turner

That Council:

1. Note the information in the Question on Notice – Wauchope Heritage Development Control Plan report.
2. Request the General Manager provide a copy of this report to Council's Heritage Advisor for his information and advice as to potential issues arising from the planned action and timing.

CARRIED: 9/0

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

AGAINST: Nil

12.06 QUESTION FROM PREVIOUS MEETING - PARKING STRATEGY AND PARKING CONTRIBUTIONS RESERVE

RESOLVED: Intemann/Cusato

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

CARRIED: 9/0

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

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

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 8:44pm.

RESOLVED: Turner/Hawkins

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

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

Item - 12.08 Homedale Road Planning Proposal & Draft Development Control Provisions - Consideration of Submissions - has been moved to another part of the document.

Item - 12.09 Highway Service Centre Planning Proposal - State Government Agency Consultation - has been moved to another part of the document.

12.10 LAND TENURE OF MCINHERNEY PARK - LOT 2 DP 535212

Councillor Cusato returned to the meeting, the time being 8:46pm.

RESOLVED: Alley/Griffiths

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.

CARRIED: 9/0
*FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and
Turner*
AGAINST: Nil

12.11 UPDATE ON KOOLONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN

RESOLVED: Alley/Griffiths

That the information in the Kooloonbung Creek flying-fox camp management plan update report be noted.

CARRIED: 9/0

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

AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

13.01 COASTAL KOALA PLAN OF MANAGEMENT - AERIAL PHOTOGRAPH 2012

Question from Councillor Turner:

Noting that aerial photography undertaken in 2012 informed Council's current draft Coastal Koala Plan of Management, could the General Manager advise how much land has subsequently needed to be removed as affected land, due to clearing or development?

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/Alley

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

2. That Council move into Confidential Committee of the Whole (Closed Session) to receive and consider the following items:

Item 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.

Item 14.04 Operation & Routine Maintenance of PMHC Vehicular Ferries - Settlement Point & Hibbard Crossings

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

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

CARRIED: 9/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8:49pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 9:03pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Griffiths/Dixon

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

That Council:

1. Note the information provided in the John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Report.
2. Delegate to the General Manager the authority to instruct a legal firm on the Council's legal panel to advise on the appropriate course of action for Council to follow having regard to the options and other matters set out in that Report and to instruct the legal firm to act on the Council's behalf in this matter.
3. Note that a further report will be presented to Council in relation to progress in the matter.

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

That Council:

1. Accept the tender from Newcastle Weighing Services Pty Ltd for \$390,926 (exclusive of GST) for the supply and installation of Weighbridges and a Gate Office at the Kingfisher Waste Transfer Station.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-49.

Item 14.03 T-18-59 Hastings River Drive Upgrade - Pre-construction

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

RECOMMENDATION

That Council:

1. Pursuant to Section 55 (3) (a) of the Local Government Act 1993, resolve to not invite tenders for the Hastings River Drive Upgrade – preconstruction project.
2. Accept the quotation, obtained through Local Government Procurement's LGP1208-3 arrangement, from AT&L for the Hastings River Drive Upgrade - preconstruction project for \$457,705 (exclusive of GST).
3. Accept the Schedule of Rates from AT&L for the Hastings River Drive Upgrade - preconstruction project.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and consideration in respect of request for quotation T-18-59.

Item 14.04 Operation & Routine Maintenance of PMHC Vehicular Ferries - Settlement Point & Hibbard Crossings

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

RECOMMENDATION

That Council:

1. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances, as described in this report, resolves not to call public tenders for the Operation &

Routine Maintenance of PMHC Vehicular Ferries – Settlement Point & Hibbard Crossings.

2. Request the General Manager to enter into negotiations to vary Contract Number T-14-06 for the Operation and Routine Maintenance of PMHC Vehicular Ferries – Settlement Point and Hibbard Crossings with Ferrymen (Port Macquarie) Pty Limited for a further period of twelve (12) months to 30 June 2020 in accordance with the terms and conditions specified in the contract.
3. Delegate to the General Manager the authority to negotiate and sign the contract extension agreement with Ferrymen (Port Macquarie) Pty Limited for twelve (12) months to 30 June 2020 in accordance with the terms and conditions specified in the contract.
4. Note that a further report will be tabled providing the negotiated rates/fees accepted for the contract extension.
5. Maintain the confidentiality of the documents and consideration in respect to Contract Number T-14-06.

CARRIED: 9/0

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

AGAINST: Nil

The meeting closed at 9:04pm.

.....
Peta Pinson
Mayor

Item: 05
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, declare the following interest:

☐

Pecuniary:

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

☐

Non-Pecuniary - Significant Interest:

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

☐

Non-Pecuniary - Less than Significant Interest:

May participate in consideration and voting.

For the reason that:
.....

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

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

Councillor's 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.

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

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

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

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

Item: 06.01**Subject: MAYORAL MINUTE - MAYORAL DISCRETIONARY FUND
ALLOCATIONS****Mayor, Peta Pinson**

RECOMMENDATION

That the Mayoral Discretionary Fund allocations for the period 7 March to 3 April 2019 inclusive be noted.

DiscussionMayoral 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 Glasshouse Vouchers to Rotary Club of Laurieton fundraiser for Nepal Mothers & Babies Hospital	\$200.00
2 x floral bouquets to Leslie Williams MP and Melinda Pavey MP on their re-election as State Members	\$134.00
	\$334.00

Attachments

Nil

Item: 06.02

**Subject: MAYORAL MINUTE - NSW STATE GOVERNMENT ELECTION -
CONGRATULATIONS TO LOCAL MEMBERS**

Mayor, Peta Pinson

RECOMMENDATION

That Council:

- 1. Congratulate The Hon Leslie Williams MP and The Hon Melinda Pavey MP on their re-election as the Member for Port Macquarie and the Member for Oxley, respectively.**
- 2. Congratulate The Hon Melinda Pavey MP on being appointed the Minister for Water, Property & Housing.**
- 3. Congratulate The Hon Leslie Williams MP on being appointed the Deputy Speaker of the Legislative Assembly.**

Discussion

At the NSW State Election held on 23 March 2019, The Hon Leslie Williams MP and The Hon Melinda Pavey MP were both re-elected as the Member for Port Macquarie and the Member for Oxley respectively.

The Hon Melinda Pavey MP was also appointed as the Minister for Water, Property & Housing and The Hon Leslie Williams MP was appointed as the Deputy Speaker of the Legislative Assembly.

The Hon Leslie Williams MP has held the seat of Port Macquarie since 2011 and The Hon Melinda Pavey MP, the seat of Oxley since 2015.

On behalf of Council, congratulations are extended to both our local State members on their re-election and Council looks forward to working with them both for the betterment of our Local Government Area.

Attachments

Nil

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

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 Number 11.01 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:	11.01
Subject:	Event Sponsorship Program Round 2, 2019
Attachment Description:	Event Sponsorship Program Assessment Summary - Round 2, 2019
Confidential Reason:	Relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. Local Government Act 1993 - Section 10A(2)(d(i).

Item: 08**Subject: PUBLIC FORUM**

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

A maximum of 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.

1 Leadership and Governance

What we are trying to achieve

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

What the result will be

We will have:

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

How we will get there

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

Item: 09.01

Subject: GENERAL MANAGERS REMUNERATION

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

1.3.1 Provide effective leadership and equity.

RECOMMENDATION

That Council approve a 6% increase to the Total Remuneration Package (TRP) of the General Manager taking the TRP to \$350,487 effective from 1 May 2019.

Executive Summary

At the September 2018 Council meeting when considering the General Managers performance review for the 2017-2018 financial year, Council resolved to give consideration to an increase in the Total Remuneration Package (TRP) of the General Manager. This report details the results of those considerations.

Discussion

At the 19 September 2018 Council meeting, when considering the General Managers performance review for the 2017-2018 financial year, 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).

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.*

As per point 2 of the Council resolution detailed above, a meeting of the then General Managers Performance Review Panel took place on Wednesday 27 March 2019 to give consideration to consider comparable remuneration arrangements for the General Manager.

By way of context, the General Managers current contract commenced on 25 March 2016 and is for a period of four years. At the commencement of the March 2016 contract, the approved General Managers TRP was \$307,040.

As per the Standard Contract of Employment for General Managers of Local Councils in NSW (which is a contract provided by the Office of Local Government (OLG) and is used by all Councils in NSW), Clause 8.5 details information around annual increases applicable to General Managers as follows:

8.5 On each anniversary of the commencement date, the total remuneration package will be increased by a percentage amount that is equivalent to the latest percentage amount increase in remuneration for senior executive office holders as determined by the Statutory and Other Officers Remuneration Tribunal.

The Statutory and Other Officers Remuneration Tribunal (SOORT) has recommended annual increases of 2.5% each year since the commencement of the General Managers contract. Therefore, on each March anniversary of the General Managers current contract, a 2.5% increase has been applied to the TRP. As a result of this, the General Managers current TRP post the March 2019 anniversary increase is \$330,648. There have been no other increases to the General Managers TRP during the life of the current contract other than the annual anniversary increases as described above.

Further to the above, Clause 8.3 of the Standard Contract of Employment for General Managers of Local Councils in NSW, allows for an increase in the TRP of a General Manager once a year, in addition to the anniversary increase as detailed above. Clause 8.3 reads as follows:

8.3 Council may, on only one occasion during each year of this contract, approve an increase in the total remuneration package where the employee's performance has been assessed in accordance with a performance review as being of a better than satisfactory standard.

In coming to a recommendation on the General Managers remuneration, the General Managers Performance Review Panel considered the most recent General Managers performance review (September 2018), information included in a Local Government NSW General Managers Remuneration & Legacy report, as well as benchmarking with some other similar profile Councils.

From a benchmarking perspective and by way of comparison, here is some information on the General Manager remuneration for some similar Councils (shown in no particular order), noting that this information has come from publicly accessible documents, namely each Councils 2017-2018 Annual Reports:

Coffs Harbour City Council:

At 30 June 2018 the General Managers TRP was \$340,154. It is assumed that this will increase by 2.5% during 2018-2019, resulting in a TRP of \$348,657.

Tweed Shire Council:

At 30 June 2018 the General Managers TRP was \$335,723. It is assumed that this will increase by 2.5% during 2018-2019, resulting in a TRP of \$344,116.

Lake Macquarie City Council:

At 30 June 2018 the General Managers TRP was \$380,000. It is assumed that this will increase by 2.5% during 2018-2019, resulting in a TRP of \$389,500

Tamworth City Council:

At 30 June 2018 the General Managers TRP was \$337,980. It is assumed that this will increase by 2.5% during 2018-2019, resulting in a TRP of \$346,430.

Maitland City Council:

At 30 June 2018 the General Managers TRP was \$435,537. It is assumed that this will increase by 2.5% during 2018-2019, resulting in a TRP of \$446,425.

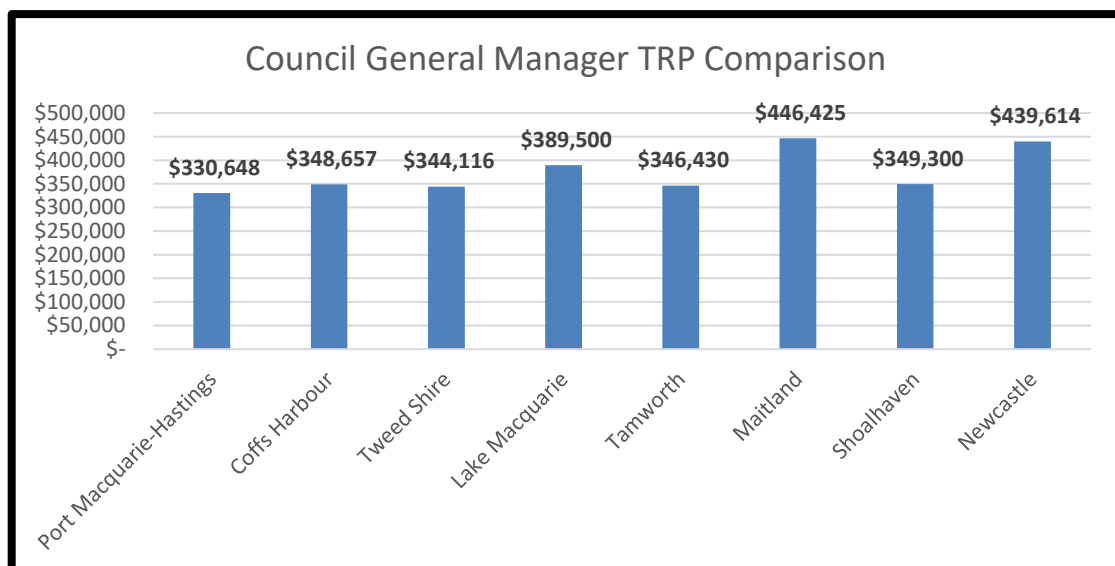
Shoalhaven City Council:

At 30 June 2018 the General Managers TRP was \$340,780. It is assumed that this will increase by 2.5% during 2018-2019, resulting in a TRP of \$349,300.

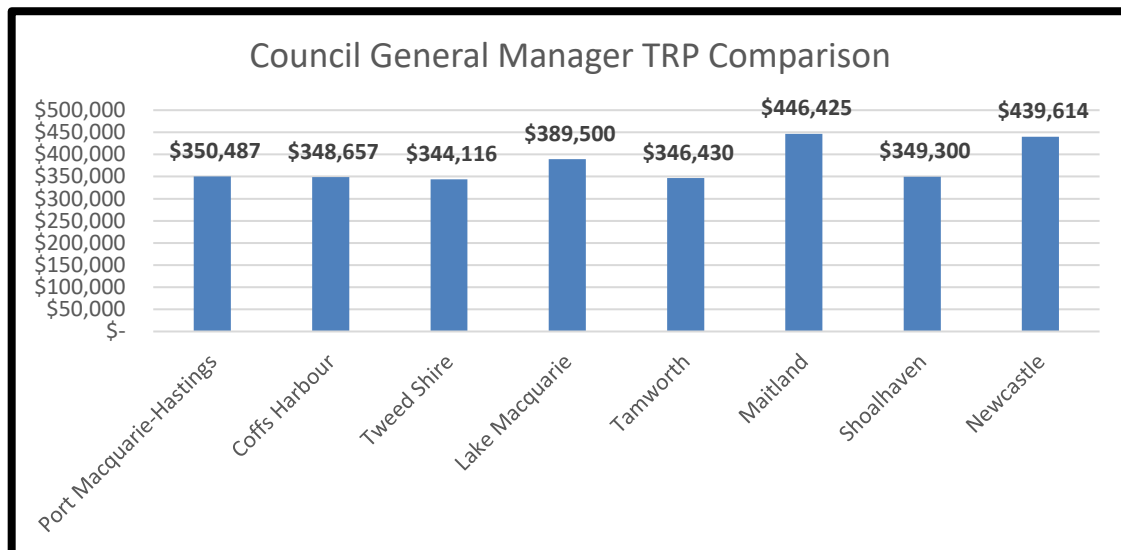
Newcastle City Council:

At 30 June 2018 the Chief Executive Officers TRP was \$428,892. It is assumed that this will increase by 2.5% during 2018-2019, resulting in a TRP of \$439,614.

Below is a graph that highlights the current TRP's of the above-mentioned Councils, including and assuming the 2.5% SOORT increase is applied to all 2017/2018 TRP's as detailed in the relevant Councils 2017-2018 Annual Reports:



As per the recommendation included in this report, if Council resolve in favour of the 6% increase in the General Managers TRP, this will result in a TRP of \$350,487. The following graph compares this new TRP with the above-mentioned Councils:



This recommended increase will bring the General Managers TRP into line with similar Councils, noting the high growth regional city nature of the Port Macquarie-Hastings local government area. It should also be noted that this is a one-off increase to ensure parity with other similar roles in local government. This recommended increase also comes with increased expectations of performance to ensure the organisation continues to deliver services to the community in the most efficient and effective way possible. Performance expectations will continue to be set and monitored via development of the General Managers annual performance plan.

Options

Council can choose to adopt the recommendation as included in this report or not adopt same.

Community Engagement & Internal Consultation

Internal consultation has taken place with the General Managers Performance Review Panel (Mayor Peta Pinson, Deputy Mayor Lisa Intemann, Councillor Justin Levido and Councillor Peter Alley) and the General Manager.

Planning & Policy Implications

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

Financial & Economic Implications

There are no economic implications as a result of this report. There are sufficient funds within Councils salaries and wages budgets to accommodate the proposed increase as detailed in this report.

Attachments

Nil

Item: 09.02**Subject: STATUS OF REPORTS FROM COUNCIL RESOLUTIONS****Presented by: Corporate Performance, Rebecca Olsen**

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
Update on Site Specific Planning Proposal Requests	19/09/18 Item 12.08		DSG	Mar-19	Apr-19
Transfer of Land to Council For Sewer Purposes - Leaders Way Wauchope - Post Exhibition	12/12/18 Item 12.05		DCP	Mar-19	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	20/02/19 Item 12.04		DCP		Apr-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Comboyne and Long Flat					
Transfer of Land to Council for Sewer Purposes - Pacific Highway, Sancroix	20/02/19 Item 12.05		DCP		Apr-19
Hastings River Drive Property Purchase	20/02/19 Item 14.07		DSG		Apr-19
QFPM - Coastal Koala Plan of Management - Aerial Photograph 2012	20/03/19 Item 13.01		DDE		Apr-19
John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council - progress report	20/03/19 Item 14.01		DCP		Apr-19
Health and Education Precinct Draft Master Plan - post exhibition	21/11/18 Item 11.05		DSG		May-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 and owner's consent	DSG	Sep-18 Oct-18 Feb-19 Apr-19	May-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
Transfer of Land to Council for Sewer Purposes - Botanic Drive, Kew - post exhibition	20/03/19 Item 12.03		DCP		May-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07	Policy being drafted. Awaiting further advice and discussions with Councillors.	DDE	Dec-19 Feb-19 Mar-19 Apr-19	Jun-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
Review of Policy (in relation to paragliders)	20/03/19 Item 12.01		DDE		Jun-19
Adoption of 2019-20 IP&R documents - post exhibition.	20/03/19 Item 09.08		DCP		Jun-19
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM	Oct-18 Mar-19 Apr-19	Jul-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
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood 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)

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
MOU - Norfolk Island Regional Council - income and expenditure administration.	20/03/19 Item 09.02		GM		Feb-21
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, Sancro – 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, Port Macquarie - post exhibition.	20/06/18 Item 14.05		DCP		TBA
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	21/11/18 Item 14.03		DI		TBA

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
confirming value for money					
Orbital Road - any future decisions on preferred routes.	20/02/19 Item 12.09		DI		TBA
Operation & Routine Maintenance of PMHC Vehicular Ferries - Settlement Point & Hibbard Crossings - negotiated rates / fees accepted for contract extension	20/03/19 Item 14.04		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, May, 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, May, 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

Item: 09.03

Subject: REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR SHARON GRIFFITHS

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council grant leave of absence for Councillor Griffiths for the period 14 to 20 April 2019, which includes the Ordinary Meeting of Council scheduled 17 April 2019.

Executive Summary

Council has received a request for leave of absence from Councillor Griffiths for the period 14 to 20 April 2019. During this period one Ordinary Meeting of Council is scheduled.

Discussion

Council has received a request for leave of absence from Councillor Griffiths. The Councillor's request conforms with clause 235A of *Local Government (General) Regulation 2005*.

Councillor Griffiths has requested leave of absence for the period 14 to 20 April 2019. The reason for the Councillor's request is that she has a family commitment and unable to attend to official Council duties during this time.

During the requested leave of absence period one Ordinary Meeting of Council is scheduled:

- 17 April 2019.

Options

Council can:

1. Adopt the recommendation.
2. Refuse leave of absence.

Community Engagement & Internal Consultation

Internal Consultation

- General Manager.
- Group Manager Governance & Procurement.

Planning & Policy Implications

The Councillor's request conforms with clause 235A of *Local Government (General) Regulation 2005*.

Financial & Economic Implications

Nil.

Attachments

Nil

Item: 09.04

Subject: CODE OF MEETING PRACTICE

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council:

- 1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice, from 24 April 2019 for a minimum of 28 days.**
- 2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the Code of Meeting Practice, from 24 April 2019 for a minimum 42-day period.**
- 3. Note that a further report will be tabled at the June 2019 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.**

Executive Summary

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

The Draft Code of Meeting Practice has been developed using the Model Code of Meeting Practice that was prescribed 14 December 2018.

Council is considering some of the non-mandatory clauses of the Model Code of Meeting Practice and additionally Council specific supplementary clauses.

It is proposed that the draft Code of Meeting Practice be publicly exhibited from 24 April 2019 for the statutory 28-day period (*Local Government Act 1993* section 361(3)) and that Council accept submissions from the public from 24 April 2019 for the statutory 42-day period (*Local Government Act 1993* section 361(4)).

Discussion

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

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

The current Code of Meeting Practice was last adopted at the March 2016 Ordinary Meeting of Council.

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

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

Re-written draft Code

The draft Code (attachment 1) has been re-written using the December 2018 prescribed Model Code of Meeting Practice as the base. Supplementary clauses from the current Port Macquarie-Hastings Council Code of Meeting Practice were transitioned into a draft and consideration was given by staff and Councillors. Legal opinion in addition to opinion from the Office of Local Government has also been provided.

The draft Code is more precise than the current Code. There are also notable changes that have been defined as mandatory that Council is required to adopt, these are (material items noted only):

- Requirement of all meetings of councils and council committees to be webcast on council websites with an interim obligation for all councils to webcast their meetings from 14 December 2019. Council is considering an audio-visual recording to be made and uploaded to the Council website as soon as practical and being available on the website for up to 12 months; and
- Rules limiting the use of mayoral minutes without notice to cases of urgency.

Council is considering non mandatory and supplementary (to Council) elements that include (material items noted only):

- Optional rules for pre-meeting councillor briefings;
- Optional rules for public forums for “matters on the agenda” and “matters not on the agenda” (supplementary to Council);
- Optional rules allowing rescission motions to be dealt with at the same meeting in cases of urgency and allowing matters to be recommitted to correct an error;
- Optional rules placing time limits on meetings; and
- Questions For Next Meeting (supplementary to Council).

For clarity:

- The draft Code of Meeting Practice has mandatory clauses that a Council cannot change, these are highlighted in **black text**;
- The **red text** highlights non-mandatory clauses that a Council may choose to adopt; and
- The **green text** highlights supplementary clauses that Council may wish to introduce (either new or carried over from the current version).

Options

Council can resolve to not place the draft Code of Meeting Practice on exhibition. However, it should be noted that this will put at risk timeframes to adopt a new Code.

If Council has not adopted such a Code of Meeting Practice by 14 June 2019, s117(2) of Schedule 8 of the Act will operate and make any existing code of no effect, to the extent that it is inconsistent with the mandatory provisions of the Model Meeting Practice Code. Noting that the June Council meeting falls on 19 June 2019. Council received advice from the Office of Local Government in relation to the timing of the June Council meeting, the OLG suggested that Council adopt the new Code as the first item of business and that any processes leading up to the June meeting are aligned to the mandatory clauses of the Model Code of Meeting Practice.

Community Engagement & Internal Consultation

Community Engagement

It is proposed that the draft Code of Meeting Practice be publicly exhibited from 24 April 2019 for the statutory 28-day period (*Local Government Act 1993* section 361(3)) and that Council accept submissions from the public from 24 April 2019 for the statutory 42-day period (*Local Government Act 1993* section 361(4)).

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

Internal Consultation

- Councillors.
- General Manager.
- Director Corporate Performance.
- Group Manager Governance and Procurement.

Planning & Policy Implications

It is proposed that the draft Code of Meeting Practice replace the current Code of Meeting Practice (post exhibition). The proposed draft Code is provided at Attachment 1.

Financial & Economic Implications

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

Attachments

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

Item: 09.05

Subject: MONTHLY BUDGET REVIEW - MARCH 2019

Presented by: Corporate Performance, Rebecca Olsen

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 – March 2019" section of the Monthly Budget Review – March 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 for the month of March 2019.

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

Original Budget as at 1 July 2018	Shortfall	(\$511,873)
Plus adjustments:		
July Review	Balanced	\$0
August Review	Balanced	\$0
September Review	Balanced	\$0
October Review	Surplus	\$147,265

Original Budget as at 1 July 2018	Shortfall	(\$511,873)
November Review	Balanced	\$0
December Review	-	-
January Review	Balanced	\$0
February Review	Balanced	\$0
March Review	Shortfall	\$0
Forecast budget position for 30 June 2019	Shortfall	(\$364,608)

March 2019 Adjustments

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

Item	Surplus/ Shortfall	Amount	Comment
Interest on Investments – General Fund	Surplus	\$185,000	Increased cash levels within General Fund has resulted in increased interest on investment revenue.
Building Certification Income	Surplus	\$100,000	Due to the expected drop in construction activity the budget for building certification fees was conservative. This adjustment reflects the expected income to be received by year end.
Legal Fees on Debt Recovery	Surplus	\$38,000	With increased debt recovery action by staff legal fees on debt recovery action have been reduced.
Contributions – NSW Department of Industry	Surplus	\$10,365	Council has received a contribution from the NSW Department of Industry towards the investigation of illegal asbestos dumping at Lake Cathie. These works have previously been fully funded by council.
General Rates – Extra Charges	Shortfall	(\$62,300)	With increased debt recovery action by staff extra charges from outstanding rates has reduced.
Transfer to Restricted Assets – Interest on S7.11 contributions	Shortfall	(\$130,000)	Increased interest earned on S7.11 investments has to be transferred to the S7.11 restricted asset account.
General Fund Rating Income	Shortfall	(\$141,065)	Included in the 2018/19 budget for rating income was 500 assessments for growth. Due to a slowing of the property market the growth has been less than expected resulting in this reduction in rating income.
Total	Balanced	(\$0)	

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	(\$283,166)
Reserve Transfers	2	Reserves	\$648,844
Contributions and Other Revenues	3	Contribution	\$0
Section 7.11 Contributions	4	S 7.11 Contributions	\$0
Over-expenditure Reviews	5	Reserves/Revenue/Contribution	\$1,056,509
Transfer between projects	6	Reserves/Revenue	\$30,000
Council Resolutions	7	Reserves	\$0
Total			\$1,452,187

1. Grant funding

The total net decrease in grant funding for 2018-2019 is \$283,166.

Council project	Grant provider	Grant Amount	Other Funding*	Comment
Library Local Priority Grant	NSW State Library	\$85,870	\$0	This is to bring the local priority grant budget in line with grant approvals.
Diamond Head Road/The Boulevard Flood Access Stage 1A	Office of Environment and Heritage	\$53,334	\$26,666	This project currently has a total budget of \$1,420,000. This is made up of \$946,666 in grant funding and \$473,334 in Council funding. Council has been notified that the approved grant is \$1,000,000 and as the grant is a 2:1 grant council is required to contribute an additional \$26,666.

Council project	Grant provider	Grant Amount	Other Funding*	Comment
Coastal/Estuary Management	Office of Environment and Heritage	(\$440,000)	(\$26,666)	The grant funding on this project will not be received so has been removed from the project. \$26,666 of the council funding has been transferred to Diamond Head Road/The Boulevard Flood Access Stage 1A.
RFS – Bushfire Mitigation Works	Rural Fire Service	\$17,630	\$0	To undertake hazard reduction works at Bold Street and other works on the Kenwood Trail
TOTAL		(\$283,166)	\$0	

* Other funding already contained within existing budgets.

2. Reserve Transfers

Additional revenue has been transferred to reserves this month along with some additional reserve expenditure on projects.

Project Name	Reserve	T/f from (reduction) T/f To (increase)	Other Funding	Reserve Amount	Comments
TCMP – Preconstruction of the Foreshore Walkway – Town beach to Kooloonbung Creek	Town Centre Masterplan	From	Nil	(\$150,000)	For all pre-construction activities to be undertaken to allow the construction of the project in 2019/20. This was recommended by the TCMP Committee on the 28 February 2019 meeting.
Waste Management	Waste Management	To	Nil	\$79,365	Additional revenue has been received

Project Name	Reserve	T/f from (reduction) T/f To (increase)	Other Funding	Reserve Amount	Comments
Annual Charges					from Domestic Waste Annual Charges due to numbers of bins collected.
Interest on Investments – Waste Management	Waste Management	To	Nil	\$120,000	Higher levels of cash have increased the amount of income received from investments. Any additional income within the waste fund must be transferred to reserves within that fund.
Port Macquarie Waste Depot	Waste Management	From	Nil	(\$100,000)	This increase is to cover increased expenditure on hazardous waste disposal.
Sewerage Annual Charges	Sewer	From	Nil	(\$133,321)	The growth in assessments that was included in the original budget has not been as high as expected due to a slowing of the property market.
Interest on Investments – Sewer Fund	Sewer	To	Nil	\$340,000	Higher levels of cash have increased the amount of interest on investments. Additional income within the sewerage fund must be transferred to reserves within that fund. Any interest accrued on S64 contributions must be

Project Name	Reserve	T/f from (reduction) T/f To (increase)	Other Funding	Reserve Amount	Comments
					transferred to the S64 restricted asset.
Interest on investments – Water Fund	Water	To	Nil	\$492,800	Higher levels of cash have increased the amount of interest on investments. Additional income within the water fund must be transferred to reserves within that fund. Any interest accrued on S64 contributions must be transferred to the S64 restricted asset.
Net Transfer to reserves				\$648,844	

3. *Contributions and Other Revenues*

Nil

4. *Utilisation of Section 7.11 Contributions*

Nil

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

Project	Amount	Funding	Comments
Harty's Creek Bridge Replacement	\$606,509	Road Renewal Reserve	This adjustment is in line with the approved project plan for the project. A total project cost of \$2,136,434 was foreshadowed in the June 20 2018 Committee of the Whole Agenda (Item 14.02). The final construction cost amounted to \$1,780,809.

Lighthouse Road East – Tourism Connectivity Project Management	\$450,000	\$300,000 Infrastructure Priorities Reserve, \$100,000 Transfer from Road Reseals \$50,000 from water fund	Executive have approved a budget variation request for this project. The additional funds are required for:- - \$52,400 for revised design and environmental assessment due to changes in legislation - \$100,000 to allow the inclusion of the Lighthouse turnaround area - \$50,000 to upgrade existing aged watermain - \$247,600 for incorporation of the Matthew Flinders Drive Intersection
Total	\$1,056,509		

6. *Transfer between projects*

Transfer from	Transfer To	Amount	Comments
Lot 139 Greenmeadows Drive – Sale and Development Costs	Emily Avenue – Sale and Development Costs	\$20,000	Council is proceeding with pre-development activities for its landholding at Emily Avenue, Port Macquarie. DA approval will add value to this parcel should Council wish to sell in the future.
Bunny's Corner – Riverbank Erosion Management	Riverfront Reserve – Reserve Improvements	\$10,000	These two reserves are both located within the one crown reserve. The two projects are being combined to allow the reconstruction of a pathway which has collapsed due to tidal events and erosion.
Total		\$30,000	

7. *Council resolutions*

Nil

8. Other

Council undertook a buildings revaluation in the 2017/18 financial year. This revaluation had a significant impact on the depreciation expense due to changes in the remaining useful lives of Council's buildings. A budget increase for buildings depreciation of \$1.6m has been included in this review. This is a non-cash item so will not affect Council's bottom line from a cash perspective.

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 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 shortfall 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](#). March 2019 Budget Review

Item: 09.06

Subject: INVESTMENTS - MARCH 2019

Presented by: Corporate Performance, Rebecca Olsen

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 March 2019.

Executive Summary

- Total funds invested as at 31 March equals \$295,751,320.
- Interest for the month of March was \$712,724.61.
- The year-to-date investment income of \$6,449,183 represents 87% of the total annual investment income budget of \$7,385,000.
- Council's total investment portfolio performance for the financial year to date was 0.97% above the benchmark (3.00% against 2.03%). Benchmark being the Bank Bill reference rate as at 31 March 2019 as identified on 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|cddb291-68a4-4d81-8aee-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 31 March 2019, comply with this Act.

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

As at 31 March 2019, the investments held by Council totalled \$295,751,320 and were attributed to the following funds:

General Fund	123,612,222
Waste Fund	16,671,502
Water Fund	92,939,852
Sewer Fund	61,087,435
Sanctuary Springs Fund	38,448
Broadwater	1,401,861

295,751,320

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.

Non-Compliance with Investment Policy

The updated investment policy included a change to the percentage of the total investment portfolio which is to be permitted to be invested with a single financial institution (counterparty risk). For institutions rated AA, this level was reduced from 40% to 30%. As Council transitioned to the updated investment policy, this led to a minor compliance issue with an amount greater than 30% of the portfolio being held with Westpac as 31 March 2019, (32.71%). Amounts held in Council's cash account with Westpac will be redistributed to other financial institutions during the month of April to bring the balances back in line with the updated investment policy.

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 0.97% above the benchmark (3.00% against 2.03%) and year to-date income is 87% 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 - March 2019
- 2[View](#). Port Macquarie-Hastings Council Portfolio as at 31 March 2019

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

Item: 10.01

Subject: RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND
SUB-COMMITTEE - MARCH 2019

Presented by: Strategy and Growth, Holly McBride

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. Claire McIntosh receive \$500.00 to assist with the expenses she will incur traveling to and competing at the 2019 Hancock Prospecting Australian Age Swimming Championships to be held in Adelaide, South Australia from 15 – 22 April 2019 inclusive.
2. Sarah McIntosh receive \$500.00 to assist with the expenses she will incur traveling to and competing at the 2019 Hancock Prospecting Australian Age Swimming Championships to be held in Adelaide, South Australia from 15 – 22 April 2019 inclusive.
3. Ryan Payne receive \$350.00 to assist with the expenses he will incur competing as a member of the Under 18's NSW Men's Blues Team to compete at the Australian Hockey Championships to be held in Hobart, Tasmania from 9 – 17 April 2019 inclusive.

Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 22 March 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 - March 22 Meeting

Item: 10.02

Subject: T-19-13 TASTINGS ON HASTINGS - EVENT COORDINATOR

Presented by: Strategy and Growth, Holly McBride

Alignment with Delivery Program

2.3.6 Support a range of inclusive community activities and programs.

RECOMMENDATION

That Council:

- 1. Note that no responses were received to the Request for Proposal for an Event Coordinator for the 2019 Tastings on Hastings event;**
- 2. Deliver the 2019 event using an internal staff resource;**
- 3. Request the General Manager present a report to Council on the future of Tastings on Hastings to the Ordinary Council Meeting in December 2019.**

Executive Summary

At the Ordinary Council held 12 December 2018, Council resolved to call for Expressions of Interests (EOI) for Event Organisers for the 2019 Tastings on Hastings event. The full Council resolution is below:

10.02 FUTURE STRATEGY FOR TASTINGS ON HASTINGS

RESOLVED: Turner/Cusato

That Council:

- 1. Note the information presented in the report.*
- 2. Deliver Tastings on Hastings in October 2019, based on the 2017 format.*
- 3. Request the General Manager call for EOI for event organisers for the 2019 Tastings on Hastings event and based on responses for event organisation capability for the 2019 event, consider future events at the Ordinary Council Meeting in May 2019.*

CARRIED: 8/0

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

AGAINST: Nil

This report addresses Resolution 3.

An EOI is the first part of a multi stage procurement process. It allows parties to express their interest, allowing Council to seek detailed offers from shortlisted suitable parties. There should be no intent to engage as a direct result of the EOI process. It was determined that the benefits of undertaking a multi staged procurement process incorporating an EOI process would not have been achieved in this instance and the timeframe required for a multi stage procurement process would have had a substantial impact upon the delivery of the services and time allowed to seek event sponsorship.

In consultation with the Strategic Procurement Manager, it was determined that an EOI process would not be the most appropriate procurement methodology.

A Request for Proposal (RFP) process was identified as the most appropriate procurement methodology. Proposals were invited to engage the services of an Event Coordinator to plan, develop and implement the 2019 Tastings on Hastings event.

This report provides detailed information on the RFP process and Council's alternative recommended option to deliver the 2019 Tastings on Hastings event due to not receiving any response to the RFP.

Discussion

Council resolved to call for Expressions of Interests (EOI) for Event Organisers for the 2019 Tastings on Hastings. In light of the following and in consultation with the Strategic Procurement Manager, it was determined that an EOI process would not be the most appropriate procurement methodology.

Financial and in-kind sponsorship is critical to the successful delivery of the Tastings on Hastings event, over the past few years it has been increasingly difficult to attract the level of sponsorship to assist in offsetting the overall cost to Council of delivering the event.

To provide the Event Coordinator with sufficient time to seek event sponsorship and perform the deliverables of the contract, the contract commencement was proposed for 1 April 2019.

An EOI is the first part of a multi stage procurement process. It allows parties to express their interest, allowing Council to seek detailed offers from shortlisted suitable parties. It was determined that the benefits of undertaking a multi staged procurement process incorporating an EOI process would not have been achieved in this instance and the timeframe required for a multi stage procurement process would have had a substantial impact upon the delivery of the services and time allowed to seek event sponsorship.

A Request for Proposal (RFP) process was identified as the most appropriate procurement methodology as it would encourage Event Coordinators to sell to council:

- Their different skills, expertise, capabilities and networks;
- Their viable solutions that would satisfy the project needs; and
- Different approaches and solutions to deliver the event.

Request For Proposal Process

An open RFP was advertised on 29 January 2019 and closed on 21 February 2019. During this period 22 organisations downloaded the RFP documents from Council's tendering website. At the closing date no proposals were received at the Council's Tender Box.

To gain an understanding of what the key considerations and reasons why organisations did not submit a proposal the Procurement Team contacted all organisations that had downloaded the document. The key outcomes from the discussion were:

- Time constraints of the RFP process did not allow sufficient time to consult with partners, industry, staff etc;
- Complexities achieving the high level of commitment described in the Specification; and
- Difficulties with resourcing/location constraints for the organisations to be able to organise the event.

Options

As Council did not attract any interest a number of alternative options have been considered to deliver the event including:

1. Direct appointment of a local event person;
2. Utilise a staff resource, sourced from an employment agency for seven months to coordinate the event; or
3. Council does not hold a 2019 Tastings on Hastings event.

After considering all the options, including testing the validity of option one with local event organisers and receiving feedback similar to that received through the Request for Proposal process it is recommended that Council deliver the event by option two, noting due to timing the scale of the event delivered may need to be considered based upon what is achievable in the timeframe.

Community Engagement & Internal Consultation

Internal consultation was undertaken with the following Council staff in development and assessment of this RFP:

- Group Manager, Community Place;
- Group Manager, Economic Development & Communications;
- Creative Place Facilitator;
- Destination and Marketing Coordinator; and
- Strategic Procurement Manager.

Planning & Policy Implications

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

Financial & Economic Implications

As per previous years Council has a draft budget of \$153,500 identified in the 2019/20 Draft Operational Plan currently on public exhibition. It is anticipated the cost of the temporary resource will be approximately \$60,000 funded from this budget line. The budget includes an income of \$115,000 based on previous year's sponsorship, entry fees and stall holder's fees. With a reduced scale event and potentially reduced ability to secure sponsorship due to timing there is a risk of not achieving the same level of income as in previous years.

Attachments

Nil

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

Item: 11.01**Subject: EVENT SPONSORSHIP PROGRAM ROUND 2, 2019****Presented by: Strategy and Growth, Holly McBride**

Alignment with Delivery Program

3.1.3 Implement Major Events Strategy.

RECOMMENDATION

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 2 2019 in the total amount of \$20,000 to:

Event Name & Ranking	Sponsorship \$ Recommended
1. Elephant Trail Race	\$5,000
2. 'A Gala Night at the Ballet'	\$5,000
3. PMBA Bodyboard Teams Event	\$5,000
4. Aussie Endurance MTB Championships (Solo 24 hr)	\$5,000
Total allocated this round	\$20,000

Executive Summary

Round 2 of funding for 2019 under Council's Event Sponsorship Program opened in February and closed in March 2019. This round of funding was open to events being held in the second half of 2019. Eight applications were received with one of these events (Elephant Trail Race) having received support under the Program previously. Two event organisers submitted multiple applications for this round - Trail Terra (Mountainbike events business), and Port Macquarie Bodyboarding Association (PMBA).

Event Sponsorship Program applicants are required to demonstrate that the proposed event is either a driver of significant overnight visitation (i.e. a measurable economic impact, evidenced by previous data collected), or has the potential to grow to major event status with a significant economic impact. Typically, there are four grants consisting of \$5,000 allocations on offer per round, with \$40,000 allocated to the program per year. Council has the discretion to offer less than \$5,000 per recipient, with the opportunity to allocate to a larger number of applicants per round. A maximum of three re-occurring allocations to any one event can be made under this program.

Applicants are also required to detail how the grant will be spent, with the proposed spending required to be allocated toward marketing activities which assist in attracting out of region visitors.

Discussion

An internal review panel was established to assess applications. The individual panellists are provided with a matrix containing the previously established Program criteria, and weightings (see Table 1). Ratings are assigned and scores tallied. The Panel then meets to discuss each application and make a final assessment. Criteria and weightings are as follows (with 1 being the lowest and 5 being the highest), and applicants are then ranked and funds allocated. 65% is payable prior to the event, with the remaining 35% paid upon satisfactory acquittal (evidenced by visitor data).

A summary of the panel's assessment of each applicant is detailed in confidential **Attachment 1**.

Attachment 1, titled "Event Sponsorship Program Assessment Summary - Round 2, 2019" provides commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. Local Government Act 1993 - Section 10A(2)(d(i)).

It should be noted that, in this round, the top ranked event (The Elephant Trail Race) required early funding in order to implement an international social media campaign with maximum lead time for the event (due to it being a qualifying race for the prestigious Ultra Trail Mont Blanc). Therefore Council's Executive Group endorsed early distribution of sponsorship funds (in mid-March 2019) after reviewing the Panel's recommendations.

Table 1- Program Criteria & Weightings

Criteria	Weighting
Potential to become a major event & attract significant visitor nights	5
Unique to the Region/Mid North Coast	3
Financial sustainability	4
Substantial Economic impact (or potential for)	3
Event organiser experience & resourcing	3
Off-peak or shoulder season placement	5
Robust marketing plan	4

Since the Sponsorship Program's inception in 2015, 56 applications have been received (not including the current round), with 39 allocations of sponsorship totalling \$161,000 to the following events:

Table 2- History of allocations under the Event Sponsorship Program

Event Name	Year	Sponsorship granted	Est. Economic Impact
Ekam Yoga Festival	2015	\$3,500	\$17,000
Big Band Blast	2015	\$5,000	\$309,000
3 Rivers Rowing Festival	2015	\$3,500	\$45,000
King of the Mountain Fun Run	2015	\$2,000	\$33,000

Event Name	Year	Sponsorship granted	Est. Economic Impact
Sand Mudder	2015	\$2,000	\$22,000
Beatles Festival	2016	\$2,000	\$135,000
Bago Bluff Mountain Bike Marathon	2016	\$2,000	\$40,000
Port Macquarie Running Festival	2016	\$3,000	\$585,000
Suck it up Buttercup	2016	\$5,000	\$500,000
Ekam Yoga Festival	2016	\$5,000	\$20,000
3 Rivers Rowing Festival	2016	\$2,500	\$45,000
Big Band Blast	2016	\$5,000	\$309,000
Port Macquarie Beer & Cider festival	2016	\$5,000	\$360,000
Northern Division Road Cycling Championships	2016	\$2,000	\$29,000
Luminosity Youth Summit	2016	\$4,000	\$20,000
Sand Mudder	2016	\$3,000	\$90,000
Beach to Brother Running Festival	2016	\$5,000	\$308,000
King of the Mountain Fun Run	2016	\$1,500	\$22,500
Suck it up Buttercup	2017	\$5,000	\$233,000
Port Macquarie Beatles Festival	2017	\$5,000	\$416,000
Port Macquarie Running Festival	2017	\$5,000	\$763,000
Slice of Haven	2017	\$5,000	\$647,000
Blues & BBQ Festival	2017	\$5,000	\$812,000
Ekam Yoga Festival	2017	\$2,500	\$44,000
Port Macquarie Beer & Cider Festival	2017	\$5,000	\$500,000
Beach to Brother Running Festival	2017	\$5,000	\$353,000
Port Macquarie Mountain Bike Festival	2017	\$2,500	\$10,000
Suck it Up Buttercup	2018	\$5,000	\$267,000
Port Macquarie Running Festival	2018	\$5,000	\$1,021,000
Slice of Haven	2018	\$5,000	\$712,000
Hello Koalas Festival	2018	\$5,000	\$103,000
Elephant Trail Race	2018	\$5,000	\$407,000
Beach to Brother	2018	\$5,000	\$1,066,000
Wildwood Music Festival	2018	\$2,500	\$76,000

Event Name	Year	Sponsorship granted	Est. Economic Impact
Digital Expo	2018	\$0-refunded	\$0
Fox Super Flow MTB Champs	2019	\$5,000	\$207,000
Seaview Classic Road Cycling Race	2019	\$5,000	\$508,000
Regional Dementia Conference	2019	\$5,000	\$109,000
Laurieton Multisport Challenge	2019	\$5,000	\$71,000
TOTAL	39	\$161,000	\$11,124,500

*Estimates in red. Acquittal data for these events due late 2019.

Options

1. Council can endorse the final assessment of the internal review panel, which is to grant the following amounts (in ranked order):

Event Name & Ranking	Sponsorship \$ Recommended
1. Elephant Trail Race	\$5,000
2. 'A Gala Night at the Ballet'	\$5,000
3. PMBA Bodyboard Teams Event	\$5,000
4. Aussie Endurance MTB Championships (Solo 24 hr)	\$5,000

OR

2. Council does not endorse the final assessment of the internal review panel. This will result in the further options of either not expending any of the allocated budget for this round of funding or re-opening this round of funding and calling for new applications.

Community Engagement & Internal Consultation

No external community engagement occurred as part of the assessment process.

Internal consultation included:

Director Strategy & Growth
Group Manager Economic Development & Communications
Major Events Manager

Internal Review Panel:
Group Manager Community Place
Major Events Manager
Economic Development Project Officer
Waste Projects Officer

Planning & Policy Implications

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

Financial & Economic Implications

Since February 2015, Council has allocated \$161,000 to the Event Sponsorship Program with an economic impact of over \$11 million being realised (based on increased visitor nights as a direct result of these events).

Council has an annual allocated 2018/19 budget for the Event Sponsorship Program of \$40,000 divided between two contestable funding rounds. Should Council choose to adopt Option 1 from this report, \$20,000 will be allocated from this budget to the four events recommended.

Attachments

- 1 [View](#). Confidential: "Event Sponsorship Program Assessment Summary - Round 2, 2019 (Confidential)"

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



Item: 12.01

Subject: LAND ACQUISITION - 201 BEECHWOOD ROAD, YIPPIN CREEK

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

4.4.3 Develop and implement traffic and road safety programs.

RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$5,006.00 (GST Exclusive) as compensation to the owners of Lot 28 DP245751, CA & ML Cooper, for the acquisition of that part of Lot 28 DP245751 more particularly described as Lot 1 in plan of acquisition DP1248433.
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowners' reasonably incurred legal and financial costs associated with the acquisition, including discharge of mortgage over the land to be acquired.
3. Pursuant to Section 10 of the *Roads Act 1993*, on the acquisition of Lot 1 DP1248433 dedicate the land as a public road.
4. Pursuant to Section 377 of the *Local Government Act 1993*, 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 acquisition in accordance with the *Electronic Transactions Act 2000*.

Executive Summary

A report recommending the payment of compensation for the acquisition of land arising from road widening works undertaken on Beechwood Road at Yippin Creek.

Discussion

As part of a planned upgrade of Beechwood Road at Yippin Creek, road widening was designed at 201 Beechwood Road, Lot 28 DP245751, to improve safety for road users by improving the alignment of the corner at this location.

The road widening required the acquisition of 250.3m² of land from Lot 28 DP245751. The location of the land to be acquired is shown on the plans attached to this report. The acquired land has been surveyed and is known as Lot 1 in the attached plan of acquisition DP1248433.

Options

As the road improvement has been constructed at this location with the consent of the landowners, payment of the agreed compensation is recommended.

Community Engagement & Internal Consultation

There has been ongoing engagement with the landowners throughout the construction and land acquisition processes.

There has been ongoing consultation between Council's Infrastructure Division and Corporate Performance Division.

Planning & Policy Implications

The acquisition is being conducted in accord with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Financial & Economic Implications

The acquisition of Lot 1 DP1248433 entitles the landowners, CA & ML Cooper, to the payment of compensation. Council's Consulting Valuer has assessed the fair compensation payable for Lot 1 DP1248433 at \$5,006.00 (GST Exclusive). Additionally, Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires Council to pay the landowners' reasonably incurred costs arising from the acquisition. In this instance, these costs will include the landowners' legal costs and costs incurred in the discharge of the mortgage over the acquired land.

An offer in line with the above has been made to the landowners, who have provided their written acceptance of the offer.

There is funding in the 2018-19 Operational Plan to meet the land acquisition costs.

Attachments

1 [View](#). Plan Indicating Location of Land to be Acquired

2 [View](#). Plan of Acquisition Lot 1 DP1248433

Item: 12.02

**Subject: CLASSIFICATION OF LAND CONTAINING SEWER
INFRASTRUCTURE**

Presented by: Corporate Performance, Rebecca Olsen

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. Classify Lot 31 Deposited Plan 1228142 as “operational land”;**
- 2. Classify Lot 3 Deposited Plan 1241253 (land situated at Pacific Highway, Sancrox) as “operational land”;**
- 3. Classify Lot 1 Deposited Plan 1240385 (land situated at Main Street, Comboyne) as “operational land”;**
- 4. Classify Lot 2 Deposited Plan 1244793 (land situated off Henry Street, Long Flat) as “operational land”;**
- 5. Classify Lot 2 Deposited Plan 1244795 (land situated off Henry Street, Long Flat) as “operational land”.**

Executive Summary

A report to resolve the classification of various parcels of land, that have either been acquired by Council for sewer purposes or parcels of land that contain sewer pumping stations built to service approved residential and industrial developments, as “operational” land.

Discussion

Council has previously considered reports on the transfer of various parcels of land located at Wauchope and Sancrox. These land parcels contain sewer pumping stations provided by developers as part of approved urban and industrial land releases. At the Ordinary Council Meeting held on 12 December 2018, Council resolved:

12.05 TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES - LEADERS WAY WAUCHOPE

RESOLVED: Intemann/Griffiths

That Council:

- 1. Accept the transfer of land being that part of Lot 31 Deposited Plan 1228142, formerly in Lot 2 Deposited Plan 1110947, in Leaders Way Wauchope.**
- 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 31 Deposited Plan 1228142 as "operational land" by placing on public exhibition the proposed resolution, "It is intended to classify Lot 31 Deposited Plan 1228142 as "operational land", from 31 January 2019 for a minimum period of 28 days.
4. Note that a further report will be tabled at the March 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

At the Ordinary Council Meeting held on 20 February 2019, Council resolved:

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

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

Council has also previously considered reports on the acquisition of various parcels of land located at Comboyne and Long Flat acquired for the purposes of the Village Sewer Schemes. At the Ordinary Council Meeting held on 20 February 2019, Council resolved:

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

The *Local Government Act 1993* requires these land parcels to be formally classified following the conclusion of a public exhibition period. The exhibition periods as described in the Council resolutions above are now complete with no submissions being received.

Options

Nil – the land is required to be classified in accordance with the provisions set out in the *Local Government Act 1993*. As the lands contain sewer infrastructure, an "operational" land classification is considered appropriate.

Community Engagement & Internal Consultation

The proposed land classifications have been publicly exhibited. At the conclusion of the exhibition periods, no submissions were received.

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

Item: 12.03

Subject: **AUGMENTATION OF THE BEECHWOOD WATER SUPPLY -
ACQUISITION OF EASEMENT**

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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.

RECOMMENDATION

That Council:

1. **Pay compensation in the amount of \$24,750.00 (GST Exclusive) to the owners of Lot 2 Deposited Plan 629354, R C & K L Beers, for the acquisition of an easement for water supply 5 metres wide depicted as (A) in plan of acquisition Deposited Plan 1242345 as it affects Lot 2 Deposited Plan 629354;**
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 acquisition in accordance with the *Electronic Transactions Act 2000*.**

Executive Summary

To provide water supply security to the Beechwood Village, augmentation of the water supply is proposed through the laying of an additional water main from the Rosewood Reservoir. Where the water main is placed within private land, an easement is required. This report deals with the acquisition of an easement for this purpose through Lot 2 Deposited Plan 629354 at Koree Island Road, Beechwood.

Discussion

At the Ordinary Council meeting held on 19 September 2018, Council considered a report (Item 12.02) on the acquisition of various easements required for the augmentation of the water supply to Beechwood Village, and resolved as below:

12.02 AUGMENTATION OF THE BEECHWOOD WATER SUPPLY - ACQUISITION OF EASEMENTS

RESOLVED: *Levido/Hawkins*

That Council:

1. *Pay compensation in the amount of \$2,600 (GST Exclusive) to the owner of Lot 8 DP814540, A J Huzarek, for the acquisition of an easement for water supply 5 metres wide depicted as (A) in the plan of acquisition DP1242345 as it affects Lot 8 DP814540.*

- 2. Pay compensation in the amount of \$21,000 (GST Exclusive) to the owners of Lot 4 DP799432, C W & J Latimore, for the acquisition of an easement for water supply 5 metres wide depicted as (A) in the plan of acquisition DP1242345 as it affects Lot 4 DP799432.*
 - 3. Pay compensation in the amount of \$8,000 (GST Exclusive) to the owner of Lot 2 DP556833, B L Coombes, for the acquisition of an easement for water supply 5 metres wide depicted as (A) in the plan of acquisition DP1242345 as it affects Lot 2 DP556833.*
 - 4. Delegate authority to the General Manager to execute, electronically or otherwise, all documents included but not limited to any authorisation form as required associated with the acquisitions in accordance with the Electronic Transactions Act 2000.*
- CARRIED:** 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

A copy of the 19 September 2018 report is attached.

As advised in the 19 September 2018 report, negotiations regarding compensation with one landowner remained unresolved at that time. The location of the final section of easement to be acquired is shown highlighted in the attached copy of plan of acquisition DP1242345.

Negotiations between Council's Consulting Valuer and the landowners' valuer have now concluded. The landowners have provided their written acceptance to the negotiated amount. The matter is reported to Council so that the acquisition of the easement can now be finalised.

Options

Given Council's commitment to the growth of Beechwood Village through the Urban Growth Management Strategy and given the agreement as to compensation for the acquisition of the easement, it is considered there are no alternative options.

Community Engagement & Internal Consultation

There has been ongoing consultation with the landowners throughout the compensation negotiations.

There has been ongoing internal consultation between the Infrastructure Division and the Corporate Performance Division.

Planning & Policy Implications

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

Financial & Economic Implications

The acquisition of the easement on private property entitles the landowners to the payment of monetary compensation in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. The valuers appointed by Council and by the landowners have now concluded their negotiations and agreed on a compensation amount payable. The landowners have provided their written acceptance of the negotiated amount.

There is funding available under the approved project (OP ref 4.1.1.17 CW Beechwood Rosewood Reservoir – Beechwood connection) to meet the compensation amount.

Attachments

1[View](#). Council Report dated 19 September 2018

2[View](#). Plan Depicting Location of Easement to be Acquired DP1242345

Item: 12.04

Subject: LAND ACQUISITION - LONG FLAT SEWERAGE SCHEME

Presented by: Corporate Performance, Rebecca Olsen

Alignment with Delivery Program

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

RECOMMENDATION

That Council

1. Pay compensation in the amount of \$21,250.00 (GST Exclusive) to the owner of Lot 4 Deposited Plan 713682, S Parker, for the acquisition of that part of Lot 4 Deposited Plan 713682 more particularly described as Lot 4 in plan of acquisition Deposited Plan 1246722;
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's property conveyancing costs;
3. Delegate authority to the General Manager to sign, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the *Electronic Transactions Act 2000*;
4. Pursuant to Section 34 of the *Local Government Act 1993* commence the process to classify Lot 4 Deposited Plan 1246722 as "operational land" by placing on public exhibition the proposed resolution "It is intended to classify Lot 4 Deposited Plan 1246722 (land situated at 31A Henry Street, Long Flat) as operational land" from 24 April 2019 for a minimum period of 28 days;
5. Note that a further report will be tabled at the June 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

Executive Summary

A report to consider the payment of compensation for the acquisition of land arising from the provision of sewerage assets at Long Flat.

Discussion

Council has previously considered reports on the acquisition of land and easements required to facilitate the provision of sewer at Long Flat.

At the Ordinary Council meeting held on 18 July 2018, (copy of report attached) Council considered the acquisition of land to serve as an access way from Henry Street to the sewerage treatment plant, and resolved as below:

12.02 ACQUISITION OF LAND AND EASEMENT - LONG FLAT SEWERAGE SCHEME*RESOLVED: Hawkins/Cusato**That Council:**1. Pay the negotiated amount of \$70,000 (GST free) as compensation to the owner of Lot A DP381856, K J Camilleri, for the acquisition of:**a) the easement for the drainage of sewage and right of access marked (A) in Mark Rogers' draft plan of survey reference 17380DP01 and,**b) the land shown as Lot 2 in Mark Rogers' draft plan of survey reference 17380DP01.**2. Pay the owner's legal costs for the property conveyance.**3. 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 acquisition in accordance with the Electronic Transactions Act 2000.**CARRIED: 9/0**FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner**AGAINST: Nil*

Where the access way traverses a creek, a piped culvert is required to be installed to provide better access during rain events. The concrete headwall of the culvert is situated on property in different ownership to the land acquired for the access way. The location of the land to be acquired to accommodate the culvert is shown in the plans attached to this report. The land containing the headwall has been surveyed and is described as Lot 4 in the attached plan of acquisition DP1246722.

Options

As the land to be acquired will ensure better access to the treatment plant during rain events, it is considered that there are no alternative options.

Community Engagement & Internal Consultation

There has been ongoing consultation with the landowner, Mr S Parker.

There has been ongoing internal consultation between the Infrastructure Division and Corporate Performance Division.

Planning & Policy Implications

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

Financial & Economic Implications

The acquisition of the land, Lot 4 DP1246722 entitles the landowner to the payment of monetary compensation. Council's Consulting Valuer has assessed compensation for the acquisition of Lot 4 DP1246722 at \$21,250.00 (GST Exclusive). The landowner has provided his written acceptance of the offer.

In addition to the payment of compensation for the land, Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires Council to meet the

landowner's legal/conveyancing costs. These costs are estimated at \$1,500 (GST Inclusive).

There is funding available under OP 4.1.3.4.CW (Small Towns Sewerage Program) to meet the compensation assessment and associated costs detailed in this report.

Attachments

1[View](#). Council Report dated 18 July 2018

2[View](#). Location of Land to be Acquired for the culvert headwall

3[View](#). Plan of Acquisition Lot 4 DP1246722

Item: 12.05**Subject: LONG TERM ENERGY STRATEGY - 6 MONTH UPDATE****Presented by: Infrastructure, Jeffery Sharp**

Alignment with Delivery Program

4.7.1 Promote renewable energy outcomes within Council.

RECOMMENDATION

That Council note the update on the Long Term Energy Strategy implementation as provided in this report.

Executive Summary

In October 2017, Council adopted a Long Term Energy Strategy to responsibly plan for and manage its long term energy requirements. As part of the adoption of this strategy, Council resolved to “receive six monthly reports each April and October on progress towards implementing the Long Term Energy Strategy”.

The following report covers Council’s progress for the reporting period of October 2018 to March 2019.

Discussion

Council’s adopted Long Term Energy Strategy comprises 4 components:

1. Council will aim to source 100% of its electricity from renewable sources by 2027.
2. Council will aim to implement one or more mid-scale solar projects, when this technology becomes cost efficient to install and operate, in the medium to long term.
3. Council will continue to implement appropriate energy efficiency initiatives (including but not limited to more small-scale solar projects) in the short to medium term.
4. Council will report on progress via the annual Operational Plan, an annual report to Council, and periodically obtain strategic advice to inform the organisation of relevant advances in renewable energy technology.

In November 2018, Council resolved in relation to this matter as follows:

12.06 LONG TERM ENERGY 6 MONTH UPDATE

RESOLVED: Alley/Intemann

That Council:

1. *Note the update on the Long Term Energy Strategy implementation, as provided in the report.*
2. *Noting the issues in addressing the current resolution, request the Planning, Environment and Sustainability Portfolio review the data required for future reports.*
3. *Commit to the five Cities Power Partnership initiatives identified in the body of the report as part of Council's membership with this free National program.*

CARRIED: 7/1

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Cusato

As an outcome of the previous resolution from November 2018, the Planning Environment and Sustainability Portfolio has discussed the level of data required to be included in future upgrade reports however those considerations are continuing and the Portfolio is yet to determine a position on the level of data required.

Accordingly, this update is provided without any additional data and is the third, six monthly report on Council's progress in implementing the Long Term Energy Strategy. It provides an update on works commenced and completed during this reporting period, being October 2018 to March 2019.

- i) The bulk change out of street lights to new energy efficient LED lighting across the local government area.

Council is currently awaiting approval from Essential Energy for the replacement of Category V street lights. Council staff are aware that Essential Energy is in the process of changing their pricing structure and no approval to commence the change-over will be provided until such time as this is finalised.

- ii) The continued implementation of energy efficient LED lighting at Council operational facilities.

Replacement of T5 light fittings to LED at Port Macquarie-Hastings Council's Wauchope and Port Macquarie Libraries.

- iii) The continued implementation of energy efficient LED lighting at community and commercial facilities:

LED lighting has been installed at Lasiandra Park, Lighthouse Beach amenities and Port Macquarie Coach Terminal.

- iv) The continued implementation of variable speed drive units as energy saving devices within council pump facilities.

Variable speed drives have been installed at the following sites:

CHSPS22 Queens Lake
PMSPS64 Crestwood
PMSPS23 Hastings River Drive
PMSTP Lift Pump Station

During the upcoming reporting period, being March 2019 to October 2019, Council will continue to focus on implementing energy saving initiatives, including:

- i) Installation of solar energy systems at Wauchope Pool, Kendall Pool (this FY), Kew Transfer Station and Port Macquarie Water Treatment Plant (next FY) plus smaller installs on various Councils assets post next PV review.

Investigation for a 100kW PV system for the Port Macquarie Airport has been completed with provisions included in the construction currently underway to allow an installation of a PV system when funds are available.

- ii) The continued implementation of energy efficient LED lights at Council operational facilities including Glasshouse dress circle, Kooloonbung Creek path network, Port Macquarie Hockey Field No. 2 and the Regional Stadium field No. 3 this FY. Glasshouse fire stairs, LED sports field lighting at Charlie Watts Reserve, Laurieton Netball Courts and Andrews Park (next FY)

Council resolved in April 2018 as follows:

12.07 LONG TERM ENERGY STRATEGY - 6 MONTH REVIEW

RESOLVED: Levido/Alley

That Council:

1. *Note the update on the Long Term Energy Strategy implementation, as provided in this report.*
2. *Alter the form of future reports to contain:*
 - a) *A percentage estimate of the split between the source of electricity used by Council on a renewable versus non-renewable basis (as billed to Council) as at the end of a six month period.*
 - b) *An indication as to how such split is verified.*
 - c) *An estimate in kW of the electricity saved by efficiency measures during that six month period and to date.*
 - d) *A reasonable estimate of the electricity generated and used by Council from its own generation sources during the six month period.*
 - e) *The cost to Council of its electricity usage (ie the amount billed to Council) on a cyclical basis during that six month period.*
3. *Apply for membership with the Cities Power Partnership, a free national program that exists to celebrate and accelerate the emission reduction and clean energy successes of Australian towns and cities.*

CARRIED: 6/1

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

AGAINST: Cusato

As mentioned previously, whilst the data collection continues to be investigated for Council's overall energy use, Recreation and Buildings have recently engaged Solar

Analytics to combine all current existing PV systems to report through the one portal, together with the ability to expand for additional builds.

Once the engagement is completed, this will allow future update reports to meet parts of the resolution from April 2018.

Ultimately, this will allow Council to better manage and maintain these PV systems, and provide up to the minute information on their performance.

As an outcome of previous resolutions, Council has now joined the Cities Power Partnership program, however updates from the Partnership were not available at the time of writing this report. Future update reports will include information from that program.

Options

Council has the option to note the implementation update.

Planning & Policy Implications

There are no planning or policy impacts relating directly to this update report.

Financial & Economic Implications

There are no additional implications on Council from this update report.

Attachments

Nil

Item: 12.06

Subject: URBAN GROWTH MANAGEMENT STRATEGY UPDATE

Presented by: Strategy and Growth, Holly McBride

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. Proceed with the UGMS Actions, as described in this report;**
- 2. Advise affected landowners regarding the deferral of UGMS actions related to their land;**
- 3. Advise the NSW Department of Planning & Environment of the proposed changes to the indicative timing in the UGMS Actions table; and**
- 4. Include a report card on the progress of all UGMS actions on Council's website and notes regarding the changes in the indicative timing column in the UGMS on Council's website.**

Executive Summary

The Urban Growth Management Strategy 2017-2036 (UGMS) provides the framework for urban planning in the Port Macquarie-Hastings, with a focus on key actions in the 5 year period to 2022/23.

The UGMS was adopted by Council in June 2018 and endorsed by the NSW Department of Planning in November 2018.

The purpose of this report is to provide a status update on the progress of the UGMS and recommend some minor re-prioritisation of some actions included in the UGMS based on current priorities and capacity to deliver.

Discussion

At the time of adoption of the UGMS in June 2018, Council resolved to *"receive an annual update report in relation to the implementation and status of the Urban Growth Management Strategy actions during preparation of Council's annual Operational Plans."*

The full resolution is shown below:

*RESOLVED: Hawkins/Turner
That Council:*

1. Note the submissions received and recommended amendments to the draft Urban Growth Management Strategy contained in the attached Consultation Report.
2. Adopt the revised Urban Growth Management Strategy attached to this report.
3. Submit the revised Urban Growth Management Strategy to the Director General of the NSW Department of Planning for approval.
4. Delegate to the General Manager the authority to make minor amendments and corrections to the Strategy during referral to the Department of Planning.
5. That Council receive an annual update report in relation to the implementation and status of the Urban Growth Management Strategy actions during preparation of Council's annual Operational Plans.
6. That Council amend the revised Urban Growth Management Strategy attached to this report to address an ambiguity and ensure the body of the Strategy is consistent with Key Action #6, as follows: Page 62 be updated to reflect the combination of Fernbank Creek and Sancrox such that the wording is amended as follows: "The priority order for long term investigations around Port Macquarie in terms of land capability and suitability is Fernbank Creek and Sancrox, and then Lake Innes."
7. Note the resolution from the Ordinary Council Meeting of February 2015 that the General Manager is to provide a report to Council on the Greater Sancrox Area after the Urban Growth Management Strategy is endorsed/adopted by Council.
8. Request that the report be presented at or before the Council Meeting of September 2018 and that the report consider in more detail the timing of investigations and the resourcing requirements to achieve an earlier commencement.

CARRIED: 7/0

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

AGAINST: Nil

Council has also resolved to bring forward planning for the Fernbank Creek/Sancrox investigation area in September 2018, as shown below:

RESOLVED: Hawkins/Turner

That Council:

1. Request that the General Manager commence Stage 1 planning for the Fernbank Creek and Sancrox areas in 2018/19.
2. Request that the General Manager commence a review of planning for the West Lindfield deferred land in 2018/19, to potentially supplement the supply of residential land in the short term.
3. Write to the Le Clos Sancrox landowner representatives seeking confirmation from the landowner group that the landowners can act as one coordinated legal entity.
4. Subject to confirmation of 3 above, invite the landowner group to submit a proposal which can be considered by Council in parallel with, but not before completion of the preparation of the Outline Plan in 2 above.
5. Note the additional resource requirements as a result of recommendations 1 to 4 above and allow the General Manager to resource this increased program appropriately.
6. Submit an update report on all the above actions to the February, 2019 meeting of council

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

This report is to provide a progress update for item 5 of the June 2018 Council resolution and demonstrates how Council has proceeded to action the September 2018 resolution in relation to UGMS priorities.

Actions – Status Summary

The UGMS contains 33 Actions for delivery indicatively in the period 2018/19 – 2022/23. The Actions relate to Housing, Economic Development and Making it Happen (i.e. the delivery of essential planning and services) to cater for projected population growth in the Port Macquarie-Hastings region.

A summary of the actions, their current status and the proposed delivery in 2019/20 is provided in the table below.

Note: Year 1 of the Strategy is 2018/19. As stated in the UGMS, the timeframes shown are “indicative only and will be confirmed in Council’s annual operational plans.”

Housing Actions				
Action		UGMS Year	Status at April 2019	Proposed 2019/20 Delivery
1	Review Local Environmental Plan (LEP) and Development Control Plan (DCP) provisions to promote appropriate housing choice options	1-2	On target. Consultant brief ready for distribution.	Engagement of specialist consultant to complete the Housing Choice review in consultation with Council and the community.
2	Review planning for the Wauchope CBD and adjoining mixed use area	3-4	Scheduled to commence in 2020/21, as per adopted Strategy.	Not applicable in 2019/20
3	Undertake neighbourhood planning in Kendall	4-5	Scheduled to commence in 2021/22, as per adopted Strategy.	Not applicable in 2019/20
4	Review LEP and DCP provisions to promote development of the Yippin Creek Urban Release Area	1-3	On target. Council has engaged with investigation landowners regarding arrangements to fund investigations. Draft briefs for specialist reports prepared.	Preparation of support studies proposed in consultation with contributing landowners.
5	Investigate options for development and review LEP and DCP provisions in the West	2-3	Is scheduled to commence in 2019/20, as per adopted Strategy.	This project will be dependent on landowner inputs. Commencement of this

Housing Actions				
Action		UGMS Year	Status at April 2019	Proposed 2019/20 Delivery
	Lake Cathie Investigation Area			project is to be deferred.
6	Preparation of an Outline Plan (Stage 1 investigations) for the Fernbank Creek and Sancroix potential future growth areas	1-3	The commencement of this project has been brought forward to Year 1, by resolution of Council in September 2018. Draft briefs for specialist reports have been prepared.	Proposed review of existing information by Council staff and preliminary engagement with landowners.
7	Investigate options for limited rural residential development at Telegraph Point and review LEP and DCP provisions	4-5	Scheduled to commence in 2021/22, as per adopted Strategy.	Not applicable in 2019/20
8	Review LEP provisions for small lots around nominated rural villages and the merits of permitting detached dual occupancy with consent in all rural zones	4-5	Scheduled to commence in 2021/22, as per adopted Strategy.	Not applicable in 2019/20
9	Monitor rates of subdivision and development in the LGA	1-5	Monitoring completed as an input to the regional monitoring of development by the NSW Department of Planning & Environment.	Annual monitoring to be completed again in 2019/20.
10	Review LEP and DCP provisions for land at West Lindfield, previously deferred from the Thrumster urban release area	1-2	The commencement of this project was brought forward to 2018/19 by resolution of Council in September 2018.	Following the Council resolution Council contacted Landowners who have indicated an unwillingness to contribute to the planning proposal, therefore, this project will be deferred.
11	Commence Stage 1 investigations and the preparation of an Outline Plan for the West Bonny Hills investigation Area	4-5	Scheduled to commence in 2021/22, as per adopted Strategy.	Not applicable in 2019/20

Economic Development Actions				
Action		UGMS Year	Status at April 2019	Proposed 2019/20 Delivery
12	Review local environmental plan and development control plan	3-4	Scheduled to commence in 2020/21, as per adopted Strategy.	Not applicable in 2019/20

Economic Development Actions				
Action		UGMS Year	Status at April 2019	Proposed 2019/20 Delivery
	provisions for the Port Macquarie CBD			
13	Council led precinct planning for the proposed Health and Education Precinct	1-3	Council has exhibited a draft Master Plan for the Health & Education Precinct.	Detailed planning is proposed in 2019/20 following adoption of a Master Plan, as the basis for changes to the Local Environmental Plan.
14	Develop a new Destination Management Plan for the Port Macquarie-Hastings	1-2	On target. Consultant brief prepared for commencement mid-2019.	Completion of Destination Management Plan.
15	Planning for the development of a Business Park at the Port Macquarie Airport	1	Behind schedule due to Airport Biodiversity certification - finalised on 7 September 2018. Planning Proposal now under preparation for presentation to the NSW Gateway Panel and subsequent community engagement in 2018/19.	Finalisation of LEP and DCP amendments post exhibition, to facilitate the development of the proposed business park.
16	Planning for the 'gateway sites' at the intersection of the Pacific and Oxley Highways in Port Macquarie	1-2	On schedule. Council has endorsed a draft Planning proposal and Development Control Plan provisions for community engagement with a proposed planning agreement in relation to essential service infrastructure.	Finalisation of LEP and DCP amendments post exhibition, to facilitate the development of a Highway Service Centre.
17	Investigate the capacity of land at the intersections of Ocean Drive with Houston Mitchell Drive for light industrial use and at the intersection of Ocean Drive with Bonny View Drive for light industrial development or for use as a school	1-2	Draft Planning Proposal prepared for community engagement.	Finalisation of LEP and DCP amendments post exhibition, to facilitate the development of the proposed light industrial area. Consideration of any proposal for the land at the intersection of Ocean Drive with Bonny View Drive.
18	Investigate options for future service industrial land in the Camden Haven	5	Scheduled to commence in 2022/23, as per adopted Strategy.	Not applicable in 2019/20
19	Review planning controls for rural and environmental areas in relation to recreation, agri-business and nature-based tourism	3-4	Scheduled to commence in 2020/21, as per adopted Strategy.	Not applicable in 2019/20

Making it Happen Actions				
Action		UGMS Year	Status at April 2019	Proposed 2019/20 Delivery
20	Council will review population statistics and growth forecasts annually	1-5	Forecast review proposed by end 2018/19.	Annual forecast review proposed in 2019/20.
21	Collaboration with the NSW government to prepare a Regional City Action Plan for Port Macquarie	1-2	Council has undertaken preliminary consultation regarding this Plan, which is being produced by the NSW State Government.	Expected finalisation of the Regional City Action Plan for Port Macquarie.
22	Commence UGMS review to coincide with next review of the North Coast Regional Plan	4-5	Scheduled to commence in 2021/22, as per adopted Strategy.	Not applicable in 2019/20
23	Review Major roads contributions plan	1-2	Preparation of 10 year works program commenced ahead of a Stage 1 interim review of the Major Roads Contributions Plan.	Finalisation of Stage 1 interim review of the Major Roads Contributions Plan.
24	Review open space contributions plan	5	Scheduled to commence in 2022/23, as per adopted Strategy.	Not applicable in 2019/20
25	Review the Water and Sewer Development Servicing Plans	2-3	Scheduled to commence in 2019/20, as per adopted Strategy.	Scheduled to commence in 2019/20, as per adopted Strategy
26	Preparation of a Regional Integrated Transport Strategy	1-2	Finalisation of draft Plan delayed due to focus on Orbital Road planning and engagement.	Finalisation of Regional Integrated Transport Strategy.
27	Preparation of an Integrated Water Cycle Management Strategy (IWCMs) for the Port Macquarie-Hastings	1-2	Public Works Advisory (PWA) engaged and completed Gap Analysis of draft IWCM in February 2019. Draft scope of works received.	Planned completion of IWCM Strategy for submission to Department of Industry and Water in early 2020.
28	Complete Biodiversity Strategy and implement key actions	1-5	Under final review for recommended adoption by Council in 2018/19.	Commence implementation of short term actions.
29	Complete strategies in relation to koala populations and implement key actions	1-5	Exhibited Coastal Koala Plan of Management (CKPoM) under final review for recommended adoption by Council 2018/19.	Finalise CKPoM and related LEP and DCP amendments. Commence implementation of short term actions.
30	Develop Community Plans and Local Strategic Planning Statement (LSPS) in consultation with key communities	1-5	Community Planning program commenced for 6 of a total of 18 communities.	Completion of proposed Community Plan program by August 2020. Completion of LSPS proposed by June 2020.

Making it Happen Actions				
Action		UGMS Year	Status at April 2019	Proposed 2019/20 Delivery
31	Review the Port Macquarie-Hastings Heritage inventory	1-2	Stage 1 review completed in 2017/18.	Commencement of Stage 2 of this project is proposed to be deferred
32	Complete a review of the Port Macquarie-Hastings Development Control Plan	1-2	Awaiting release of standard DCP format requirements by the NSW State Government. Stage 1 administration review proposed.	Completion of DCP review in accordance with State Government timeframes.
33	Preparation of a Coastal Management Plan	2-3	Not yet commenced.	Scheduled to commence in 2019/20, as per adopted Strategy.

Note: The priorities in the above table align with Council's 2019/20 exhibited draft Operational Plan and budget, and will be subject to review by Council in finalising the 2019/20 Operational Plan.

Key Projects & Priorities

As shown in the table above, there are a range of land use planning actions related to Housing, Economic Development, infrastructure and service delivery, that are proposed for implementation in 2019/20.

The delivery of these Actions will generally be coordinated by Council's Strategic Land Use Planning team, with input from other divisions and sections within Council, particularly Council's Infrastructure Division and Development & Environment Division.

It is therefore important that Council consider its capacity to deliver when in reviewing the UGMS priorities for 2019/20.

The following part of this report provides a summary of planning resources, priorities and options in 2019/20 under the following categories:

1. Strategy, Local Environmental Plan (LEP) and Policy
2. Housing Related Planning Projects
3. Economic Development Projects
4. Contributions Planning

Consideration has been given to 2019/20 priorities and where required some projects have been reprioritised to enable delivery.

1. Strategy, LEP and Policy

2019/20 will be a significant year in the preparation and review of Strategy, LEP and Development Control Plans (DCP). In addition to administration of the LEP and review of site-specific planning proposals, there are significant legislative requirements that NSW councils complete:

- a. A Local Strategic Planning Statement by 30 June 2020

- b. A Comprehensive review of DCPs by 30 June 2020, and
- c. A Community Participation Policy by 01 December 2019

It is proposed that these projects will be undertaken by Council's existing Strategic Planners along with the ongoing coordination of the Housing choice LEP review (Action 1 in the UGMS). The Housing Choice review work has been prioritised by Council in the adopted UGMS to inform the DCP review.

Stage 1 of the Heritage Review has been completed and provides adequate information at this point in time. Stage 2 will be deferred to a later year.

2. *Housing Related Planning Projects*

The key housing related planning actions proposed for implementation in 2019/20 in the adopted UGMS are:

- a. Yippin Creek;
- b. Fernbank Creek/Sancrox;
- c. West Lindfield; and
- d. West Lake Cathie.

Note: In September 2018, Council resolved to bring forward planning for the Fernbank Creek/Sancrox and West Lindfield areas to Year 1 of the UGMS.

The following summary is provided in relation to these key projects:

a. Yippin Creek

The next phase of work for the Yippin Creek area is to prepare LEP and DCP amendments and Contributions Plans to implement the adopted Structure Plan. Council will need to supplement existing support studies, including ecology, and undertake traffic, stormwater and flood modelling to establish a basis for land use zones and infrastructure (e.g. road intersections and the proposed pedestrian bridge across Yippin Creek).

Council staff have completed draft briefs for support studies and met with the Yippin Creek landowners to determine their level of interest in participating, including whether they are prepared to pay rezoning fees proposed to cover support study costs. Six (6) landowners have indicated that they are willing to pay fees, which can generate in approximately \$200,000 in income towards the cost of studies, which is expected to be up to \$300,000 in total.

None of the proposed fee income is available to cover Council staff costs. However, future fee income may be generated for land deferred from rezoning and this would contribute to Council's costs at that time.

Yippin Creek investigations will commence in 2019/20 using fees from the six landowners who have indicated a willingness to participate.

b. Fernbank Creek

The Fernbank Creek/Sancrox urban investigation areas do not yet have an adopted Structure Plan. The existing planning for the area is based on rural residential densities, which provides a starting point, but needs to be fully reviewed for urban development densities. The review of planning for the Le Clos Sancrox subdivision is also proposed as part of this project.

With a total area of around twice the size of the Thrumster release area, this is not just incremental growth on the fringe of Port Macquarie. It will be a major planning initiative for Council and the Port Macquarie-Hastings community, involving issues such as ecology, infrastructure, urban design, and with a range of potential land use types, including future business areas, community facilities, open space and housing.

An Outline Plan (Structure Plan) has therefore been proposed as first stage in the UGMS, to consider the future role that this area should play as part of greater Port Macquarie. A Project Plan has been prepared for the Outline Plan stage and draft briefs for preparation of specialist reports.

In this case, it is not practical to propose rezoning fees at this stage of planning. In 19/20 Council will commence the planning investigations in-house, noting there may be a requirement for consultants at a cost of approximately \$150,000 to prepare the Outline Plan.

c. West Lindfield

The West Lindfield area was deferred (i.e. not zoned residential) at the time that the Thrumster Urban Release Area was finalised as the landowners in the deferred area were not willing to contribute to the ongoing environmental management costs that would be generated as a result of dedicated environmental corridors in the area. There was an equity issue between landowners that could not be addressed.

In recent months, Council's Strategic Land Use Planning team has again met with the deferred landowners to determine their willingness to contribute to rezoning and environmental management costs. There was no interest from the landowners in participating (i.e. payment of fees or environmental management contributions) and it is therefore proposed that item 10 of the UGMS remain deferred until the next review of the UGMS in 2022/23.

d. West Lake Cathie.

Council has identified land to the west of Lake Cathie as a potential northwards extension of the Area 14 Urban Release Area between Lake Cathie and Bonny Hills.

Planning for this area is indicatively shown in the UGMS as commencing in Year 2 (2019/20). It will involve the preparation of support studies by the single landowner of the West Lake Cathie area and Council would play a key role in the review of studies, preparation of a Planning Proposal and in community engagement.

Council has not received any proposal to commence the investigations from the landowner in question and there is a good supply of developable residential land in Lake Cathie. Item 5 of the UGMS will therefore be deferred and its status reviewed again in the next UGMS update report in 2020.

3. *Economic Development Projects*

The key Economic Development planning actions in 2019/20 in the UGMS are:

- a. Port Macquarie Airport Business Park;
- b. The Port Macquarie Health & Education Precinct;
- c. The Proposed Highway Service Centre; and
- d. The Light Industrial area, Houston Mitchell Drive, Bonny Hills.

a. Port Macquarie Airport Business Park

This remains a key priority for Council in 2019/20. A Planning Proposal is expected to be reported to Council in May 2019, prior to referral to the NSW State Government Gateway Panel and community engagement. In 2019/20, it is expected that the Planning Proposal will be reviewed and LEP and DCP amendments finalised.

This will be undertaken by Council's Strategic Land Use Planning team in 2019/20.

b. The Port Macquarie Health & Education Precinct

The draft Master Plan for the Health & Education Precinct is expected to be reported for adoption by Council by the end of financial year 2018/19.

The next stage of work after adoption of the HEP Master Plan will be the preparation of LEP and DCP amendments, Contributions Plans and any planning agreements to implement the proposed outcomes in the Master Plan.

Given the fragmentation of the Master Plan area, it is not practical to generate funding from rezoning fees. In 19/20 funding has been allocated to prepare support studies for the LEP and DCP amendments.

c. Highway Service Centre, Port Macquarie, and

d. Light Industrial area, Houston Mitchell Drive near Bonny Hills

These Actions are being assessed as site specific matters by Council, subject to rezoning fees. It is proposed that ongoing investigations in 2019/20 will be undertaken by Council staff in consultation with the proponent in each case.

The current focus of Council's Contributions Planning team is on the management of the existing contributions system, particularly the deferral of contributions for torrens title lots and VPA implementation.

In 2019/20, the Contributions team will review existing policies and procedures related to voluntary planning agreements and a review of the current contributions deferrals system, including consideration of strata subdivisions. The team will also undertake contributions planning for the Health & Education Precinct, as discussed above.

In addition, it is important that Council continue the review of Contributions Plans. The aim is therefore to review the Major Roads Contributions Plan, and the Section 7.12 (formerly Section 94A) Contributions Plan in 2019/20.

A review of the existing Major Roads Contributions Plan is a high priority because the existing Plan was introduced in 2004 based on a works program from that time. Costs and priorities are out of date. A review of the Plan will be based on a works program to be provided by Council's Transport & Stormwater Network team.

The existing Section 94A Contributions Plan is also proposed for review in 2019/20 to apply the contributions to a broader area.

Options

A large program of land use planning is proposed in 2019/20 to deliver on the majority of actions in accordance with the UGMS. Some of these actions are required to implement Council's legislative responsibilities. Others are necessary to plan for coordinated housing, economic development and expected population growth.

This report has recommended a number of changes to priorities from the indicative timings in the current UGMS. The following options are available:

1. Council re-prioritise items as stated in the report, including the deferral of UGMS items 5, 10 and 31, advising landowners, the Department of Planning & Environment and placing a progress report card on Council's website providing a progress update and information of changes to the indicative timing of UGMS actions; or
2. Council consider an increase of Strategic Land Use planning resources and funding as part of the 19/20 budget to enable delivery of UGMS actions as per the original indicative timing provided in the UGMS.

Community Engagement & Internal Consultation

As discussed in this report, there has been some consultation with landowners in the West Lindfield (deferred) investigation area and in the Yippin Creek investigation area at Wauchope, to determine the willingness of landowners in those areas to contribute to planning costs by way of the payment of rezoning fees.

It is proposed that Council advise affected landowners regarding the deferral of UGMS actions related to their land as outlined in the report.

Planning & Policy Implications

The existing UGMS was adopted by Council in June 2018 and endorsed by the NSW Department of Planning 2 November 2018. The Department's endorsement is qualified to state that:

- *the potential release areas outside the urban growth areas identified in the North Coast Regional Plan 2036 are endorsed only for investigation;*
- *changes to the regional plan urban growth area boundaries to include the release areas will not be made until the investigations have been completed and appropriate structure plans are endorsed by the Department of Planning and Environment (or individual planning proposals can demonstrate consistency with the regional plan and the urban growth area variation principles); and*
- *detailed assessment of site-specific development constraints such as proximity to mineral resources, regionally significant farmland and potential high-environmental-value land in relation to release areas will be required at the structure plan or planning proposal stage to confirm consistency with relevant*

state environmental planning policies and section 9.1 Directions and the suitability of the land for development.

Given the minor changes to the timing of only a few actions, it is proposed that Council simply update the Department of the status of the UGMS Actions.

It is proposed to include a report card on the progress of all actions on Council's website and notes regarding changes to timing in the *indicative timing column* in the UGMS on Council's website.

Financial & Economic Implications

The financial and economic implications in this report relate to the costs of investigations that need to be undertaken by Council to achieve coordinated development outcomes. These costs include staff time and the costs of specialist studies.

Depending on Council's review of options in this report, additional funding of \$150,000 may be required for the preparation of support studies and an Outline Plan for the Fernbank Creek/Sancrox area which currently is not funded in the 2019/20 draft budget.

Attachments

Nil

Item: 12.07

**Subject: THE RUINS WAY, INNES PENINSULA ENVIRONMENTAL
MANAGEMENT LAND PLANNING AGREEMENT**

Presented by: Strategy and Growth, Holly McBride

Alignment with Delivery Program

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

RECOMMENDATION

That Council enter into and execute The Ruins Way, Innes Peninsula Environmental Management Land Planning Agreement.

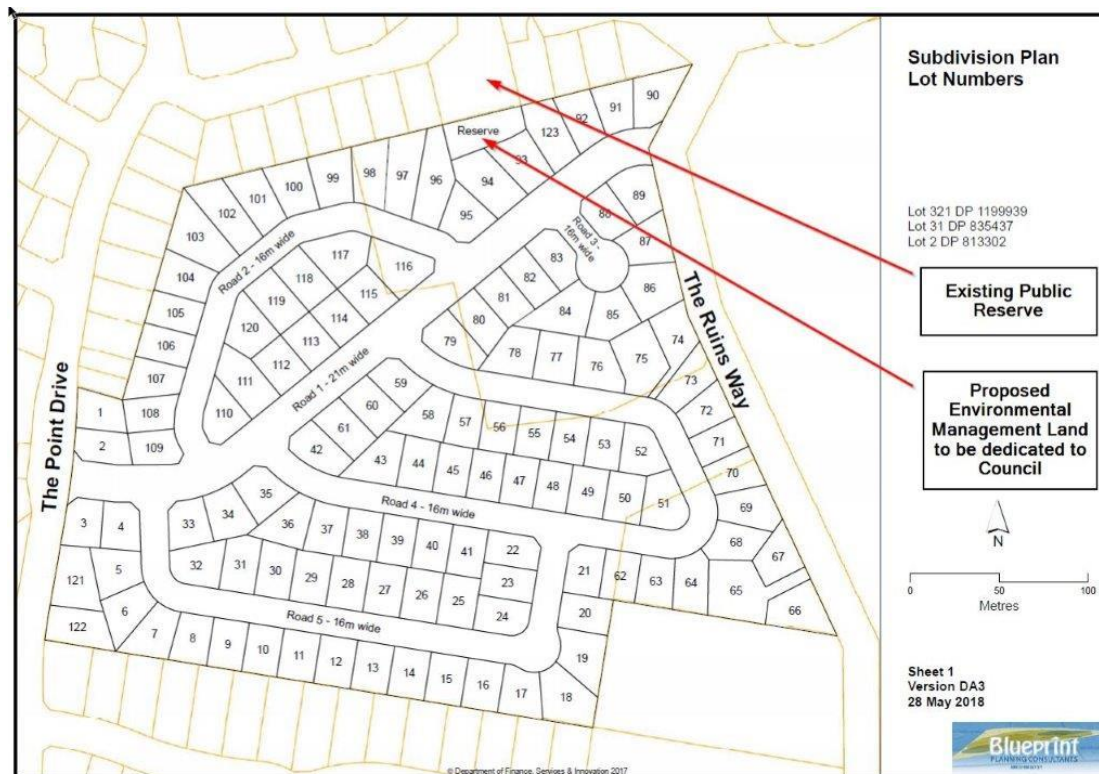
Executive Summary

Council has received an offer to enter into a voluntary planning agreement in connection with a Development Application for the subdivision of land at The Ruins Way, Innes Peninsula. The agreement provides for the establishment and management of vegetation works, the dedication of Environmental Management Land to Council and payment of a monetary Management Contribution to Council.

Discussion

Council has received an offer from John Miller, Elsin Miller and J & E Miller (Builder) Pty Ltd to enter into a voluntary planning agreement (VPA) in connection with Development Application 2017/1041 for the subdivision of land at The Ruins Way, Innes Peninsula.

The Planning Agreement relates to the dedication of environmental management land, as shown below:



Public notification of the draft VPA commenced on 27 February 2019 through to 27 March 2019 and no submissions were received.

Key provisions of the draft planning agreement include the following:

- Establishment and management of vegetation works. The works include offset tree planting that is required in connection with the development of the land for residential subdivision.
- Dedication of Environmental Management Land that is adjacent to an existing Council Reserve.
- Payment of a monetary contribution towards the management of the Environmental Management Land.

A copy of the draft VPA is attached.

Options

It is recommended that Council enter into the planning agreement.

Council could choose not to enter into the agreement. This would delay the determination of the Development Application and provide uncertainty for the Developer.

Community Engagement & Internal Consultation

Public notification of the planning agreement commenced on 27 February 2019 with a notice in local papers and information on Council's 'Have Your Say' web page. Notification concluded on 27 March 2019. No submissions were received.

The VPA relates to Development Application 2017/1041 for 123 lots plus a public reserve. The DA was exhibited from 1 December 2017 to 14 December 2017. No submissions were received.

Relevant staff from the Environmental Services and Development Assessment teams at Council have been consulted as part of the preparation of the draft VPA.

Planning & Policy Implications

The draft VPA conforms to Council's Planning Agreement Policy.

Financial & Economic Implications

The draft VPA is designed to ensure that the costs of managing the dedicated environmental land are met for a period of 20 years. Beyond that timeframe, as has been Council's standard practice in planning agreements, the management responsibility for the environmental land rests with Council on behalf of the community.

In this case, the environmental management area directly adjoins an existing public reserve and is considered to provide a public benefit. The area in question is approximately 806 sqm and the estimated annual management cost (2019) is approximately \$1,416 per annum.

The current expectation is that the post 20 year management funding for the area will be obtained from rate revenue, including rates from the 123 lots to be created in the proposed subdivision.

Attachments

- 1 [View](#). The Ruins Way, Innes Peninsula Environmental Management Land Planning Agreement

Item: 12.08

Subject: UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS

Presented by: Strategy and Growth, Holly McBride

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. Note the current status of site specific Planning Proposal requests as described in this report.**
- 2. In relation to the Planning Proposal Request (PP2016-11.1) for Lot 2 DP 771931, Mission Terrace Lakewood, provide the Proponent with a further 3 months (to 17 July 2019) to resolve the NSW Rural Fire Service concerns with the Planning Proposal, and if this is not able to be achieved that the matter be reported back to Council to determine the next steps.**
- 3. Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.**

Executive Summary

The purpose of this report is to provide Council with an update on the current status of site specific Planning Proposal requests and to determine whether to progress all of these requests in the context of the Council's Strategic Land Use Planning Program and priorities.

A separate report is presented in the current Business Paper which provides Council with an update on the implementation of actions in the *Urban Growth Management Strategy 2017-2036*.

Council at its Ordinary Meeting on 19 September 2018 considered a report on the status of twelve (12) site specific Planning Proposal requests (Item 12.08) and resolved to continue assessing all of these requests.

It is recommended that Council continue to assess all the Planning Proposal requests to amend Port Macquarie Hastings Local Environmental Plan (LEP) 2011 as outlined within this report, however in relation to Mission Terrace, Lakewood (PP2016-11.1), that Council provide the Proponent with a further 3 months (to 17 July 2019) to resolve the NSW Rural Fire Service concerns. If this is not able to be achieved, the Planning Proposal will be reported back to Council to determine the next steps.

Council will receive individual reports on each of these Planning Proposal requests at the key stages of the process. A further update report on the progress of site specific Planning Proposals will be presented to Council in October 2019.

A report regarding a new Council Policy in relation to Planning Proposals is expected to be presented to the May 2019 Council meeting.

Discussion

Context - Council's Strategic Land Use Planning Program

Council's Strategic Land Use Planning Program is directed and based on the priorities and actions identified in the Operational Plan 2018-2019 and the *2017-2036 Port Macquarie Hastings Urban Growth Management Strategy* (UGMS). The UGMS was adopted by Council in June 2018 and approved as the local planning strategy by the NSW Department of Planning & Environment in November 2018.

Projects currently being prioritised in the program include:

- Yippin Creek Urban Release Area
- Airport Business Park Precinct
- Planning for the Port Macquarie Health and Education Precinct (HEP)
- Preparation of a Comprehensive Koala Plan of Management and associated LEP and DCP changes
- Comprehensive review of Council's development control plans
- Review of housing related LEP and DCP provisions to promote housing choice
- Outline Plan for the Fernbank Creek and Sancroix areas
- Preparation of a new policy for Planning Proposals
- Input to development of a Regional City Action Plan (Priority action under the *North Coast Regional Plan 2036*)
- Administrative reviews and update of Port Macquarie Hastings LEP 2011

In addition to the above projects, the review, assessment and reporting of Planning Proposal requests to amend the LEP 2011 are undertaken by Council's Strategic Planning staff. These Planning Proposals are predominately initiated by proponents (being land owners, consultants, developers and/or their representatives) and seek to amend the planning controls applying to their land (for e.g. the land use zone, height of buildings, floor space ratio or minimum lot size).

There is a need to balance and prioritise the amount of staff resources allocated to progress site specific Planning Proposals, against the need to progress the major strategic planning projects identified in the UGMS, which are important to deliver coordinated community, economic, social or environmental outcomes to the Port Macquarie-Hastings community.

Site Specific Planning Proposal requests

Council, at its meeting on 19 September 2018, considered a report on the status of twelve (12) site specific Planning Proposal requests (Item 12.08) and resolved:

RESOLVED: *Intemann/Hawkins*

That Council:

1. *Note the current status of site specific Planning Proposal requests as described in this report.*
2. *In relation to the Planning Proposal requests for Part Lot 39 DP 1191701, Frogs Road Sancrox (PP2017-3.1), Crestwood Drive Port Macquarie (PP2017- 4.1), The Chimneys Homedale Road, Kew (PP2017-11.1) and Nos. 11 and 33 Mumford Street Port Macquarie (PP2014-10.1), provide each of the proponents with a further 3 months (until the end of December 2018), to submit information supporting the preparation of a Planning Proposal, and if this information is not received that Council discontinue these proposals and advise the proponents accordingly.*
3. *Receive a further update report in six months regarding the progress of all other site specific Planning Proposal requests.*

CARRIED: 6/0

FOR: Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

This report provides an update on twelve (12) current Site Specific Planning Proposal requests as listed below.

1. Part Lot 245 DP 1227796 and Part Lot 399 DP1241278, Ruins Way, Port Macquarie
2. Nos. 11 and 33 Mumford Street, Port Macquarie
3. Part Lot 500, DP 1237901, Crestwood Drive, Port Macquarie
4. Proposed Highway Service Centre: 1179 Oxley Highway, Sancrox
5. Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancrox
6. Bundaleer Aged Care, 4-8 Johnstone Street and 67 High Street, Wauchope
7. Lot 2 DP 1091253, Beach Street, Bonny Hills
8. Lot 10 DP 615755, Houston Mitchell Drive, Bonny Hills
9. The Chimneys, Lot 1 DP1161722, Council land and Essential Energy land, Homedale Road, Kew
10. Lot 202 DP 1133171 and Crown Land, Homedale Road, Kew
11. Lot 2 DP 771931, Mission Terrace, Lakewood
12. Lot 14 DP 240042, 14 Pioneer Street, North Haven

Since the September 2018 Council report, one Planning Proposal has been finalised (Lot 14 DP 240042, 14 Pioneer Street North Haven), and Planning Proposal requests have formally been submitted for Frogs Road, Sancrox, Crestwood Drive, Port Macquarie and The Chimneys, Homedale Road, Kew.

Table 1 below provides a summary, by locality, of the status of each site specific Planning Proposal request to amend the LEP 2011. Please note that a key to the Status Category is provided below the table.

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (Sept. 2018)	Status Category (April 2019)	Fees Paid
Port Macquarie					
PP2011-9.3	Lot 245 DP 1227796 and Part Lot 399 DP1241278 Ruins Way, Port Macquarie	Rezone land from RU1 Primary Production to R1 General Residential	6	6 (Additional information received and under assessment)	Yes (Stage 1)
PP2014-10.1	Nos 11 and 33 Mumford Street, Port Macquarie	Rezone land from R1 General Residential and part E2 Environmental Conservation to Business Zone	5	5 (Additional information received and under assessment)	Yes (Stage 1)
PP2017-4.1	Part Lot 500, DP 1237901 Crestwood Drive, Port Macquarie	Rezone land from RU1 Primary Production to R1 General Residential	4	5 (Planning Proposal Request lodged and under assessment)	Yes (Stage 1)
Sancrox					
PP2017-10.1	Proposed Highway Service Centre, 1179 Oxley Highway, Sancrox	Amendment to Schedule 1 (Additional permitted uses) to permit development for the purpose of a highway service centre	8	10 (Public exhibition 10 April to 13 May 2019)	Yes (Stage 1)
PP2017-3.1	Lot 37 and Part Lot 39 DP 1191701, Frogs Road and Benjamin Close, Sancrox	Rezone land from RU1 Primary Production to IN1 General Industrial for employment purposes	3	5 (Planning Proposal Request lodged and under assessment)	Yes (Stage 1)
Wauchope					
PP2017-6.1	Bundaleer Aged Care, Nos 4-8 Johnstone Street and No 67 High Street, Wauchope	Increase maximum building height from 8.5m to 14.5m and increase floor space ratio from 0:65:1 to 1:1.4 to enable redevelopment of the site for aged care development and	8	8 (Pending receipt of land owners consent and advice from Mid North Coast Health re: lease)	Yes (Stage 1)

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (Sept. 2018)	Status Category (April 2019)	Fees Paid
		a new Sub-Acute Care Centre			
Bonny Hills					
PP2016-10.1	Lot 2 DP 1091253, Beach Street, Bonny Hills	Rezone land from RU1 Primary Production to part E2 Environmental Conservation and part R1 General Residential	12	12 (Submissions under review)	Yes (Stage 1)
PP2014-14.1	Lot 10 DP 615755 and Lot 1 DP 1117908, corner Ocean Drive and Houston Mitchell Drive, Bonny Hills	Rezone land from RU1 Primary Production to Light Industrial and Environmental purposes	4	5 (Refer separate report in Business Paper)	Yes (Stage 1)
Kew					
PP2017-11.1	The Chimneys – Lot 1 DP1161722, land owned by Council and Essential Energy, Homedale Road, Kew	Rezone land from RU1 Primary Production to part R1 General Residential, part RE1 Public Recreation, part E2 Environmental Conservation and part E3 Environmental Management	3	5 (Planning Proposal Request lodged)	Yes (Stage 1)
PP2014-12.1	Lot 202 DP 1133171 and Crown Land, Homedale Road, Kew	Rezone land from RU1 Primary Production to R1 General Residential and E2 Environmental Conservation	9	13	Yes (Stages 1 & 2)
Lakewood					
PP2016-11.1	Lot 2 DP 771931, Mission Terrace, Lakewood	Rezone land from RU1 Primary Production to part R1 General Residential, part R2 Low Density Residential and part E3 Environmental Management and amend associated	9	9 Pending response by Proponent – RFS unable to support proposal	Yes (Stage 1)

File No.	Property	Summary of requested amendments to LEP 2011	Status Category (Sept. 2018)	Status Category (April 2019)	Fees Paid
		development standards			
North Haven					
PP2014-9.1	Lot 14 DP 240042, 14 Pioneer Street, North Haven	Rezone land from RU1 Primary Production to part 1 General Residential, part RU1 Primary Production and part E2 Environmental Conservation	12	14 LEP made. Published NSW Legislation website 21 Dec 2018.	Yes (Stages 1 & 2)

Table 1: Status of Site Specific Planning Proposal requests (at April 2019)

Category	Stage in the Planning Process
1	Written request received
2	Internal review and discussion with proponent
3	Report to Council for decision whether to include in Strategic Land Use Planning Program for the coming year
4	If included, pre-lodgement meeting held; additional information or amended requirements
5	Additional information received, under assessment and negotiation with proponent
6	Assessment report to Council for decision on whether or not to support a Planning Proposal to proceed to the Gateway
7	Submitted to Department of Planning & Environment (DPE) for Gateway determination
8	Gateway determination issued by DPE
9	Government agency consultation; additional studies/ investigations (required by conditions of the Gateway determination)
10	Preparation for public exhibition
11	Public exhibition of Planning Proposal
12	Post-exhibition report to Council to consider submissions and for decision on whether or not to proceed to finalise the Planning Proposal
13	Finalisation of Planning Proposal/ LEP Amendment
14	LEP Amendment made and published on NSW Legislation website

Table 2: Key to Status CategoryDiscussion

Since the time of the September 2018 Council report, there has been significant progress on some site specific Planning Proposals as outlined in this report. This has included substantial work on the proposed Highway Service Centre including the negotiation of a Planning Agreement to address key infrastructure issues and the preparation of development control provisions to address visual impact. Public exhibition of this Planning Proposal is expected to commence in April 2019.

A large amount of work has also been undertaken by Council staff in relation to Planning Proposals for Beach Street, Bonny Hills, The Ruins Way, Port Macquarie and Houston Mitchell Drive, Bonny Hills.

A separate assessment report is presented in the current Business Paper for the Houston Mitchell Drive Planning Proposal.

As shown in Table 1 above, seven (7) out of the twelve (12) Site Specific Planning Proposal requests (approximately 58%) have progressed to the next stage in the planning process since this matter was last reported to Council on 19 September, 2018. These are:

- **PP2017-4.1 Crestwood Drive, Port Macquarie:** Planning Proposal request lodged and under assessment;
- **PP2017-10.1 – Proposed Highway Service Centre, Sancro:**
 1. Government Agency consultation (pre public exhibition) completed and reported to Council (March 2019);
- **PP2017-3.1 – Frogs Road and Benjamin Close, Sancro:** Planning Proposal request lodged and under assessment;
- **PP2014-14. – Corner Ocean Drive and Houston Mitchell Drive, Bonny Hills:** Additional information lodged and under assessment;
- **PP2017-11.1 – The Chimneys, Homedale Road, Kew:** Planning Proposal request lodged and under assessment;
- **PP2014-12.1 – Homedale Road, Kew:** Planning Proposal being finalised to Department of Planning & Environment;
- **PP2014-9.1 Pioneer Street, North Haven:** Completed. LEP Amendment published NSW Legislation website 21 December 2018.

This represents an improvement since the time of the September 2018 Council report, where only four (4) out of 12 Planning Proposal requests (approximately 33%) had progressed to the next stage in the process.

For the five (5) Planning Proposal requests which have remained in the same Status Category since September 2018 (refer Table 2), two (2) of these applications require further information from the proponents (Bundaleer Aged Care and Mission Terrace, Lakewood) as outlined in Table 1 to this report.

Actions have been undertaken for the remaining three (3) Planning Proposal requests since September 2018 (Ruins Way, Port Macquarie; Mumford Street, Port Macquarie and Beach Street, Bonny Hills), however they remain in the same Status Category. This has been due to a range of reasons including proponents lodging additional information requiring internal referral, review and negotiations with proponents, and the need for supporting studies to inform and respond to submissions received.

Planning Proposal – Bundaleer Aged Care, Wauchope

Additional information is required from the proponents of the Planning Proposal requests for Bundaleer Aged Care, Wauchope and Mission Terrace, Lakewood prior to Council staff being able to progress the proposals any further.

In respect of the Bundaleer Planning Proposal, Council at its Ordinary Meeting on 12 December 2018 considered a project update report and resolved:

RESOLVED: Intemann/Alley

That Council:

- 1. Note the information contained within this update report.*
- 2. Request the General Manager write to the Mid North Coast Local Health District seeking to be removed from the current Lease S228374 and the subsequent Deed dated 20 March 1984.*
- 3. Seek from the proponent, Love Project Management, the land owners consent for Lot 1 DP 603483 situated 4-8 Johnstone Street, Wauchope prior to further consideration of the Planning Proposal.*

CARRIED: 8/0

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

In accordance with Council's resolution the General Manager has written to the Mid North Coast Local Health District seeking to be removed from the current lease and deed, and the Proponent has been requested to provide the land owner's consent for Lot 1 DP 603483, 4-8 Johnstone Street, Wauchope. The Local Health District acknowledged Council's correspondence (10 January 2019) and advised it will take advice and provide a response in due course. At the time of writing this report, this advice had not been received.

The Proponent had been requested to provide the land owner's consent for Lot 1 DP 603483, 4-8 Johnstone Street Wauchope following the Council meeting on 12 December 2018, however at the time of finalising this report, the owner's consent had not been received.

Planning Proposal – Lot 2 DP 771931, Mission Terrace, Lakewood

The status of the Planning Proposal request for Mission Terrace, Lakewood has not changed for more than 12 months. The Planning Proposal has a Gateway determination (19 December 2017), however it remains at the Government agency consultation stage of the process due to the NSW Rural Fire Service (RFS) being unable to support the proposal.

The proposal relates to land on the northern foot slopes of North Brother Mountain, adjoining existing forested land. Bushfire risk is therefore a key issue for this proposal.

The Planning Proposal proposes to rezone the land from RU1 Primary Production to part R1 General Residential, part R2 Low Density Residential and part E3 Environmental Management and amend the associated development standards applying to the site. The site has an existing consent under DA1999/752 as a Mission Training Facility (educational establishment) with on-site accommodation approved for up to 27 dwellings. The educational establishment and 21 detached dwellings exist on the site.

The RFS has considered the proponent's Bushfire Assessment Report (and amended versions) on three separate occasions and has advised in its latest

correspondence dated 17 December 2018 that it, ...”is unable to support the Planning Proposal as it does not satisfy the aims and objectives of Planning for Bush Fire Protection 2006 on the following grounds:

- The rezoning to permit residential land use activities of the existing approved accommodation buildings, associated with the education establishment, does not warrant the exclusion of the residential guidelines of Planning for Bush Fire Protection 2006;
- The proposed residential land use zones shall incorporate the required asset protection zone that is comparable to the existing or proposed BAL construction standard (AS3959-2009) for the existing dwelling and buildings;
- The proposal shall include the requirement of a perimeter public access road, where practical.”

The RFS correspondence of 17 December 2018 also states that, “Whilst it is acknowledged that the existing dwellings to the east of the site are in potential flame contact, the planning proposal provides no outcomes to minimise bushfire impacts on these dwellings. Future owners of these buildings will be significantly exposed to bushfire events”.

Despite a number of meetings being held in 2018 between Council staff, the RFS and the Proponent in order to try and resolve the concerns of the RFS, and a number of amendments to the Bushfire Assessment Report by the Proponent to address these concerns, the RFS are still unable to support the Planning Proposal. Having regard to the position of the RFS, and the potential risks to life and property that the Planning Proposal could present from a bushfire perspective if it were to proceed, Council staff are unable to recommend the Planning Proposal proceed to public exhibition.

It is recommended that the Proponent be given a further 3 months (to 17 July 2019) to resolve RFS concerns with the Planning Proposal, and if this is not able to be achieved that the matter be reported back to Council to determine the next steps.

Options

Council could opt to continue with all of the Site Specific Planning Proposal requests detailed in this report or discontinue any of them. In relation to the Planning Proposal for Mission Terrace, Lakewood, an option is open for Council to determine that the matter will not proceed under Section 3.35 of the EP&A Act 1979 due to the RFS objection and to advise the Minister for Planning accordingly.

However it is recommended that the Proponent for Mission Terrace, Lakewood be given a further 3 months (to 17 July 2019) to resolve the RFS concerns with the Planning Proposal, and if this is not able to be achieved, that the matter be brought back to Council to determine the next steps.

Requests for Site Specific Planning Proposals are considered by Council as part of the Strategic Land Use Planning Program, and further reports are expected in 2019/20 to determine priorities.

Community Engagement & Internal Consultation

Consultation has been undertaken between Council staff and proponents in relation to each Site Specific Planning Proposal request and in some cases, there has also been consultation with State agencies. Further community consultation consistent with the requirements of the *Environmental Planning and Assessment Act 1979* and the Department's – *A guide to preparing local environmental plans* will occur where a Planning Proposal is supported by Council and a Gateway determination is received.

Planning & Policy Implications

Council's consideration of requests for Planning Proposals is governed by the *Environmental Planning & Assessment Act 1979*, EP&A Regulations, various state policies and Department of Planning & Environment guidelines.

As discussed earlier in this report, the assessment of site specific proposals is a part of Council's Strategic Planning Work Program which needs to be balanced against the need to progress key projects in the recently approved *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036*. An assessment report will be required on each Planning Proposal request for Council's decision as to whether or not to support an amendment being made to the LEP, and the forwarding of the Planning Proposal to the Department for a Gateway Determination.

Work is continuing on developing a new Planning Proposal Policy and Council staff have consulted with representatives of the development industry to assist in informing the content of the draft policy. This matter will be separately reported to Council, prior to public exhibition of the Policy being undertaken for a minimum of 28 days. It is anticipated that the draft Policy will be reported to Council in May 2019, and subject to Council's endorsement, public exhibition of the Policy will occur shortly thereafter.

Financial & Economic Implications

Council fees consistent with current Fees and Charges will apply to each of the Planning Proposal requests to amend the LEP 2011.

Attachments

Nil

Item: 12.09

Subject: **PLANNING PROPOSAL: LAND AT THE INTERSECTION OF
HOUSTON MITCHELL DRIVE AND OCEAN DRIVE, BONNY HILLS**

Presented by: Strategy and Growth, Holly McBride

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. Prepare a Planning Proposal pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979* to amend the *Port Macquarie-Hastings Local Environmental Plan 2011* in relation to Lot 10 DP 615775 and Lot 1 DP 1117908, corner Houston Mitchell Drive and Ocean Drive, Bonny Hills to rezone the land for light industrial and environmental protection purposes and associated changes to the Height of Buildings Map and Minimum Lot Size Map as outlined in this report.
2. Forward the draft Planning Proposal to the Department of Planning and Environment for a Gateway Determination, 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.
4. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Gateway Determination.
5. Endorse and publically exhibit the attached draft Development Control Plans, incorporating site specific and Asset Protection Zone matters, concurrently with the Voluntary Planning Agreement and Planning Proposal in accordance with clauses 18 and 19 of the Environmental Planning and Assessment Regulations 2000.

Executive Summary

The purpose of this report is to consider a Planning Proposal request (PP2014-14.1) to amend the *Port Macquarie Hastings Local Environmental Plan 2011* (LEP 2011) to rezone Lot 10 DP 615775 and Lot 1 DP 1117908 Houston Mitchell Drive, Bonny Hills from RU1 Primary Production to part IN2 Light Industrial, part E2 Environmental Conservation and part E3 Environmental Management zone.

The Applicant for the request is King & Campbell. The request is to enable development for light industrial purposes, to conserve areas of environmental

significance and to provide a habitat link between the Queens Lake Nature Reserve to the west and Area 14 to the east.

The intended effect of the Planning Proposal request is to amend planning controls including zone, lot size and height of building controls, on the subject land.

The site has been identified as an investigation area for light industry in Council's Urban Growth Management Strategy since 2011. There is an identified need for approximately 8 hectares of light industrial land in the Bonny Hills/ North Haven area to 2036.

The subject site is likely to yield approximately 5.65ha of light industrial land, which is around 70% of the required industrial land supply in the UGMS in this locality. This is strategically important as there is no certainty that any other land in the Lake Cathie/Bonny Hills area will be suitable for light industrial development.

It is considered the Planning Proposal recommended for the support of Council provides a balanced outcome for the subject land in that it provides future employment opportunities on predominantly cleared land, addresses community concern relating to the visual impacts at an important gateway entry to Lake Cathie and Bonny Hills, and protects the environmental values of the land.

This report recommends that Council proceed with a Planning Proposal, as described in this report, and seek a Gateway Determination from the NSW Department of Planning and Environment pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979*. It also recommends that Council endorse the draft amendments to Development Control Plan 2013, which will be exhibited concurrently with the Planning Proposal.

Discussion

Background

Draft UGMS 2017

On 20 June 2018, Item 12.07 in the the draft UGMS was reported to and subsequently adopted by Council. The Council report included details specifically relating to the subject site, including:

- Successive reviews of industrial land supply since 2007 have identified a shortage of service industrial land to meet local demand and provide local employment opportunities in Lake Cathie /Bonny Hills.
- There is currently no industrial land at all in the Lake Cathie/Bonny Hills area and the local population is projected to grow by around 3,400 people to just under 10,000 people in total by 2036.
- Council identified land at the intersection of Houston Mitchell Drive and Ocean Drive in the 2011 UGMS and investigations have since been undertaken by the owner of that land in consultation with Council.
- The subject site could yield in the order of 4ha of industrial land; approximately half of the projected demand for industrial land in Lake Cathie/Bonny Hills to 2036.

During the public exhibition period of the draft UGMS, the Applicant made a submission on behalf of the owner of the subject site, noting: *'investigations are underway for land on the corner of Ocean Drive and Houston Mitchell Drive for service industrial land uses'*. These investigations commenced in accordance with the UGMS 2011.

A number of submissions were also received in relation to the subject site and are summarised below:

- *Strong opposition to industry at Gateway site to Lake Cathie/Bonny Hills*
- *Existing development is unsightly*
- *Land at the Gateway to Lake Cathie/Bonny Hills area for visual buffering, waste, traffic management and flood affected*
- *Request alternate location*
- *Bring forward planning for 'service industrial' precinct at Ocean Drive/Houston Mitchell Drive to better meet the needs of the existing population and to meet the projected growth in the area.*

The main concern raised from the submissions relating to this site was that there will be a negative visual impact at an important gateway entry to Lake Cathie and Bonny Hills.

The June 2018 Council report concluded, amongst other things, that investigation of the *'land at the intersection of Ocean Drive and Houston Mitchell Drive will include an emphasis on the need for visual buffering to main roads and for an internal access from Houston Mitchell Drive'*. Correspondence with the Applicant has been ongoing in relation to these matters.

Separate to this Planning Proposal, it is noted that there has been an unauthorised use of the subject land as a Depot for some time. This matter is being dealt with by Council's enforcement team and an order has been issued requiring the landowner to cease using the land as a depot and remove all equipment associated with the use.

The Site

The site (refer to **Figure 1**) has a total site area of approximately 9.6ha. It is known as Lot 10 DP 615775 (8.96ha) and Lot 1 DP 1117908 (0.62ha), corner Ocean Drive and Houston Mitchell Drive, Bonny Hills.

The site adjoins environmental living zoned land to the north (separated by Houston Mitchell Drive) and residential zoned land to the east (separated by Ocean Drive). The adjoining lands to the east are currently undergoing development as part of the Lake Cathie/Bonny Hills Urban Release Area. The site directly adjoins Queens Lake Nature Reserve to the west. The rural zoned lands adjoining the site to the south are identified in the UGMS for further investigation for light industry or school uses.

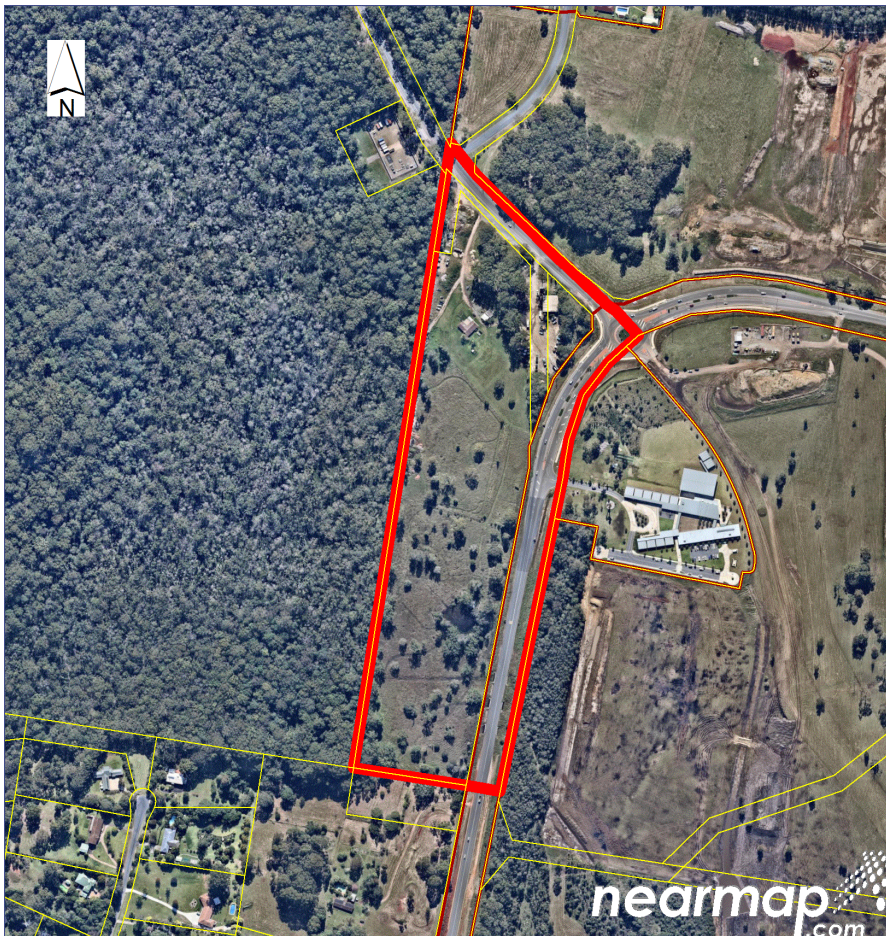


Figure. 1 Subject site

The site is currently zoned RU1 Primary Production under the LEP 2011 (refer to **Figure 2**) and has a minimum lot size of 40ha. The land does not currently have a building height control applied to it.

Lot 10 is privately owned and largely cleared with vegetation scattered throughout. Lot 1 is also owned by the same landowner. This land was previously reserved as a land reservation area. The required road widening and upgrades are complete, with the remainder of the land surplus to road improvement requirements.

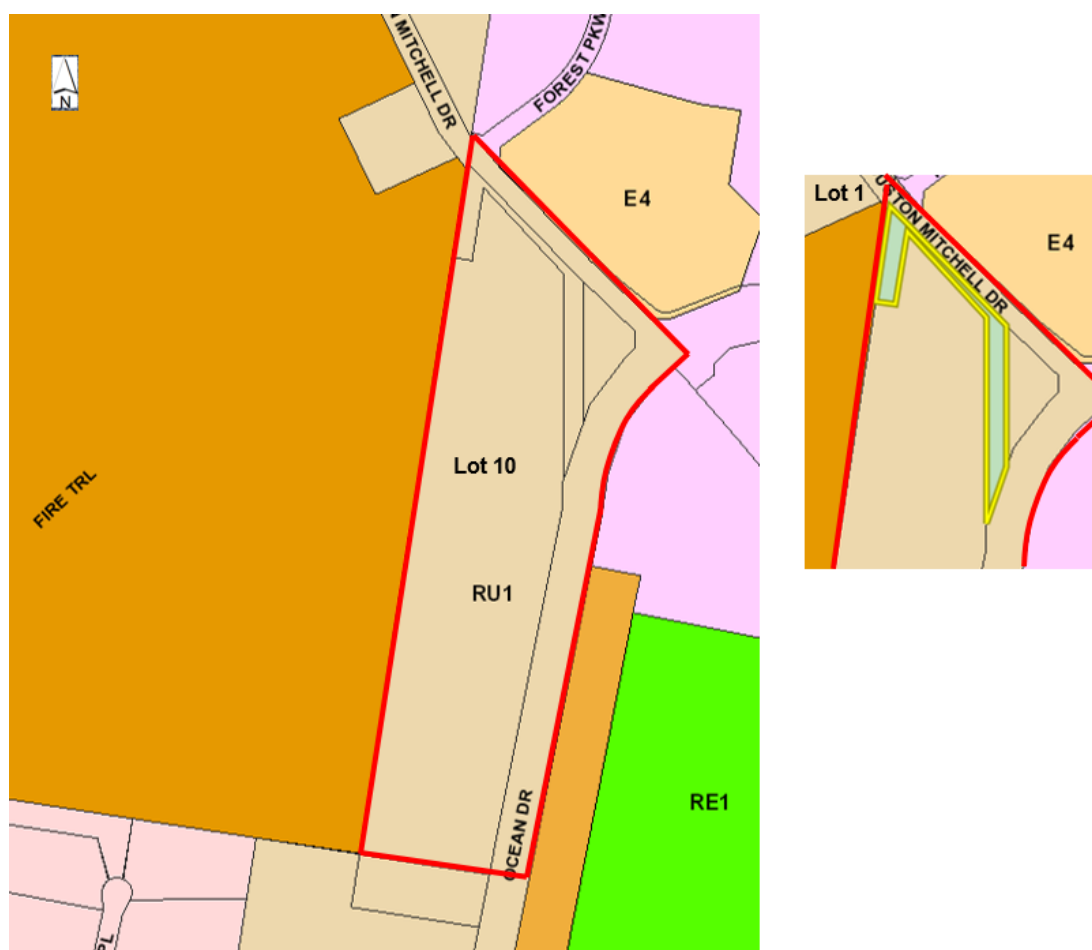


Figure. 2 Current zoning of the subject land under LEP 2011

Site features include:

- Four dams
- One dwelling house
- Sheds
- A patch of core Koala habitat in the northern part of the site
- Four Hollow Bearing Trees.

Refer to **Figure 3 and 4** below for site images.



Figure. 3 Koala food trees in the north of the site and existing shed (July 2018)



Figure. 4 Large dam in south of site (July 2018)

Applicant's Planning Proposal RequestChronology of the Planning Proposal Request

Consultation with the Applicant in relation to the development of the site for employment purposes has been ongoing since 2007 (refer to Section 1.3 at page 2 of the Applicant's Planning Proposal for details of consultation dating back to 2007 – at **Attachment 1**).

June 2018 The Stage 1 fee was paid to support a Planning Proposal request.

The documents supporting the Proposal are provided at **Attachment 2** and included:

- Draft Planning Proposal, 2018
- Ecological Assessment, 2016
- Addendum Ecological Report, 2017
- Flood Impact Assessment, 2010
- Bushfire Hazard Assessment, 2018
- Aboriginal Cultural Heritage Assessment, 2018
- Concept Plan v1

The submitted request is for the following intended outcomes:

- *Permit future light industrial development of the site, referred to as Lot 10 DP 615775 and Lot 1 DP 1117908*
- *Protect ecological values of the site through the rezoning of approximately one third of the land for future environmental purposes, which will provide a habitat link to the adjoining nature reserve to the west*
- *Ensure the future service industrial development is carried out in a manner that will integrate with the existing adjoining development and address environmental hazards, including flood and bushfire.*

**July/
August
2018**

The submitted request and supporting studies above were internally referred to Council's natural resource, bushfire, flooding and stormwater, water and sewer and development contributions staff for advice.

**September
2018**

Council planning and ecological staff held a meeting with the Applicant to discuss the option of a link road through the southern section of the subject site, which would be in accordance with the UGMS 2017. This option was discounted by Council staff and the Applicant. It was considered that the biodiversity values on the southern section of the land are significant and should remain.

**October
2018**

Council received further information from the Applicant along with the following support studies(**Attachment 3**):

- Ecological Assessment, 2018
- Sewer enabling works plan, 2017
- Updated Bushfire Hazard Assessment, 2018

- Updated Concept Plan v2

November 2018

Council staff sought further information from the Applicant after an internal review of the above Ecological Assessment.

February 2019

Council received a response from the Applicant to the above further information letter and an updated Flood Impact Assessment, a response to Council's ecological assessment comments and an amended Concept Plan v3 (refer to **Figure 5 below**). Refer to **Attachment 4** for copies of the above report/comments/plan.



Figure. 5 Applicant's Concept Plan and recommended zone layout (Feb 2019)

March 2019

Further to internal discussions and a meeting with the landowner, it was agreed that the Concept Plan should be varied once again to reflect the core Koala habitat in the north of the site and also to better reflect community concerns over the visual prominence of the site from the intersection of Houston Mitchell Drive and Ocean Drive.

April 2019

Council received a final variation to the Concept Plan v4 at **Figure 6** below (and **Attachment 5**). This is the concept upon which this report bases its assessment. Notwithstanding, it is acknowledged that this concept is a variance from the concept which the specialist studies included in Appendices to this report have provided their advice.

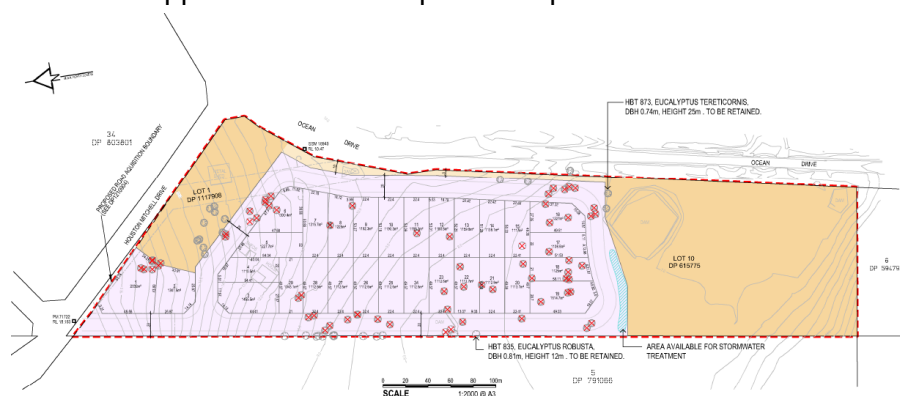


Figure. 6 Applicant's Concept Plan and recommended zone layout (1 April 2019)

Assessment of the Planning Proposal

The following assessment of the Planning Proposal request has been based on the information provided by the Applicant in June 2018, October 2018 and in April 2019, as contained in Attachments **1 to 5** of this report.

Consistent with the Department of Planning and Environment *A Guide to preparing planning proposals*, the key factor in determining whether a proposal should proceed to a Gateway Determination is **Strategic Merit**. The strategic merit test has been recently strengthened by the Department and there is a presumption that proposals that do not meet the Strategic Merit Test will not proceed to Gateway.

The following Assessment Criteria have been established by the NSW Government to assist in determining the strategic and site specific merit of a Planning Proposal request, and justification for the preparation of a Planning Proposal.

a) Does the proposal have strategic merit? Will it:
1. give effect to the relevant regional plan

The Planning Proposal will give effect to the North Coast Regional Plan 2036 (NCRP) as follows:

- ✓ The site is identified as Investigation Area - Employment Lands.
- ✓ Rezones the least sensitive areas of the site for industrial development, and protects the valuable areas of the site by applying an environmental conservation zone. Additionally, the site will provide for offsetting of some tree removal within the future environmental zone, achieving both the minimise and the offset hierarchy to biodiversity.
- ✓ Assessment of bushfire hazard and flooding hazard has been undertaken and demonstrated that industrial development will comply with *Planning for Bushfire Protection 2006* and together with draft Development Control Plan (DCP) provisions, will satisfy Council's adopted flood policy.
- ✓ Allows development of land that will make use of existing infrastructure.
- ✓ The rezoning of the land is consistent with the planned delivery of supply of industrial land in the State Government endorsed UGMS.

2. give effect to a relevant local strategic planning statement/strategy that has been endorsed by the department

The Proposal gives effect to the UGMS, which was endorsed by the Department of Planning on 2 November 2018.

Priority action 17 is to:

'Provide sufficient land for service industry uses to service the growing population in a central location that is easily accessed by the community and with buffers to surrounding development' (Vol 2:91).

The UGMS recognises that there is currently no zoned land for local service industry in the Lake Cathie/Bonny Hills locality, noting that:

'About 8 hectares of industrial land is required to meet the projected demand from the Lake Cathie and Bonny Hills communities for service industry by 2036.

A light industrial investigation area has been retained in this Strategy at the intersection of Houston Mitchell Drive and Ocean Drive. This area is centrally located, with capacity for coordinated services and access to Houston Mitchell Drive. It has a potential yield of around 4 hectares of land zoned for industrial development, excluding buffers and environmental zones' (Vol 2:92).

- b) Does the proposal have site-specific merit, having regard to the following?**
- 1. the natural environment (including known significant environmental values, resources or hazards)**

There have been a number of variations to the requested Planning Proposal since it was submitted in June 2018 to ensure that the natural environment, including significant values and hazards have been sufficiently considered.

The Proposal includes approximately one third of the site (3.7ha) for future environmental conservation, which will provide protection to significant environmental values by way of:

- ✓ Retaining the Koala food trees in the north of the site in the proposed E2 Environmental Conservation zone. This northern area is identified in Council's mapping as core Koala habitat (refer to Koala mapping at **Figure 7**). This habitat is part of a much larger territory extending north, north-west and west of the site.
- ✓ Retaining two of the four hollow bearing trees in the E2 Environmental Conservation zone (refer to **Figure 6**).

It is considered that the Proposal provides a balanced approach to achieve the strategic objectives of the site for light industry and the existing environmental values on the land. A Vegetation Management Plan will be required at a future Development Application stage to ensure that appropriate ameliorative measures are taken to mitigate potential impacts.

If a Gateway determination is issued, consultation with Office of Environment and Heritage will be required and can provide further expert guidance on the suitability of the biodiversity assessment, its methods and findings.

The Proposal has also considered the site in the context of Bushfire risk and flood hazard by:

- ✓ Reasonably minimising the perimeter of the area of land and the hazard interface, and
- ✓ Providing sufficient space within the proposed IN2 Light Industrial zone for a perimeter road to be provided around the majority of future lots (refer to **Figure 6**). It is proposed that a draft Development Control Plan (DCP) will include development provisions to ensure this outcome is achieved at a future Development Application stage. Additional information on the draft DCP provisions are provided later in this report.
- ✓ The Proposal is supported by a Flood Impact Assessment, which established the peak 100 year recurrence flood level at the site. The information was used to inform the initial indicative layout for the site, including the extent of proposed fill to support the future industrial subdivision and use of the land. Given the increase in potential storm-water runoff and the possible reduction

in flood storage as a result of the required fill, a draft Development Control Plan (DCP) is being proposed to include development provisions. These will ensure appropriate management of stormwater. Additional information on the draft DCP provisions are provided further in the report.

2. *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal*

The subject site has been identified for light industry since 2007 because it is:

- ✓ Easily accessible from main roads
- ✓ In proximity to an urban release area to the east of Ocean Drive, which is currently undergoing development, which will result in significant population growth generating demand for new local business services and employment over time
- ✓ In proximity to another possible light industrial area or school to the south of the site (as identified in UGMS).

3. *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The sewer pump station within the adjoining property has been designed and a construction certificate lodged. This documentation, which confirms that a 225mm gravity sewer main stub has been provided for future connection to the subject site, is currently being assessed by Council's Sewer and Water section.

The site can be serviced with a connection to the existing 300mm water main off Ocean Drive with a link through to the 200mm water main located on Houston Mitchell Drive.

On this basis, the infrastructure is considered satisfactory to service future light industrial development of the site.

c) *Will the proposal give effect to any endorsed local strategies or strategic plans?*

The Proposal will give effect to the following endorsed Council strategies.

- UGMS 2017

The UGMS is the local response to the NCRP and is closely integrated with Council's *Towards 2030 Community Strategic Plan*.

The site is identified in this Strategy for investigation in the immediate/short-term for *service industrial development*.

A key aim of the UGMS for *Economic Development and Employment* is:
... to promote economic development and employment to create a prosperous and diversified economy.

The UGMS recognises that there is currently no zoned land for local service industry in the Lake Cathie/Bonny Hills locality and that the site will provide approximately half of the required land area to satisfy this existing shortfall.

The current proposal has approximately 5.65ha of proposed industrial zone, which represents around 70% of the required industrial land supply in the UGMS in this locality. This is strategically important as there is no certainty that any other land in the Lake Cathie/Bonny Hills area will be suitable for light industrial development.

- Industrial Lands Strategy 2007

The site was initially identified in this strategy as a Future Investigation Area.

The Industrial Land Strategy noted that the site presents an opportunity to meet the future local service based industrial needs of the Lake Cathie/Bonny Hills Urban Release Area population.

- Towards 2030 Community Strategic Plan

The Proposal for the subject site satisfies the key strategies of this Plan for both *business and industry* and *natural and built environment*. The Planning Proposal will:

- Provide for industrial zoned lands in close proximity to existing urban areas, assisting residents to live and work in close proximity
 - Attract investment to create jobs
 - Provide for effective management and maintenance of urban services (water, sewer)
 - Assist in minimising the impact of natural events and climate change (floods, bushfires), through appropriate environmental zoning and mitigation measures; and
 - Facilitate development that is compatible with the natural and built environment.
- 2017 - 2021 Delivery Program and 2018 - 2019 Operational Plan

The subject rezoning is identified in Council's Delivery Program to 2021. Operational Action 3.1.2.2 is '*to investigate the capacity of land at the intersection of Ocean Drive and Houston Mitchell Drive, Lake Cathie, for potential service industrial development*'.

- Draft Bonny Hills Community Plan 2018

The Draft Bonny Hills Community Plan, which was endorsed by Council on 19 August 2018 and has been subject to community consultation, acknowledges that the village will experience significant population growth over the next 20 years; and that this growth will generate demand and opportunities for a range of new local business services and employment.

There are a number of goals identified by the community, in the plan with supporting statements relating to the subject site and/or its proposed use:

Goal 1 – Maintain and enhance the village character of Bonny Hills

Supporting Statement: Ocean Drive recognised as a scenic landscaped route, not a light industry corridor with appropriate landscaping planned for the villages of Bonny Hills and Lake Cathie.

Goal 2 – Maintain the natural environment – including beaches, coastline, bushland and hinterland

Supporting Statement: Consider 'Habitat Protection' zonings in the Local Environment Plan to ensure long term viability of corridors.

Goal 4 – Manage future growth and development to be consistent with the above

Create an area for local light industry area that is discreet and out of sight, possibly off Houston Mitchell Drive, separate from commercial and residential areas and not on Ocean Drive.

The Planning Proposal is considered to satisfy these goals as follows:

- ✓ Provides a landscaped buffer along Ocean Drive - the intent of the environmental strip is as a buffer to mitigate the visual prominence of the future development from the road. It is proposed that the strip will be planted with suitable vegetation to ensure that this buffer is effectively achieved. It is considered that the buffer should have a minimum depth of five metres to provide sufficient space for trees and shrubs of varying sizes and densities. This will provide effective landscaping to mitigate the visual prominence of any future development. It is proposed that a draft Development Control Plan (DCP) will include development provisions to ensure this outcome is achieved at a future Development Application stage. Additional information on the draft DCP provisions are provided further in the report.
 - ✓ Ensures the preservation of the core Koala habitat by way of an E2 Environmental Conservation zone in the north of the site. Providing this space for revegetation will ensure retention of the existing habitat and that the future development of the site will be screened from the Ocean Drive, Houston Mitchell Drive intersection.
 - ✓ Maintains and restores the habitat corridor in the southern part of the site by way of E2 Environmental Conservation zoning.
- *Draft Coastal Koala Plan of Management (CKPoM) 2018*

The draft CKPoM identifies part of the site as Core Koala Habitat as shown in **Figure 7**. The draft CKPoM is one of a suite of proposed policy changes to provide a comprehensive set of planning controls to manage the impacts of development on Koala habitat in the Port Macquarie Hastings area, and is designed to help reduce the overall impact of habitat loss.

The draft CKPoM was publically exhibited in April – May 2018 and reported to Council at Item 12.04 on 19 September 2018. At the meeting, this item was deferred pending further consideration. Council staff have since sought advice in relation to hierarchy of legislation and are working with the Office of Environment and Heritage on this matter, which has a direct impact on the draft CKPoM



Figure. 7 Mapping from Draft Coastal Plan of Management (Feb 2018, p. 31). Subject site highlighted red.

The Planning Proposal is consistent with the exhibited draft CKPoM as it is proposing to apply an E2 Environmental Conservation zone to the identified Koala habitat in the north of the site (refer to **Figure 6** for the concept layout).

Other Planning Matters for Consideration

1. Height of buildings

The Applicant has not proposed a Height of Buildings (HOB) for the future IN2 Light Industrial zoned land.

It is proposed to apply a 11.5m HOB to the subject land as this is considered a balanced outcome for the provision of light industrial development and addresses community concern relating to the visual impacts at an important gateway entry to Lake Cathie and Bonny Hills (refer to **Figure 10** for the recommended HOB map). It is considered that, subject to effective revegetation in the north and south and landscape buffering to the east, the 11.5m maximum building height will not detrimentally impact on the adjoining area, where the existing residential areas to the north and north east of the subject land have an 8.5m height limit.

2. Road zoning of Houston Mitchell Drive and Ocean Drive

To ensure consistency with the proposed land zoning, the recommendation incorporates the rezoning and associated map updates to the road sections of Houston Mitchell and Ocean Drive (refer to **Figure 8** for recommended zoning map) that abut the boundaries of the subject site to the north and east. These road

sections are currently zoned RU1 Primary Production and are proposed to be zoned E2 Environmental Conservation in the Planning Proposal. This zoning change is consistent with Principle 1.3 of the *Zoning for infrastructure in LEPs* practice note issued by the Department of Planning in 2008.

3. Development Control Plan provisions

To support the requested changes to the existing land use zones, Council planning staff also recommend the preparation and exhibition of draft Development Control Plan (DCP) provisions. These draft provisions are at **Attachment 6 and 7** and further details are provided below.

- a) Update to Chapter 5.2 of DCP 2013 to include site specific provisions for the subject land, which addresses the following matters:
- Visual amenity
 - Koala protection (fauna fencing)
 - Roads, access and transport
 - Stormwater

These matters are predominantly designed to:

- 1) Support the conclusions of the UGMS report to Council in June 2018 to reduce the visibility of future development from Ocean Drive through the provision of a landscaped buffer and ensure access is from Houston Mitchell Drive.
- 2) Address ongoing community concerns in relation to the prominence of light industrial development at a Gateway location, as raised as part of the Bonny Hills community planning process.
- 3) Achieve consistency with Council's Flood Policy and AUSPEC design specifications in relation to water quality.

- b) Update Clause 2.4.3.4 of Part 2 of the DCP 2013 - to refer to all subdivision rather than just residential subdivision

This recommendation is to ensure that Asset Protection Zones (APZs) are provided on private land, so Council is not burdened with the ongoing costs associated with their maintenance. The update will ensure that both residential and industrial subdivisions are subject to this clause.

Proposed changes to the Development Provisions at Clause 2.4.3.4 are outlined below:

*"Asset Protection Zones are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a **residential** subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.*

*Perimeter roads are to be provided to all **urban** areas adjoining environmental management areas and their buffers".*

It is anticipated that the draft DCP provisions will be exhibited concurrently with the Planning Proposal.

4. Voluntary Planning Agreement

The Applicant has offered to enter into a Voluntary Planning Agreement. The terms of this Agreement are yet to be finalised but it is considered that the matters to be included are:

- Dedication of a 5m wide strip of land along the future IN2 Light Industrial eastern edge of the site for use as a landscaped buffer.
- Relocation of the existing shed, currently situated in the north of the site, which is being proposed for future E2 Environmental Conservation lands.
- Fauna fencing around the perimeter of the proposed future IN2 Light Industrial land.

It is anticipated that a draft Agreement will be exhibited concurrently with the Planning Proposal, when it is fully negotiated, in accordance with Council's Planning Agreement Policy.

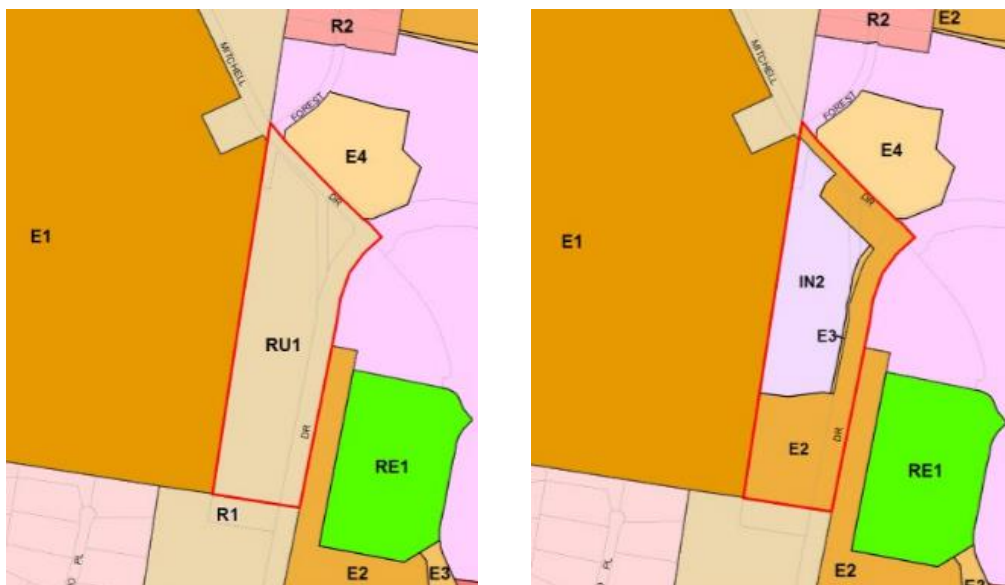
Recommended Planning Proposal

Having outlined the Applicant's request above and undertaken an assessment of the strategic and site specific merit of the Planning Proposal, it is recommended that Council support the preparation of a Planning Proposal for Lot 10 DP 615775 and Lot 1 DP 1117908, to amend the Port Macquarie Hastings LEP 2011 as follows:

- **Amend the Land Zoning Map to rezone the subject land from RU1 Primary Production to part IN2 Light Industrial, part E2 Environmental Conservation and part E3 Environmental Management, as shown in Figure 8.**
- **Amend the Lot Size Map as shown in Figure 9 to allow:**
 - a minimum lot size of 1000sqm for the proposed IN2 Light Industrial zone,
 - a minimum lot size of 3 hectares for the proposed E2 Environmental Conservation zone, and
 - a minimum lot size of 1800sqm for the proposed E3 Environmental Management zone.
- **Amend the Height of Buildings Map to provide a maximum building height of 11.5m for land in the proposed IN2 Light Industrial zone, as shown in Figure 10.**

Existing Zoning Map (LZN_013E)

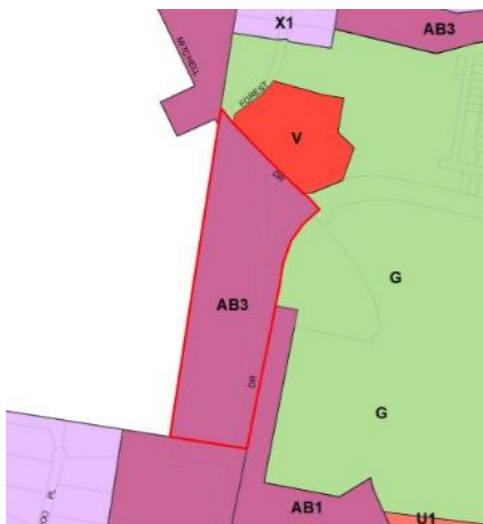
Recommended Zoning Map
(LZN_013E)



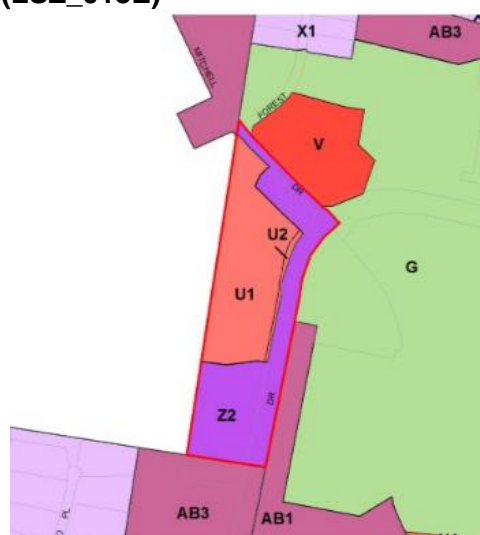
Zone Codes			
B2 Local Centre	E3 Environmental Management	R3 Medium Density Residential	
B4 Mixed Use	E4 Environmental Living	R5 Large Lot Residential	
E1 National Parks and Nature Reserves	R1 General Residential	RE1 Public Recreation	
E2 Environmental Conservation	R2 Low Density Residential	RU1 Primary Production	

Figure. 8 Zoning existing and proposed

Existing Lot Size Map (LSZ_013E)



Recommended Lot Size Map (LSZ_013E)



Minimum Lot Size (sq m)			
G	450	X1	5000
U1	1000	X2	8000
V	2000	AB1	10 ha
		AB3	40 ha

U1	1000
U2	1800
Z2	3.0 ha
Blank - no maximum	

Figure. 9 Lot size existing and proposed

Existing Height of Building map
(HOB_013E)

Recommended HOB map (FSR_013E)

Maximum height of buildings

	I	8.5m	Blank - no maximum
	L	11.5m	

Figure. 10 Height of building map existing and proposed

Options

Council's options are:

1. Do nothing (the land would remain zoned RU1 Primary Production).
2. Resolve to prepare a Planning Proposal based on the recommended Planning Proposal contained in this report and send it to the NSW Department of Planning and Environment for a Gateway Determination.
3. Resolve to prepare a different Planning Proposal to that described in this report and send it to the Department of Planning & Environment for a Gateway determination.

Option 1 does not provide any additional scope for the development of the site and would not address the identified need for employment land in Bonny Hills, as identified in the Industrial Lands Strategy and UGMS.

Option 2 is recommended as it would allow a light industrial outcome generally in accordance with the Applicant's request. The addition of the Development Control Plan provisions ensures that the Proposal is consistent with State and local Policies, addresses community concerns and ensures that maintenance of APZs will not be Council's ongoing responsibility.

Option 3 is not recommended as it would require a new Planning Proposal request to be prepared by the Applicant and re-submitted to Council for assessment and reporting.

Community Engagement & Internal Consultation

The Department of Planning and Environment's Gateway Determination will specify consultation requirements.

Community consultation for Planning Proposals will include notification in a local newspaper, notification to adjoining landowners and on Council's website for the duration of the exhibition. In addition, the exhibition material will be available at the Council's Laurieton and Port Macquarie Customer Service Centres.

Planning & Policy Implications

The proposal is consistent with the *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036* as the site is identified in the short-term for service industrial development.

Financial & Economic Implications

The Applicant has paid the stage 1 rezoning fee in accordance with Council's current Schedule of Fees and Charges.

The preparation of the Proposal will be completed as part of Council's Strategic Land Use Planning program.

Attachments

- 1[View](#). Applicant's Planning Proposal - May 2018
- 2[View](#). Supporting Studies - June 2018
- 3[View](#). Supporting Studies - October 2018
- 4[View](#). Supporting Studies - February 2019
- 5[View](#). Concept Plan v4 - April 2019
- 6[View](#). Draft Amendment to DCP 2013 - Houston Mitchell Drive Employment Lands
- 7[View](#). Draft Amendment to DCP 2013 - CI 2.4.3.4 Bushfire Hazard Management

Item: 12.10**Subject: QUESTION FROM PREVIOUS MEETING - COASTAL KOALA PLAN
OF MANAGEMENT - AERIAL PHOTOGRAPH 2012****Presented by: Development and Environment, Melissa Watkins**

RECOMMENDATION

That Council note the information provided in respect of the revised total area of land covered by the draft Coastal Koala Plan of Management.

Question from Councillor Turner:

Noting that aerial photography undertaken in 2012 informed Council's current draft Coastal Koala Plan of Management, could the General Manager advise how much land has subsequently needed to be removed as affected land, due to clearing or development.

Comments by Councillor (if provided):

Nil.

Response

The draft Coastal Koala Management Plan (CKPOM) was considered by Council at its meeting on 19 September 2018. The draft CKPOM was based on vegetation mapping undertaken in 2012. Updated aerial photography from September 2018 will be applied to the draft CKPOM and preliminarily this has shown a reduction in the area of the land mapped for the CKPOM reduced by approximately 196 hectares. This is primarily due to the clearing of vegetation that has occurred since 2012 for new developments and infrastructure.

The revised mapping will be incorporated in the revised draft CKPOM for further consideration by Council.

Attachments

Nil

Item: 12.11

Subject: 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

Report Author: Melissa Watkins

Applicant:	Wauchope RSL Club Ltd
Owner:	Wauchope RSL Club Ltd
Estimated Cost:	\$3,400,000
Parcel no:	48892, 29551, 29550, 29549, 41145, 25876, 29212, 41146, 29214, 3551, 29215, 29210

Alignment with Delivery Program

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

RECOMMENDATION

That DA2018 – 562.1 for 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 No. 3 Young Street, Wauchope be determined by granting consent subject to the recommended conditions.

Executive Summary

Council previously considered a report on this development proposal at its Ordinary Meeting on 20 February 2019 (Item 12.14) and subsequently resolved as follows:

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 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

Councillors were subsequently provided with the requested briefing on 13 March 2019.

The matter is now presented back to Council for determination. The original assessment report is attached and recommends that the development application be approved subject to the recommended conditions. This report recommends that the development application be approved in accordance with the report and conditions included in the attachment.

Attachments

1 [View](#). DA2018 - 562.1 Ordinary Council Report 20 February 2019

Item: 12.12**Subject: DA2016 - 1000.1 WASTE MANAGEMENT FACILITY AND
CARETAKER'S RESIDENCE AT LOT 315 DP 1075670, NO. 6
ENTERPRISE PLACE, WAUCHOPE****Report Author: Melissa Watkins**

Applicant:	G Peckham
Owner:	G J Peckham (owned by Council at time of lodgement)
Estimated Cost:	\$350,000
Parcel no:	46335

Alignment with Delivery Program

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

RECOMMENDATION

That DA2016 – 1000.1 for a Waste Management Facility and Caretaker's Residence at Lot 315, DP 1075670, No. 6 Enterprise Place, Wauchope, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a waste management facility and caretaker's residence at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 5 submissions were received.

At the time of lodgement of the development application, the land was owned by Council and under a contract for sale to the Applicant subject to determination of the application. However, the Applicant has proceeded with the purchase of the land and Council no longer has an interest in the property as a land owner. Whilst no longer strictly triggering the need to consider Council's Conflict of Interest Policy when finalising the assessment of the application, it is considered that it is still appropriate for the application to be determined by full Council given Council was a party to the application when lodged.

The proposal was considered by Council's Development Assessment Panel on 27 March 2019. The Panel were unable to reach a consensus on the matter.

Paul Drake and Dan Croft voted for the recommendation:

“That it be recommended to Council that DA2016 – 1000.1 for a Waste Management Facility and Caretaker’s Residence at Lot 315, DP 1075670, No. 6 Enterprise Place, Wauchope, be determined by granting consent subject to the recommended conditions.”

The dissenting motion from Robert Hussey was:

“That it be recommended to Council that DA2016 – 1000.1 for a Waste Management Facility and Caretaker’s Residence at Lot 315, DP 1075670, No. 6 Enterprise Place, Wauchope, be determined by granting consent subject to the recommended conditions with the following additional condition in Section A of the consent:

- That the consent be limited to a 12 month period from the date of determination. During this 12 month period the proponent is to make available a complaints telephone number to the public and keep a complaints register detailing the nature of any complaints and the management response to these complaints. An application to modify the consent could be lodged before the 12 month period lapses to seek deletion of the condition.”*

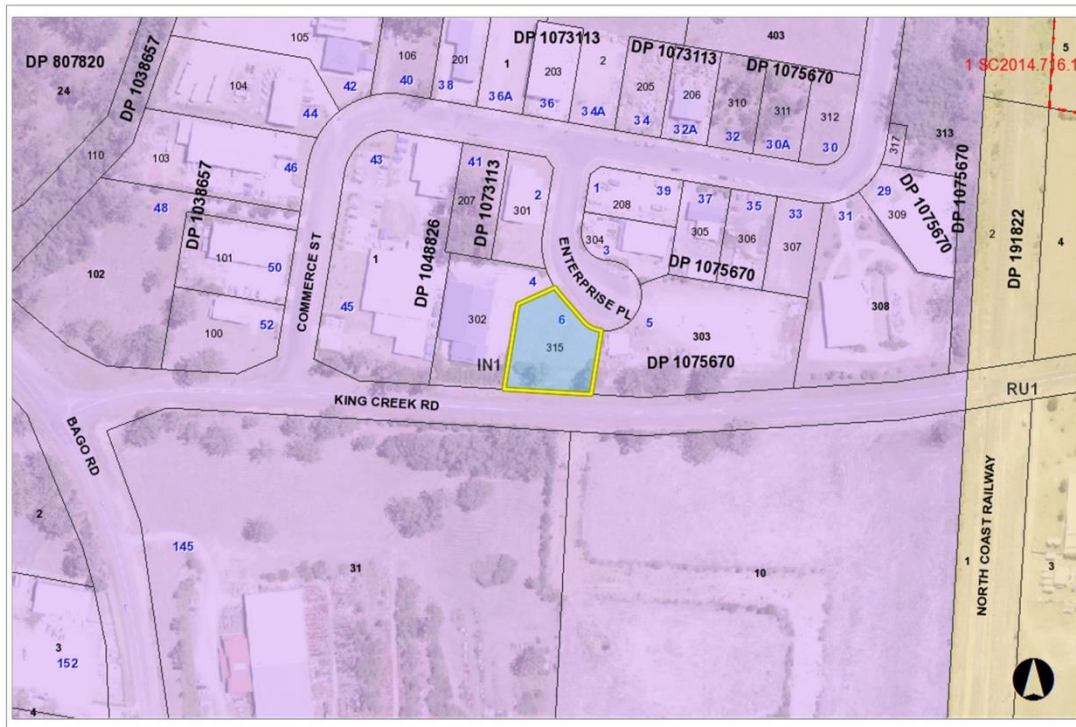
Given the panel was unable to reach consensus the matter is now presented to Council in accordance with the DAP charter. This report recommends that the application be determined by granting consent subject to the recommended conditions

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 2118m².

The site is zoned IN1 General Industrial in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of an industrial building for the purpose of processing grease trap waste.
- Construction of a caretaker's residence within the building.
- Associated car parking and landscaping.

Refer to attachments at the end of this report.

Application Chronology

- 22 December 2016 – Application lodged.
- 23 March 2017 to 21 April 2017 – Application notified to neighbours and advertised in local newspaper.
- 12 April 2017 – Additional information requested by NSW Environment Protection Authority (EPA).
- 22 June 2017 – Additional information submitted by the Applicant.
- 19 September 2017 – General terms of approval for integrated development refused by EPA.
- 15 March 2018 – Additional information submitted by Applicant in response to EPA concerns.
- 1 August 2018 – Further additional information requested by EPA.
- 31 August 2018 - Additional information submitted by Applicant in response to EPA request.
- 6 December 2018 – Further additional information requested by EPA.
- 6 February 2019 - General terms of approval for integrated development issued by EPA.
- 8 February 2019 – Amended noise and odour assessments provided to objectors for further comment.
- 27 March 2019 – Application considered by Development Assessment Panel.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

The subject SEPP was introduced to clarify the definitions for hazardous and offensive industries and to apply guidelines for the assessment of industries that have the potential to create hazards or an offence. In this case, the development has the potential to be offensive given the potential odour impacts of the storage and processing of grease trap wastewater and the provisions of the SEPP apply. Having considered the SEPP and the Department of Planning and Environment's *Hazardous*

and *Offensive Development Application Guidelines* and with the imposition of conditions, the proposed development is not considered to be a hazardous or offensive industry.

Specifically, the Applicant has demonstrated that odour impacts from the development will be within acceptable levels and appropriate management practices have been recommended to reduce the likelihood of offensive odour emissions.

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

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

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development does not include any signage in the form of business/building identification and/or general advertising. A condition is recommended requiring separate approval for any signage that is not Exempt Development.

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

A BASIX certificate has been submitted for the caretaker's residence demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned IN1 General Industrial. In accordance with clause 2.3(1) and the IN1 zone landuse table, the proposed development for a waste management facility is a permissible landuse with consent.

The objectives of the IN1 zone are as follows:

- To provide a wide range of industrial and warehouse land uses.
 - To encourage employment opportunities.
 - To minimise any adverse effect of industry on other land uses.
 - To support and protect industrial land for industrial uses.
 - To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible landuse;

- The development is for an industrial use on industrial land;
 - The development would encourage employment opportunities;
 - The proposal has demonstrated that impacts on other land uses can be satisfactorily managed.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
 - Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Chapter 3.5 - Industrial Development			
DCP Objective	Development Provisions	Proposed	Complies
3.5.3.1	Minimum setbacks are provided as follows: <ul style="list-style-type: none"> • 10m from a classified road; • 7.6m from any other road boundary; • 3m from any secondary road frontage. 	Minimum setback of 10.5m to Enterprise Place and 10m to King Creek Road.	Yes
3.5.3.2	Elevations of building which are visible from a public road, reserve or adjacent or adjoining residential areas are to be constructed using: <ul style="list-style-type: none"> • brick, masonry, pre-coloured metal cladding, or • appropriately finished 'tilt-slab' concrete; or • a combination of a number of these materials. 	Pre-coloured metal cladding.	Yes
	Large unrelieved expanses of wall or building mass are not favoured, and as such should be broken up by the use of suitable building articulation, fenestration or alternative	Front elevation broken up with door openings and provided with some articulation with upper floor balcony of caretaker's flat.	Yes

	architectural enhancements.		
3.5.3.3	Material storage/work areas and volumes to be provided with application.	Details of storage capacity for wastewater treatment provided in the application.	Yes
	Open work and storage areas to be located at rear of premises and screen from view by landscaping and/or fencing minimum 2m high.	None proposed.	n/a
3.5.3.4	Detailed landscaping plan submitted.	Concept landscaping plan submitted.	Yes
	Landscaped strip 3m wide for 2/3 of each road frontage.	3m wide landscaping to 48% of Enterprise Place frontage, and 1.5m wide landscaping for a further 21% of the frontage. No landscaping proposed for King Creek Road frontage. Condition recommended requiring an amended landscape plan to be submitted prior to the issue of a Construction Certificate, including an additional landscaped strip minimum 3m wide for 2/3 of the King Creek Road frontage.	No, but acceptable.
	No fencing in front setback unless for display items. High quality fencing and landscaping.	No front fencing to Enterprise Place identified on the plans. Existing security fencing to King Creek Road, which is essentially the rear boundary of the site.	Yes
3.5.3.5	An onsite recreation area is provided for staff that: <ul style="list-style-type: none"> • Includes seating, tables and rubbish bin. • If outside, is adequately protected from the weather • Is safely accessible to all staff. • Is separate private from public areas. • Is located away from noisy or odorous activities. 	The Applicant has indicated that the business would only employ the resident manager and these facilities are not considered necessary.	No, but acceptable.

3.5.3.6	Provide onsite facilities for changing, showering and secure bike storage.	The caretaker's residence includes such facilities for the resident manager.	Yes
3.5.3.7	Development complies with NSW Industrial Noise Policy.	Capable of complying. Condition recommended regarding offensive noise.	Yes
	Building openings located to minimise noise impacts if within 400m of residential zone.	Building openings oriented towards adjoining industrial activities.	Yes
	External plant such as generators, air conditioning plant and the like, should be enclosed to minimise noise nuisance and located away from residences.	None identified on plans.	n/a
	External and security lighting should be directed and shielded to avoid light spillage to adjoining residential areas.	No residential areas nearby.	n/a
	Driveways should be arranged or screened to avoid headlight glare on residential windows.	Properties opposite the driveway are industrial uses and would not be impacted by headlight glare.	Yes
3.5.3.8	Office space ancillary to the industrial use is permissible with consent, subject to satisfaction of the following matters: <ul style="list-style-type: none"> • That the office component of a proposed development is ancillary to the functions carried out in the factory, warehouse or other industrial use. • That the office area is not leased to a separate company or entity. • That parking facilities are adequate to cater for the size of the office development. 	Office space is ancillary to the industrial use and is not proposed to be separately leased. Parking calculations for the development have accounted for the office component.	Yes
3.5.3.9	The site should be serviced by reticulated water (and dual reticulation where this is available), sewer and telecommunications.	Yes	Yes

3.5.3.10	Garbage storage areas are not visible from a public place.	Garbage capable of being stored out of public view. Condition recommended confirming this requirement.	Yes
3.5.3.11	Stormwater management strategy prepared.	Condition recommended requiring stormwater management plan prior to the issue of a Construction Certificate.	
	Rainwater tank and dual reticulation for non-potable uses on the site.	Rainwater tank proposed. Dual reticulation not available to the site.	Yes

DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations 	The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The caretaker's residence would provide supervision and casual surveillance of the site.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut of up to 1.4m proposed more than 1m outside the external wall. Considered acceptable having regard to the scale of the building. Conditions recommended requiring engineering certification of the proposed retaining wall and detailed design of stormwater drainage.	No, but acceptable
2.3.3.2	1m max. height retaining walls along road frontages	None proposed.	Yes
	Any retaining wall >1.0 in height to be certified by structural engineer	Condition recommended confirming this requirement.	Yes
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm	One Koala food tree located centrally on the	Yes

	diameter trunk and 3m outside dwelling footprint	site would be impacted by the development and is proposed to be removed. Two further trees adjacent to the eastern boundary are proposed to be retained, and adequate Tree Protection Zones have been provided to ensure their long term survival. Adequate area is available in the landscaped area along the King Creek Road frontage to provide 2 replacement trees. However, the location of the site in an established industrial area is not considered suitable for offset plantings, due to the risk of mortality. A condition is recommended requiring satisfactory arrangements with Council for 2 koala food trees to be provided at a suitable location off-site.	
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Access to Enterprise Place.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking.	Single crossing of acceptable width.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1. Reduction possible if supported by parking demand study.	<p>Proposal includes:</p> <ul style="list-style-type: none"> • 517m² of industrial use at 1 space per 70m² GFA; • 21m² of office at 1 space per 30m² GLFA. • Caretaker's residence - 1 space required. <p>The overall parking demand of the development is therefore</p>	Yes

		9.1 spaces (rounded to 10 spaces). The submitted plan identifies 11 parking spaces and complies with the minimum requirement.	
2.5.3.7	Customer parking to be easily accessible.	Parking at front of the site and easily accessible.	Yes
	Parking in accordance with AS 2890.1.	Capable of complying. Certification of compliance required prior to Construction Certificate and Occupation Certificate.	Yes
2.5.3.8	Aged and disabled persons and persons wheeling prams or trolleys are provided with suitable access and parking in accordance with AS 2890.1 and AS 2890.2.	One accessible parking space proposed.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Appropriate perimeter landscaping proposed.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Condition recommended confirming requirement for sealed surface.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Capable of complying. Details to be submitted with CC/S138 applications.	Yes
2.5.3.16	Transitional grades min. 2m length	Capable of complying. Details to be submitted with CC/S138 applications.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater management plan to be submitted prior to the issue of a Construction Certificate.	Yes
	No direct discharge to K&G or swale drain	Development required to be connected to the piped drainage in Enterprise Place. Stormwater management plan to be submitted prior to the issue of a Construction Certificate.	Yes
2.5.3.19	Off street commercial vehicles facilities are	Capable of complying.	Yes

	provided in accordance with AS/NZS 2890.2		
	<p>Loading bays will be provided in accordance with the following requirements;</p> <ul style="list-style-type: none"> • Minimum dimensions to be 3.5m wide x 6m long. (This may increase according to the size and type of vehicle). • Vertical clearance shall be a minimum of 5m. • Adequate provision shall be made on-site for the loading, unloading and manoeuvring of delivery vehicles in an area separate from any customer car parking area. • A limited number of 'employee only' car parking spaces may be combined with loading facilities. • Loading areas shall be designed to accommodate appropriate turning paths for the maximum design vehicle using the site. • Vehicles are to be capable of manoeuvring in and out of docks without causing conflict with other street or on-site traffic. • Vehicles are to stand wholly within the site during such operations. 	<p>Loading bay 11m x 5.2m with 3.9m vertical clearance at roller door. Condition recommended requiring amended plans with the Construction Certificate application demonstrating that a minimum 5m vertical clearance can be achieved.</p> <p>The submitted plans demonstrate that delivery vehicles are able to manoeuvre within the site and exit driving forwards.</p>	Yes
	Other commercial development shall provide one loading bay for the first 1,000m ² floor space and one additional bay for each additional 2,000m ² .	One loading bay proposed.	Yes
2.5.3.20	The location and design of loading bays should integrate into the overall	Satisfactory integration.	Yes

	design of the building and car parking areas.		
	Where visible from the public domain, loading bays are located behind the building.	Loading bay will be visible from the public road, but is enclosed with a roller door. Landscaping in the site frontage would also screen the loading area to some extent. Considered acceptable.	Yes
2.5.3.21	Plans to confirm vehicular access, circulation and manoeuvring in accordance with AUSTROADS and AS 2890.	Submitted plans demonstrate that satisfactory circulation and manoeuvring areas are available.	Yes
	Adequate area provided for loading/unloading and manoeuvring of B-Doubles where access is available from approved B-Double routes.	B-Double access not proposed.	n/a
	Ingress and egress in a forward direction.	Submitted plans demonstrate that ingress and egress is possible in a forward direction	Yes
	Driveways >6m from tangent point of kerb radius and >1.5m from common side boundary with another lot.	Driveway location satisfactory.	Yes
	Driveways not locate within intersection or restricted areas, and adequate sight distance available.	Driveway location satisfactory.	Yes

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

	Requirements	Proposed	Complies
3.2.2.2	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road Min. 2.0m Laneway 	Minimum 24m front setback to caretaker's residence.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	First floor setback minimum 3m.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. Grade and directly accessible from ground floor living area.	<p>Proposed caretaker's residence is located at first floor level and has a balcony with dimensions of 2.5m x 7.18m.</p> <p>As there is no ground level access to the flat it is considered reasonable for private open space to be provided to the standards applicable to apartments (3.3.2.21 of the DCP). The proposal exceeds the minimum requirements for a 1 bedroom apartment (8m², minimum 2m wide).</p> <p>It is also noted that SEPP (Exempt and Complying Development Codes) 2008 allows caretaker's flats with up to 100m² floor area without any private open space as Complying Development.</p> <p>Private open space is therefore considered acceptable for the proposed use.</p>	No, but acceptable
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private 	Privacy adequately addressed through building design and separation.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	<p>open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</p> <ul style="list-style-type: none"> • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 		

(iia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

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

iv) Any matters prescribed by the Regulations:

No matters prescribed by the regulations are applicable to the proposal.

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

The site has a general north-easterly street frontage orientation to Enterprise Place and a southerly orientation to King Creek Road.

The site is located within an established industrial precinct with a range of uses. Adjoining the site to the west is a water reservoir maintenance business. Adjoining the site to the east is a depot. Adjoining the site to the north is a vehicle repair station. Vacant industrial land is located on the southern side of King Creek Road, and rural land is located approximately 250m to the east on the eastern side of the North Coast Railway.

The nearest dwelling (other than caretaker's residences associated with industrial uses) is located approximately 350m east of the site.

Roads

The site has road frontage to Enterprise Place and King Creek Road. Adjacent to the site, both roads are sealed public roads under the care and control of Council.

Traffic and Transport

The traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality. The submitted Statement of Environmental Effects indicates that the maximum number of weekly deliveries would be 3, and the traffic generated by the resident caretaker would also be minimal.

Site Frontage & Access

Vehicle access to the site is proposed through one access driveway to Enterprise Place. No vehicular access is permitted or proposed to King Creek Road. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Parking and Manoeuvring

A total of 11 parking spaces (including 1 disabled space) have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements.

Water Supply Connection

Council records indicate that the development has an existing sealed water service to the development lot.

Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction located on the northern property boundary. The proposed development is to drain to the existing sewer junction.

The amount of sewage discharged into Council's sewer system shall not exceed 520kL over a 12 month period. The proponent is required to install and maintain a flow-meter on the discharge outlet to Council's sewer system.

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

Stormwater

The site naturally grades towards the street frontage and is currently serviced via a direct connection to the public piped drainage system.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline within Enterprise Place via the existing junction.

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a CC.

In accordance with Councils AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- The original industrial subdivision included a detention basin assuming all lots would comprise a certain percentage of impervious area. If the proposal exceeds this assumed quantity of impervious area, additional on-site stormwater detention facilities (or similar) may be required, to ensure that the post development site stormwater discharge rate does not exceed the pre development discharge rate for all storm events up to 100 year ARI.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

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

Water cycle

Minimal adverse impacts expected as the treatment facility is within an indoor bunded area and all unloading will take place inside the building. The facility must be operated and maintained properly. The bunding provided must comply with the EPA guideline "Storing and Handling Liquids: Environmental Protection Participant's Manual" and it is recommended that spill kits be provided in locations inside the building that are outside of the proposed bunded area.

Soils

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

Air and microclimate

An Odour Impact Assessment prepared by The Odour Unit Pty Ltd and dated July 2016 was submitted with the application. The report has been amended during the assessment process, with the latest version being dated March 2018.

The odour impact assessment for the project is noted to have been carried out in accordance with the methods outlined by the NSW EPA documents:

- "Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales" (2005), and
- "Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW" (2006).

The assessment has adopted an Odour Performance Criterion of 5 Odour Units, based on a population of the affected area of 30 persons. The consultant has carried out modelling using AUSPLUME software for the following scenarios:

- Scenario 1 – Deliveries once per week (10,000L per week);
- Scenario 2 – Deliveries once per week (20,000L per week);
- Scenario 3 – Deliveries once per day (70,000L per week).

The modelling indicates that odour emissions would comply with EPA odour criteria for all three scenarios. Some key assumptions that were made in the modelling include:

- All transfer of waste will occur via sealed systems;
- The delivery and processing areas would be enclosed and mechanically ventilated;
- Sludge removal will be carried out via a sealed system;
- A self-sealing flap or carbon filter will be installed on the vents at the top of the sludge holding tanks.
- Deliveries will be carried out during daylight hours, generally around 10.30am.

The NSW Environment Protection Authority (EPA) has reviewed the odour assessment and issued General Terms of Approval for the proposal dated 6 February 2019. The General Terms of Approval include conditions to implement the above recommendations, and additional controls restricting deliveries to a maximum of 10,000L (once per week) between the hours of 10.00am and 3.00pm, requiring the construction of a stack as part of the mechanical ventilation system, and requiring an appropriate management plan. A condition has been recommended incorporating the EPA requirements.

In addition to the EPA requirements, conditions are recommended in relation to the following practices to assist in the management of odour emissions from the premises.

- Roller doors of the delivery dock and processing area are to be fitted with appropriate seals and are to remain closed during waste transfer and processing activities.
- The external door to the delivery dock is to be fitted with an appropriate seal to prevent the escape of odours, or provide for an air lock.
- The internal door between the processing area and the bioreactor area is to be self-closing and fitted with an appropriate seal to prevent the escape of odours, or provide for an air lock.
- Delivery vehicles are to remain within the delivery dock for a sufficient period to allow all odorous air to be mechanically extracted prior to the roller door being opened and the delivery vehicle exiting the building.

With the above controls in place it is considered that the proposal can satisfy the EPA odour criteria.

Flora and fauna

Construction of the proposed development will require removal of one koala food tree as discussed earlier under the DCP section. Offset plantings will be required for the tree, and the proposal will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

Waste

Satisfactory arrangements are in place for proposed storage and collection of the office and domestic waste and recyclables.

Liquid wastes will be treated and disposed to sewer in accordance with a Trade Waste Agreement. Sludge from the storage tanks is proposed to be collected via a sealed system on disposed of at an appropriate waste management facility.

Standard precautionary site management condition also recommended during construction.

Energy

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

Noise and vibration

The Applicant has submitted a Noise Impact Assessment prepared by Matrix Thornton and dated 20 December 2018. The assessment identifies the main noise sources for the development to be:

- Bio Reactor Treatment System running continuously, 7 days a week. The system requires an electric motor to operate a mechanical trommel and two electric air pumps.
- Delivery of wastewater to the facility, during daylight hours, 2-3 times per week. A rigid, 16-tonne truck will be required for this purpose.
- Split system, household air conditioning unit, running continuously, 7 days a week.
- Exhaust fan system for the living area and work space. The system requires two electric roof fans, rated at 2,150m³/h each, for air extraction from the processing area, plus a small electric exhaust fan. The fans will be run continuously, 7 days a week.

The Matrix Thornton assessment has modelled the noise levels from the proposed development to be below the relevant criteria in the NSW Noise Policy for Industry.

A Construction Noise Assessment prepared by Matrix Thornton and dated 20 December 2018 has also been submitted. The assessment indicates that the construction activities would exceed noise goals for detail excavation and car park construction at the residence at 483 King Creek Road, and in all categories at 4 Enterprise Place. However, neither location would be 'highly noise affected' as defined in the Interim Construction Noise Guideline (>75dBA).

Section 12 of the report includes a list of measures that should be implemented during construction to minimise noise impacts.

The NSW Environment Protection Authority (EPA) has reviewed the noise impact assessment and construction noise assessment and issued General Terms of Approval for the proposal dated 6 February 2019. The General Terms of Approval include conditions relating to the management of noise and a condition has been recommended incorporating the EPA requirements.

Bushfire

The site is identified as being bushfire prone.

The main part of the proposal is for a building of Class 5 – 8 under the Building Code of Australia (BCA). Compliance with the deemed to satisfy provisions of the BCA is taken to be an acceptable solution in terms of construction standards.

The proposal is considered to be consistent with the aims and objectives of Planning for Bushfire Protection 2006 in terms of access, water and services, emergency planning and landscaping/vegetation management.

The building also includes a caretaker's residence. BAL 12.5 construction will be required for the dwelling and a condition is recommended confirming this requirement.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The caretaker's residence would provide supervision and casual surveillance of the site.

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

See comments under Noise and Vibration regarding construction noise impacts.

Cumulative impacts

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

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

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

Five (5) written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The submitted Statement of Environmental Effects has omitted details of existing development in proximity to the site.	Noted. The assessment of the application has considered the context of the site and surrounding land uses.
The adjoining business at 4 Enterprise Place relies on clean air for recharging of dive cylinders and the provision of surface supplied breathing apparatus. A diver training tank and air compressor are located within close proximity to the proposed development. Reduced air quality would affect the health and safety of employees at this property.	<p>The NSW Environment Protection Authority (EPA) have reviewed the proposal and are satisfied that with the recommended conditions the development can operate within the EPA odour criteria.</p> <p>It is noted that the highest risk of odour impacts occurs during the delivery of liquid waste to the treatment system. Deliveries will be limited to once per week between the hours of 10.00am and 3.00pm.</p>
The Applicant's SEPP 33 assessment fails to identify sensitive receivers of a diving operations centre and food manufacturing industry.	Noted. The assessment of the application has considered the context of the site and surrounding land uses.
The proposal is inconsistent with the IN1 zone objectives as it will result in adverse odour impacts to nearby properties.	See comments under Air and Microclimate earlier in this report.
The evaluation of whether the proposal is designated development listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 does not identify the caretaker's residence at 4 Enterprise Place, which is located within 250m of the development.	The relevant provisions of the Regulation have been considered as noted in Part 5 of this report below.
Systems that rely upon biological processes and best practice are prone to failure, and can take a long time to recover.	The EPA is satisfied that practical and effective systems and practices are able to be put in place to manage the risk of failure. The development would be subject to an ongoing Environment Protection Licence and would need to continuously demonstrate that the management regime is effective.
The Odour Impact Assessment relies upon model weather and odour data that is not from the site and does not account for local weather conditions such as inversion layers that could prevent odours from dispersing into the atmosphere.	<p>The EPA guidelines allow for the development of a weather model where detailed meteorological information is not available for the subject site. The EPA General Terms of Approval restrict delivery times to between 10.00am and 3.00pm to avoid the times that temperature inversions typically occur.</p> <p>The Applicant will be required monitor</p>

Submission Issue/Summary	Planning Comment/Response
	meteorological conditions continuously.
The building is unlikely to contain offensive odours unless combined with substantial engineering controls and filtered extractors	The EPA General Terms of Approval require the delivery and processing areas to be enclosed and provided with continuous mechanical ventilation to a stack. Ventilation openings of the sludge storage tanks are also required to be fitted with carbon filters.
Sludge removal is expected to be odorous as it requires storage prior to collection and can be subject to delays in transportation.	Sludge removal will be required to be carried out using a sealed system
Night time emergency deliveries are not considered appropriate due to meteorological conditions.	Agreed. The EPA General Terms of Approval specify that all receipt, transfer and removal of wastewater from the premises is to be carried out between 10am and 3pm Monday to Friday. Delivery outside these hours is only permitted in the event that delivery is required by the police or other authorities for safety reasons, and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is to be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of an emergency.
Evidence from similar facilities suggests that greater separation front surrounding land uses is beneficial in the event of a pollution incident.	Greater separation is beneficial in the management of both noise and odour. Facilities with less separation will require a greater degree of construction, technological, and management solutions to achieve the same level of impact. The impacts of the proposal have been considered in the context of the separation distances available on the site.
It does not seem economically viable for the facility to process only 10,000 litres per week. It is likely that there will be future applications to expand the business.	The consent authority must assess the proposal as submitted. Any future expansion would be subject to a separate application.
How can Council be independent when they are both the vendor of the land and the adjudicator on the development application?	The sale of the land has settled and Council no longer has an interest in the application as a property owner. However, to manage any perception of a conflict of interest and ensure the most transparent process possible, the application will be reviewed by the Development Assessment Panel, and determined by full Council.
The submitted reports have many errors of fact that should be taken into account.	The noise and odour assessments have been reviewed by Council's Environmental Health Officer and the EPA's air pollution

Submission Issue/Summary	Planning Comment/Response
	experts and considered acceptable subject to the recommended conditions.
Council should give others the opportunity to purchase the property and maintain it as open space.	The sale of the land has settled and it is not possible for other parties to be given the opportunity to purchase the land.
The reports are inconsistent in relation to the amount of waste to be processed.	The EPA have amended their General Terms of Approval to clarify that the facility must not receive more than 10,000 litres of waste per week. The recommended conditions clarify this restriction. A flow meter will also be required to be fitted to monitor the amount of treated water that will be discharged to sewer. This will provide an additional means of regulating the capacity of the facility.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

5. DESIGNATED DEVELOPMENT

The proposal does not meet the threshold for designated development in Part 1 (32) of Schedule 3 of the Environmental Planning and Assessment Regulation 2000. The development is within 500m of a residential zone and within 250m of a dwelling not associated with the development. However, Council has previously provided the Applicant with correspondence confirming that in the opinion of the consent authority, the proposed development is not considered likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

6. INTEGRATED DEVELOPMENT

The proposal is integrated development, requiring an Environment Protection Licence in accordance with Sections 43(b), 48, and 55 of the Protection of the Environment Operations Act 1997. The NSW Environment Protection Authority has reviewed the proposal and issued General Terms of Approval dated 6 February 2019.

A condition is recommended incorporating the EPA's conditions into the consent.

7. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

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

Attachments

1[View](#). DA2016 - 1000.1 Recommended Conditions

2[View](#). DA2016 - 1000.1 General Terms of Approval - NSW Environment
Protection Authority

3[View](#). DA2016 - 1000.1 Contribution Estimate

4[View](#). DA2016 - 1000.1 Plans

Item: 12.13

**Subject: DRAFT KOOLOONBUNG CREEK FLYING-FOX CAMP
MANAGEMENT PLAN**

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.8.3 Promote biodiversity programs.

RECOMMENDATION

That Council:

- 1. Endorse the draft Kooloonbung Creek Flying-Fox Camp Management Plan for the purpose of public exhibition for not less than 28 days from 23 April 2019 to 21 May 2019.**
- 2. Receive a further report for consideration following public exhibition of the draft plan.**

Executive Summary

The development of a new draft Camp Management Plan (CMP) for the flying fox colony at Kooloonbung Creek commenced in August 2018. The draft 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.

The draft CMP has been prepared (attached). This report recommends endorsement of this draft plan for the purpose of public exhibition from 23 April 2019 to 21 May 2019. A further report will be provided to Council following public exhibition for further consideration.

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 attached draft CMP follows the Office of Environment and Heritage (OEH) and state legislative guidelines and contains recommendations, specific to Kooloonbung Creek, for actions based on feedback from the community to date.

It is recommended that Council adopt the draft Camp Management Plan for public exhibition between 23 April 2019 and 21 May 2019. The final CMP will be returned to Council for further consideration with an assessment of any submissions received during this exhibition period.

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](#). Draft Kooloonbung Creek Flying-fox Management Plan

Item: 12.14

Subject: SAVE OUR RECYCLING CAMPAIGN

Presented by: Development and Environment, Melissa Watkins

Alignment with Delivery Program

4.1.7 Develop and implement effective waste management strategies.

RECOMMENDATION

That Council:

1. Sign up to Local Government NSW's campaign, [Save Our Recycling](#), to advocate that 100% of the Waste Levy collected by the NSW Government be reinvested in waste avoidance, recycling and resource recovery.
2. Request the General Manager to representation to the Local State Member, in support of this campaign.
3. Request the General Manager write to the NSW Premier, the Minister for Local Government, the Minister for the Environment and the NSW Opposition Leader and Shadow Ministers seeking support for 100% reinvestment of the waste levy collected each year into waste avoidance, recycling and resource recovery.
4. Endorse the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises and web site.
5. Formally advise Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.

Executive Summary

The Save Our Recycling (SOR) campaign, launched at the local government annual conference in Albury by Local Government NSW in October 2018, calls on the State Government to re-invest the entire \$727 million it collects from the waste levy each year in waste management and recycling. The SOR campaign concept was unanimously endorsed at the 2018 Conference.

It is critical that NSW develops its on-shore processing capacity for recycled materials, rather than shipping waste to countries such as China, to reduce risk of the same situation reoccurring in the future.

This issue directly impacts Port Macquarie-Hastings Council (PMHC) both financially and in its ability to achieve future strategic goals in the reduction of waste and its associated environmental impacts.

This report recommends that Council sign up to Local Government NSW's campaign; *Save Our Recycling* and advocate to Government for 100% reinvestment of the waste levy collected each year into waste avoidance, recycling and resource recovery.

Discussion

Waste Levy in NSW

The *Protection of the Environment Operations Act 1997* (POEO Act) requires certain licensed waste facilities in NSW to pay a contribution to the NSW Government for each tonne of waste received at the facility. The 'waste levy' aims to reduce the amount of waste disposed of to landfill, and encourage recycling and resource recovery.

The waste levy applies in the regulated area of NSW which comprises of the Greater Sydney metropolitan area including: Blue Mountains, Wingecarribee and Wollondilly councils, the Illawarra and Hunter regions, the central and north coast local government areas to the Queensland border.

However, very little of the waste levy is currently used to support waste avoidance, recycling and resource recovery, with the vast majority flowing to the NSW Government's consolidated revenue.

In 2016/17, the NSW Government collected \$726 million from local government, community, businesses and industry via the waste levy, but only committed to use \$72 million on waste avoidance and recycling in 2017-18.

This amount – roughly 10 per cent of the total levy collection – will be spent on the NSW Government's *Waste Less Recycle More* program.

The program allocates \$801 million over eight (8) years to waste and recycling, compared to a total of more than \$4.62 billion collected over the same period.

At a local government level, just 18% of the \$300 million collected annually from local government was returned to councils to reinvest in recycling and waste management.

The reinvestment of the waste levy to support waste and resource recovery infrastructure, develop markets and innovative solutions, and undertake other initiatives to encourage reuse and recycling offers wide-ranging benefits to communities' across NSW.

There is the potential for economic growth, new infrastructure, new technology and new jobs, particularly in regional areas.

The following motion was unanimously endorsed at the Local Government NSW (LGNSW) 2018 Conference:

That the NSW Government be called upon to ensure that 100% of the levy arising from Section 88 of the Protection of the Environment Operations Act 1997 be used for waste infrastructure and programs, predominantly by local government and the waste sector, for initiatives such as:

- *Development of regional and region-specific solutions for sustainable waste management (e.g. soft plastic recycling facilities, green waste, waste to energy).*
- *Support innovative solutions to reduce waste and waste transport requirements.*
- *Protect existing and identify new waste management locations.*

- *Local community waste recovery and repair facilities.*
- *Funding a wider range of sustainability initiatives, such as marketing and strategies that promote and support a circular economy.*

This motion covered motions proposed by Blacktown City Council (resource recovery locations); Central Coast Council (waste levy revenues); Cessnock City Council (recycling crisis - funding support); City of Ryde (revenue raised by the waste levy); Federation Council (waste resource); Gwydir Shire Council (tyre recycling); Hornsby Shire Council (increase in grant funding for waste levy program); Leeton Shire Council (increase of waste levy distribution); and Shoalhaven City Council (POEO Levies). Related motions were also submitted by Tweed Shire Council (recycled products and procurement); Lake Macquarie Council (support for recycle end markets, reusable, recyclable or compostable packaging); and Orange City Council (waste management).

LGNSW continues to progress this policy on behalf of the local government sector via an advocacy campaign calling on all those contesting the State election to reinvest 100% of the waste levy collected each year into waste avoidance, recycling and resource recovery in NSW. This is not a party-political issue - the advocacy initiative calls on all parties to commit to the 100% hypothecation of the waste levy to the purpose for which it is collected.

Local impacts

PMHC is located in the Regional Levy Area (RLA) and including budgeted forecasts for the current financial year, will have paid \$21,177,000 in waste levy from 1 July 2014 – June 2019. Since the *Waste Less Recycle More* (WLRM) grants opened, for the same time period, PMHC received \$1,476,200 from eight contestable grants and \$585,764 from the non-contestable *Better Waste and Recycling Fund* grant stream. This funding was used to assist with waste management and recycling infrastructure, programs and education.

The China National Sword Policy (CNSP) has already impacted PMHC financially with increased costs, and the renegotiation and extension of the Materials Recycling Facility (MRF) contract in December 2018. Increased education around recycling contamination has also been developed, but these are short term adjustments to keep services in place.

Policy direction and investment by the NSW State Government is essential to reduce future risk to Australia's recycling systems – to improve facilities, establish some level of on shore reprocessing and establish national markets for reuse of recycled products.

Options

1. To join the *Save Our Recycling* campaign for supporting 100% of the waste levy to be reinvested back into waste avoidance, recycling and resource recovery (as per listed recommendations); or
2. To not endorse the *Save Our Recycling* campaign.

Planning & Policy Implications

Greater investment in waste avoidance, recycling and resource recovery is in line with the objectives of *Port Macquarie-Hastings Council's Waste Strategy 2017 - 21*.

Financial & Economic Implications

There are no immediate financial implications to the recommendations of this report. The report recommends seeking support through a bipartisan political process.

However, there are potential significant financial and economic implications if the CNSP continues to impact recycling in the PMHC LGA. Without on-shore reprocessing and markets for the reuse of recycled products it is likely export markets will ultimately reach capacity. This is likely to increase PMHC waste costs and ultimately council rates may need to be considered to accommodate increased costs.

Attachments

1[View](#). Save of Recycling logo1

2[View](#). Save of Recycling logo2

Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE

RECOMMENDATION

1. That Council move into Confidential Committee of the Whole to receive and consider the following items:

Item 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 Port Macquarie Airport Hangar Lease Rental Valuations

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-19-04 Construction of Pile Strengthening and Bridge Repairs - Dunbogan Bridge Rehabilitation

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 T-18-60 Operation & Management of Four Council Owned Swimming Pools

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-19-02 Lease of the Cafe and Retail Lease Areas and other commercial opportunities at the Port Macquarie Airport

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

Item 14.06 Land Acquisition - 210 Hastings River Drive, Port Macquarie

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

2. That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.
3. That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.

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

RECOMMENDATION

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

- Item 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 Port Macquarie Airport Hangar Lease Rental Valuations**

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-19-04 Construction of Pile Strengthening and Bridge Repairs - Dunbogan Bridge Rehabilitation**

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 14.04 T-18-60 Operation & Management of Four Council Owned Swimming Pools**

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 14.05 T-19-02 Lease of the Cafe and Retail Lease Areas and other commercial opportunities at the Port Macquarie Airport**

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial

information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

RECOMMENDATION

Item 14.06 Land Acquisition - 210 Hastings River Drive, Port Macquarie

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