

ORDINARY COUNCIL

Wednesday 21 April 2021

Ordinary Council Meeting

Wednesday, 21 April 2021

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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



Destination and Visitor Economy Conference

Wednesday 26 May – Friday 28 May 2021, Sails Port Macquarie, by Rydges

Creating destinations for living, learning, visiting and investing!

PROGRAM



Wednesday 26 MAY		
1.30pm	Marketing Workshop opens with arrival TEA/COFFEE in Cape 3 Room	
2.00pm - 4.30pm	Optional Threesides Marketing Workshop (with AFTERNOON TEA at 3pm)	
	<table border="1"> <tr> <td>Todd Wright Managing Director Threesides Marketing</td><td>Transforming your customer service and e-commerce experience: <i>in your LGA, and your visitor services and marketing organisation.</i></td></tr> </table>	Todd Wright Managing Director Threesides Marketing
Todd Wright Managing Director Threesides Marketing	Transforming your customer service and e-commerce experience: <i>in your LGA, and your visitor services and marketing organisation.</i>	
	<p>Delegates will learn about:</p> <ul style="list-style-type: none"> - How to plan out a digitally led customer experience strategy and bring a commercial digital technology approach to an LGA environment. - How local government can grow internal capability and capacity to deliver online customer service and bring destination operators on the journey. - The term Interactive Customer Experience (CX) – and model how can a 24hr help desk with omni channel customer service help attract visitors. - LGAs which have a revenue need: the case and state of play for e-commerce in visitor centres and across destinations (beyond the booking service). - What a Unified Customer View is and how using simple data dashboards can help tell a more meaningful story about what's happening in your business. 	
1.30pm – 4.30pm	Trade Exhibition set up	
5.00pm – 7.00pm	<p>Welcome Reception, The Sails Resort, Port Macquarie</p> <p><i>Sponsored by NRMA Parks and Resorts</i></p> <p>Official proceedings: MC- Cr Linda Scott, LGNSW</p> <ul style="list-style-type: none"> • Welcome to Country by Uncle Bill, Birpai Local Aboriginal Land Council • Welcome from Cr Peta Pinson, Mayor of Port Macquarie-Hastings Council • Address by Paul Davies, CEO, NRMA Parks and Resorts: Premier Sponsor <p><i>Guests will hear about the NRMA's involvement in regional tourism promotion and its partnerships with councils in the management of tourism experiences at their Holiday Parks.</i></p> <p>Followed by delicious canapes and drinks as guests network, relax and settle in to this seaside resort.</p> <p>Entertainment provided by:</p> <p>Banjo – local contemporary dance performance</p> <p>Chris Rose – singer songwriter from the mid north coast of NSW</p>	

Program is correct at this time, please note speakers may change.

7pm onwards	<p><i>Delegates are encouraged to pre-book locally for dinner.</i></p> <p>You are welcome to watch the 10min digital projection on the courthouse in the town center at 8pm which tells the story of Port Macquarie, its places and its people.</p>
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Thursday 27 MAY		
6.15am	<p>Early morning group wellbeing activity: Harbour Walk. Meet in Sails Reception.</p> <p>Start the day with a guided walk around the Boardwalk from Sails Resort into the Town Green. Approximately 4km return, total time 1 hour.</p> <p>Guided by Michelle Aubert, LGNSW - a north coast local.</p>	
8.15am	<p>Trade exhibition opens with TEA/COFFEE + Breakfast snacks</p> <p>Sponsored by Arts Mid North Coast</p>	
8.45am	<p>CONFERENCE SESSION OPENS in Cape Ballroom</p>	
8.45am	MC: Nils Vesk, Director at Ideas with Legs	Opening formalities
8.50am	Cr Linda Scott, President, LGNSW	LGNSW President's Welcome
9.00am	Ngarrgan Mirrilyn Women's Choir	Port Macquarie Hastings' own Ngarrgan Mirrilyn choir in honour of Reconciliation Week.
9.10am	The Hon. Stuart Ayres MP, Minister for Jobs, Investment, Tourism and Western Sydney	Ministerial Welcome
9.30am	Greg Binskin, Executive Manager, Tourism Business NSW	Award Ceremony with Minister: NSW Tourism Industry Council - Top Tourism Town Award
9.40am	Craig Rispin, Business Futurist and Innovation Expert, The Future Trends Group.	Opening keynote: Catering to the future visitor
10.30am	<p>MORNING TEA</p> <p>Sponsored by Visit Pacific Coast</p>	

11am – 12.05pm	BREAKOUT SESSION PART 1
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Program is correct at this time, please note speakers may change.

	Cape 1 Room STREAM A: Future directions in economic development. Sponsored and facilitated by: Richard Falthorn Leonardo's Advertising	Cape 2 Room STREAM B: Visitor Servicing. Sponsored & facilitated by: Elliot Daniel, Co-director & PhD Researcher Visit Pacific Coast	Cape 3 Room STREAM C: Regional Tourism. Sponsored & facilitated by: Michael Cohen, Director, CityPeople CityPeople
11am	Stream A, part 1: Councils assisting business innovation and economic development. Economic development lessons from west Sydney Beau Reid, Senior Officer City Placemaking, Liverpool City Council Aboriginal procurement Kristal Kinsela, Managing Director, Kristal Kinsela Consulting Aboriginal businesswoman and entrepreneur.	Stream B, part 1: Agritourism development. Two councils part of the NSW Small Business Commission's pilot: Nikki Robertson, Liverpool Plains Shire Kevin Abey, Wollondilly Shire Council Host: Coralie Bell, Chairperson, Australian Regional Tourism	Stream C, part 1: Creative sectors in economic recovery. Creating Thriving Communities! workshop Michael Cohen, Director, CityPeople: culture-led placemaking
12.05pm	Choose and move to BREAKOUT SESSION PART 2		
12.10pm	Stream A, part 2: Western Sydney International Airport and aerotropolis – opportunities for all NSW. Craig Rispin, Business Futurist and Innovation Expert, The Future Trends Group. Enabling the opportunities and tackling the challenges. Greg Binskin, Executive Manager, Tourism NSW Business Chamber	Stream B, part 2: Capitalising on your Visitor Information Centre. Hosted by: LG members of the VIC Industry Advisory Group (IAG)	Stream C, part 2: Rebooting events right. Julia Robinson, General Manager, Australian Festivals Association (AFA) Kathryn Holloway, General Manager, Cattleyard (Groovin the Moo) & AFA Secretary How councils can assist Francesca Valmorbida, Local Government Arts & Culture Consultant <i>(live stream)</i>

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1.15pm	LUNCH Sponsored by Visit Pacific Coast	
1.45pm – 5.00pm	Site Visits (x 4 Options) AFTERNOON TEA (Included on all site visits)	
Site Visit 1	Koala Hospital and Sea Acres tour– Leveraging our Natural Assets	
1.45pm – 5.00pm	Liesa Davies, Group Manager Destination & Cultural Development, Port Macquarie- Hastings Council	<p>A site visit of the Koala Hospital including discussion with Koala Hospital President, Sue Ashton, about the impacts of the bushfires, and managing the huge worldwide interest over this time. Sue will also discuss the new Wild Koala Breeding Facility currently under development, and plans to incorporate visitor facilities.</p> <p>Our group will be split into three- rotating between the Hospital, a tour through next-door Historic Roto House, and a light afternoon tea from Round & Round in the grounds.</p> <p>Following this, the group will go via bus to Sea Acres Rainforest Centre, for a 15-minute Board Walk tour (<i>accessible, flat shoes recommended</i>), rotating through the Rainforest Centre and theatre.</p>
	Delegates will learn about: <ul style="list-style-type: none"> - How to weave unique nature experiences into the tourism experience to inspire visitors. - How local government can support tourism operators during times of crisis and change. 	
Site Visit 2	Bago Maze & Winery – Not just another Winery!	
1.45pm – 5.00pm	Kim Gallery, Destination & Cultural Development Officer, Port Macquarie- Hastings Council	<p>Bago Maze & Winery has well and truly put itself on the map over recent years by offering one of the world's largest hedge mazes, a traditional 'Russian Caravan' themed chocolate shop, and a range of other delights.</p> <p>The innovative owners are continually coming up with new and interesting ideas to entice visitors and this destination is now so much more than just a vineyard.</p> <p><i>This adventure is a 35 minute bus ride from Sails, so please settle back and relax.</i></p>
	Delegates will learn about: <ul style="list-style-type: none"> - Differentiating the winery product- challenges and advantages. - How diversifying has helped them bounce back from bushfires/coronavirus and helped take advantage of strong domestic visitation. - Bago's first-hand experience of the NSW First Operator program via DNSW. - Council's support in promoting the offering. 	

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Site Visit 3		
Charles Sturt University – Economic Development, New Health & Education Precinct		
1.45pm – 5.00pm	<p>David Archer, Senior Economic Development Officer, Port Macquarie-Hastings Council</p> <p>Kieran Metcalfe, Senior Strategic Planner, Port Macquarie-Hastings Council</p>	<p>Retaining the title of being one of Australia's fastest growing regional university campuses, participants will tour the brand new \$66 million state-of-the-art expansion of Charles Sturt Port Macquarie. The campus has unparalleled access to industry, a unique lifestyle and cutting-edge education techniques.</p> <p>Next settle in for your choice of locally-brewed beer at the Wicked Elf brewery in the surrounding, rapidly-evolving industrial precinct. Hear from Council's Senior Strategic Planner about the future vision of Port Macquarie's Health and Education precinct and how it will contribute to the LGA's visitor economy.</p>
	<p>Delegates will learn about:</p> <ul style="list-style-type: none">- How Port Macquarie Hastings Council helped drive the development of a health and education precinct.- Addressing Land Use planning issues to capture the benefits and address the challenges of a growing regional university.- How student accommodation and other university facilities were used during the bushfire response.	
Site Visit 4		
Ricardoes and Billabong Zoo – Instagrammable Attractions		
1.45pm – 5.00pm	<p>Jane Ellis, Destination & Cultural Development Manager, Port Macquarie-Hastings Council</p>	<p>Visit Ricardoes Tomatoes & Strawberries and experience the inner workings of an intensive agricultural facility. Owner Anthony Sarks will take you for a tour around the farm, which is open to the public for strawberry picking, farm tours and 'Café Red'. The Café offers farm fresh produce, and delicious preserves to try, as well as what has been labelled "the best scones in the world" in one viral article.</p> <p>A short drive from Ricardoes is Billabong Zoo. Billabong Zoo is a family owned operation, headed up by one of the world's Koala breeding experts, Mark Stone. This zoo may be small relative to Taronga, but it delights young and old with over 10 acres of shady pathways, where you can stroke, feed, hold, hear and see over 80 species of mammals, reptiles and birds. Includes 'Shrek' the giant croc and a pair of rare snow leopards.</p>
	<p>Delegates will learn about</p> <ul style="list-style-type: none">- The significant economic value that can be extracted beyond the farm-gate for businesses.- Learn how Instagram (and being instagrammable) has been critical to the success of these businesses.- Learn how this family owned Zoo survived during the Bushfires & COVID, and then thrived by using clever social media strategies and appealing to local supporters.	
5.00pm	Site visits finish back at Sails Resort	

Program is correct at this time, please note speakers may change.

6.30pm	Transfer to offsite DINNER venue: Cassegrain Wines
6.45pm – 10.00pm	<p>Conference dinner and entertainment: <u>Embracing the Arts!</u></p> <p><i>Dinner sponsored by Expedia and Stayz</i></p> <p><i>Delegates will hear from Expedia/Stayz about their latest innovations in the travel booking industry.</i></p> <p><i>The Cassegrain Family planted the first vineyard in Port Macquarie in 1980 and opened Cassegrain Wines in 1985. The winery has enjoyed much success over the last three decades including many awards and accolades.</i></p> <p>Entertainment:</p> <p>Delegates will be welcomed by local Drumline Marching Band, national champions, before being serenaded by Rowland Moyer on saxophone.</p> <p>During dinner in the Barrel Room, guests will enjoy the background music by locals Mat Brooker and Jackson James over the night.</p>

Friday 28 MAY		
8.15am	Trade exhibition opens with TEA/COFFEE + Breakfast Snacks Sponsored by Arts Mid North Coast	
8.45am	CONFERENCE SESSION OPENS in Cape Ballroom	
8.45am	MC: Nils Vesk, Director at Ideas with Legs	Start of the final day + overview of the site visits
9.00am	Jenny Aitchison MP , Shadow Minister for Investment and Tourism	Shadow Minister Address
9.10am	Dominic Mehling, Industry Relations Manager – ACT, NSW, NT, QLD	Tourism Australia
9.20am	Steve Cox, CEO, Destination NSW	Keynote Address Destination NSW Address Strategic Partner
10.00am	MC: Nils Vesk, Director at Ideas with Legs	Brainstorming
10.05am	Liesa Davies, Group Manager Economic and	Spotlight on the host council! 1. How Council responded to the bushfires+Covid19, and future plans for the visitor economy.

Program is correct at this time, please note speakers may change.

	Cultural Development, Port Macquarie Hastings Council	2. Cowarra Tourism Precinct: panel discussion facilitated by Liesa with Louse Faulkner & Kathy Lyons from Forestry NSW.
10.45am	MORNING TEA Sponsored by Leonards Advertising	
11.15am	Coralie Bell, Chairperson, Australian Regional Tourism	New national research: local government spend on tourism.
11.30am	Paula Meyer, Business Development Manager, TAFE NSW Janet Hanlan, Industry Lead – Tourism and Experience Services, TAFE NSW	Tourism skills and labour shortages – the role of local government With introduction by LGNSW Executive Manager – Member Central, Gary O’Riordan , and Executive Manager – Member Services, Lillian Tiddy about local government skills shortages and Learning Solutions packages. <i>Skills and labour shortages continue to plague the tourism sector and may prevent NSW from reaching its 2030 growth targets, outlined in the NSW visitor economy strategy. This session explores opportunities for local government to work with industry and the education sector to tackle this wicked problem.</i>
12.30pm	Nils Vesk Director at Ideas with Legs	Closing keynote: Innovation meets execution You've got a stack of ideas, but how do you know which ones will work best? What's the best way to test your ideas so that you don't make any mistakes and implement an idea that becomes a lemon? This keynote will help you consolidate the ideas you've gained at the event into actionable innovation activities and prompt your thinking for even more innovative solutions.
1.15pm	LUNCH Sponsored by Leonards Advertising	
1.45pm	CLOSE OF CONFERENCE	

Program is correct at this time, please note speakers may change.



Authorised by:
Authorised date:
Effective date:
Next review date:
File Number:

FRAUD AND CORRUPTION PREVENTION POLICY

1. INTRODUCTION

Message from the Chief Executive Officer

The public, our fellow employees and other people we deal with are entitled to expect each of us to act with integrity and to protect resources, information, revenues, reputation and the public interest. As a Local Government Authority, we are the most familiar and closest level of government to our customers and must hold ourselves to the highest standard. Therefore, Port Macquarie-Hastings Council is committed to an honest and ethical environment that minimises fraud and corruption. Fraud and corruption are incompatible with our values and present a risk to the achievement of our objectives and the provision of our services to the public. Port Macquarie-Hastings Council has a zero-tolerance approach to fraud and corruption.

Dr Clare Allen
Chief Executive Officer

2. POLICY STATEMENT AND SCOPE

This policy applies to all Council officials and Councillors as defined in this policy, as well as members of the public and Council contractors.

Council Expectations

Council expects that Councillors and Council officers will maintain the highest standard of ethical conduct in all activities, in particular with respect to Council resources, information and authority. The community expects that Council will conduct its business in a fair and honest manner.

Council's Management Team are responsible for fostering an environment within their areas of responsibility which makes asset protection a responsibility for all Council officers, for issuing clear standards and developing and implementing procedures to minimise the potential for fraud or corruption.

All Council officers are expected to develop, encourage and insist upon and implement sound financial and ethical decision making within their responsibility levels. Measures to prevent fraud and corruption will be monitored, reviewed and developed.

Council expects all Council officers to be familiar with and act in accordance with Council's Code of Conduct. Unacceptable behaviours and guidelines for appropriate behaviour for staff are contained in the Code of Conduct.

Council also expects similar standards from the people, agencies or organisations that do business with Council. Councillors and Council delegates are also expected to comply with the Code.

Decision-making processes are to be as open and public as is possible and information will only be withheld where it is not in the public interest to disclose that information or where it is prevented by legislative requirements. Fraudulent and corrupt conduct breeds in an environment where systems, standards and procedures are open to exploitation. It is in the best interests of asset protection for decision making to be visible to staff, elected representatives and the community as a whole.

Protection of Council assets is concerned ultimately with the effective use of resources, minimising waste, mismanagement and opportunities for fraud and corruption. Effective accountability for the use of Council resources helps strengthen the asset protection environment of the Council.

What is Fraud?

For the purpose of this policy, fraud against Council is described as *"the willful misuse of Council's resources or the use one's position and power for personal gain"*. Fraud includes, but is not limited to theft, false pretences, evasion, and manipulation of information, misappropriation, larceny, embezzlement and improper destruction or falsification of accounts or records.

A basic test for fraud could include the following questions:

- Was deceit used?
- Was the action unlawful?
- Did it result in money or other benefits being received to which the person was not entitled?
- Was an attempt made to do this?

Some examples of fraud which fall within the intended scope of this Policy include but are not limited to:

- Theft of plant and equipment by Council officials
- Theft of stock or inventory by Council officials
- False information entered on timesheets
- P-card use for expenses other than Council business
- Misuse of Council's plant and equipment
- Falsifying a doctor's certificate
- Avoidance of a debt or obligation to Council
- Acceptance or solicitation of a gratuity or bribe for the performance of, or the failure to perform, a duty

What is Corruption?

For conduct to be considered corrupt, under the Independent Commission Against Corruption Act 1988 (ICAC Act 1988), it must involve or affect a NSW public official or public authority. A public official is defined, in Section 3 of the ICAC Act 1988 as an individual having public official functions or acting in a public official capacity, and includes an individual who constitutes or is a member of a public authority (Section 3 ICAC Act 1988).

The Independent Commission Against Corruption Act 1988 (NSW) provides a definition of corruption which includes but is not limited to:

- a) any conduct of any person (whether or not a public official) that adversely affects, or could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority which could include:

- Official misconduct (including breach of trust, fraud, oppression, extortion or imposition)
- Bribery
- Blackmail
- Obtaining secret commissions
- Fraud

- Election bribery, election funding offences and election fraud

Fraud and Corruption Prevention Control Plan

The Fraud and Corruption Prevention Control Plan outlines the key activities to be undertaken to prevent, detect, investigate and respond to fraud and corruption which are consistent with the values, objectives and the strategic direction of Council. The Fraud and Corruption Prevention Control Plan Details Council's current and emerging key risks and the key internal controls and actions that Council will employ to minimise or eliminate these risks, and provides the tools to prevent detect and report fraud and corruption.

All Council officers are to be involved in developing and implementing fraud and corruption prevention procedures within their areas which will form part of Council's Fraud and Corruption Prevention Control Plan. The promotion of the plan will include activities such as:

- Training sessions
- Regular review and promotion of Council's Code of Conduct
- Use of the NSW Auditor General's Better Practice Guide - Fraud Control Improvement Kit

Ethical Workplace

Ethics is a set of moral principles which governs a person's behaviour and activities to ascertain what is good and bad behaviour or what is morally right or wrong.

All Councillors and Council officers are responsible for making Council an ethical workplace. This can be achieved by knowing how we are expected to behave, being aware of ethical issues and speaking up when needed.

Council's Code of Conduct guides Councillors and Council officers in what is accepted practice and behaviour, and sets our ethical standards at a level above the law. This is further supported by Council's values, as well as policies and procedures.

Fraud and corruption prevention goes beyond monitoring the effectiveness of financial controls. It also requires maintaining an ethical climate, which encourages all Councillors and Council officers to be active in protecting Council's funds and assets, and in reporting any breaches of accepted standards.

Council management must be mindful of their responsibility to foster and develop high standards of ethical behaviour and commitment to a highly ethical workforce culture.

Fraud and Corruption Prevention

Fraud and corruption flourishes in an administrative environment where opportunities exist for waste, abuse and mismanagement. Council believes that the emphasis on fraud and corruption prevention rather than fraud and corruption investigation will lead to a reduction of these opportunities.

The underlying thrust of Council's policy on fraud and corruption prevention is to educate the public, Councillors and Council officers that fraudulent or corrupt acts against Council are unacceptable, may constitute a criminal offence and may result in prosecution. All criminal acts will be reported to the proper authorities.

An effective prevention strategy must recognise that prompt action needs to be taken where fraud or corruption is detected, both to bring the fraud and corruption to an end and to discourage others who may be inclined to commit similar conduct.

Reporting of Fraud and Corruption

Council supports and upholds the Whistleblower legislation and principles. This provides protection to public officials reporting information to the appropriate persons in accordance with Council's Public Interest Disclosures Internal Reporting Policy.

All Council officers have the responsibility to report fraud or corruption. Reports of fraud or corruption may be made as a public interest disclosure to any authorised officer as detailed in the Public Interest

Disclosures Internal Reporting Policy. Reporting through the correct process as detailed in the Public Interest Disclosures Internal Reporting Policy protects the discloser from any forms of retribution or reprisal if they make any report about fraud or corruption.

Those employees, who feel uncomfortable about reporting suspected fraud or corruption, should take advantage of the provisions of the Public Interest Disclosures Act. They are to make their disclosures in accordance with the Public Interest Disclosure Internal Reporting Policy. This policy provides a framework for providing information to employees on how their report will be handled within Council.

Council staff and Councillors will receive advice of this policy initially through induction training, Code of Conduct training and individual training sessions.

Council also provides a Hotline service for staff and members of the public to disclose reports of fraud or corruption that they may be aware of or other complaints of maladministration, serious waste of money, or any other type of mismanagement they may be aware of. Reports may be made anonymously through this hotline that will ensure the protection of the identity of the reporter.

3. RESPONSIBILITIES AND AUTHORITIES

The Chief Executive Officer is responsible for the prevention and detection of fraud and corruption through the implementation of appropriate and effective internal control systems.

The Group Manager Governance will provide support and advice in the implementation of this policy.

The Group Manager Governance will review this policy every 12 months.

4. REFERENCES

Code of Conduct
Public Interest Disclosures Internal Reporting Policy
Statement of Business Ethics
Australian Standard 8001-2008 Fraud and Corruption Control
Local Government Act 1993
Independent Commission Against Corruption Act 1988

5. DEFINITIONS

Corrupt conduct	deliberate or intentional wrongdoing, not negligence or a mistake, involving or affecting a NSW public official or public sector organisation, involving a breach of that person's duty and/or the misuse or abuse of their position to gain a reward or benefit for themselves or another person
Council Officer	A member of Council staff
Council Official	Councillors, Council officers, Council Committee or Reference Group members, volunteers or delegated persons as defined in the <i>Local Government Act 1993</i> .
Councillor	Elected Council representatives, including the Mayor
Council's Management Team	Chief Executive Officer, Directors, Group Managers, Managers and Team Leaders
Director	2nd tier management position and titled as such
Ethics	Moral principles that govern a person's behaviour or the conduct of an activity.
Fraud	An intentional dishonest act or omission done with the purpose of gaining an advantage, usually a financial benefit from a position of trust and authority.
Fraud Investigation	A process undertaken to investigate allegations of fraud
Fraud Prevention	implementing effective internal controls to prevent, manage and detect fraud and fostering an ethical culture that encourages protection of Council resources
Fraud Control Plan	outlines the key activities to be undertaken to prevent, detect, investigate and respond to fraud and corruption
Chief Executive Officer	1st tier management position and titled as such
Whistleblower	Any person who makes an appropriate disclosure of public interest information

6. PROCESS OWNER

The Group Manager Governance is the nominated process owner for this Policy.

7. AMENDMENTS

The following amendments have been made to this policy to the previous version:

1. Expansion of definitions
2. Addition of corruption references
3. Minor wording changes
4. Addition of CEO message
5. Addition of Hotline reporting facility
6. Various minor amendments



PORT MACQUARIE
HASTINGS
C O U N C I L

Fraud and Corruption Prevention Control Plan

Adopted April 2021

FOREWORD

Message from the Mayor and Chief Executive Officer.

The risk of fraudulent or corrupt activity is an ongoing and pervasive risk faced in all organisations and industries throughout the world. Unfortunately, experience shows that Local Government is not immune to these risks which have the potential to significantly undermine Council activities, programs and reputation among the community.

The community expects the highest standards of ethical behaviour and efficient use of public resources from Council. While we would all like to think it could only happen from external sources, evidence shows that fraud and corrupt behaviour is often perpetrated from within an organisation and is often varied, complex and difficult to detect. Therefore, it is a requirement that all Council officials are aware of the risks and how to respond to, manage and mitigate them. The Fraud and Corruption Prevention Framework has been implemented and modelled on established best practice that supports Port Macquarie-Hastings Council's 'zero tolerance' approach to such behaviours and promotes an integrity focused culture that is resistant to improper behaviour or influence.

This plan applies to and requires the cooperation of Councillors, staff members, contractors and stakeholders, including customers and members of the community. It is to be read in conjunction with other relevant policies such as Council's Code of Conduct and the Public Interest Disclosure and Internal Reporting Policy.

While fraud and corruption prevention control is an ongoing activity, the most important factor to ensure success is everyone's commitment, attitude and preparedness to take action.

Peta Pinson
Mayor

Dr Clare Allen
Chief Executive Officer

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PURPOSE

Port Macquarie-Hastings Council is committed to a 'zero tolerance' approach to fraudulent and corrupt behaviour, and seeks to minimise the incidence of fraud by implementing and regularly reviewing a range of strategies that aim to prevent, detect and respond to such behaviour.



This plan serves to outline the high standards of ethical behaviour expected by Council and introduces a Fraud and Corruption Control Framework to ensure appropriate mechanisms are in place to prevent, deter, detect and respond to fraud and corruption.

SCOPE

This plan applies to everyone who has any interaction with Council or Council staff to the maximum extent that Council has the authority to require it. This includes Councillors, Council staff members, committee members, consultants, contractors, suppliers, applicants and volunteers who all have obligations in the prevention of fraud and corruption and the fostering of an ethical and accountable work environment at Council.

Expectations of this Plan and the related policy also apply to customers, community and any relevant third parties with regard to the functions and/or operations undertaken for or on behalf of Council.

OBJECTIVES OF THIS FRAUD AND CORRUPTION PREVENTION CONTROL PLAN

The primary objective of the plan is to protect resources, including information, and safeguard the integrity and reputation of Council.

The plan supports Council's Fraud and Corruption Prevention Policy and sets out the arrangements for the overall management of the risks and any instances of fraud and/or corruption.

The purpose of the plan is to:

- provide an overview of the governance arrangements within Council relating to fraud and corruption control
- outline key fraud and corruption risk areas relevant to Council
- raise awareness of fraud and corruption risks, and thereby influence the culture of Council to encourage employees to be vigilant in responding to them
- communicate Council's expectation of management, employees, consultants/contractors, industry stakeholders and service providers to assist prevent and detect fraud and corruption

- document fraud and corruption prevention, detection and response initiatives adopted by Council to manage fraud and corruption.

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PRINCIPLES

Council is committed to building a corruption resistant culture through:

- Promoting an organisational environment that encourages professionalism, integrity and ethical conduct.
- Minimising the opportunity for fraudulent or corrupt conduct.
- The detection, investigation and disciplining and/or prosecuting fraudulent or corrupt conduct.
- The Reporting of any fraud or corrupt conduct to the Independent Commission Against Corruption (ICAC) and other authorities where appropriate.

Relevant Legislation

This Framework links with the following legislation:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Independent Commission Against Corruption Act 1988*
- *Public Interest Disclosures Act 1994*

Relevant Council Policies and Documents

The following Council policies and procedures support this Plan:

- *Fraud and Corruption Prevention Policy*
- *Code of Conduct*
- *Public Interest Disclosures and Internal Reporting Policy*
- *Secondary Employment Policy*
- *Statement of Business Ethics*
- *Grievance Handling Policy*
- *Discipline Policies and Procedures (as appropriate)*
- *Related Parties Disclosure Policy*

DEFINITIONS

To assist in interpretation, the following definitions apply:

Term	Definition
Fraud	Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.
Corruption (or corrupt conduct)	As per the ICAC Act 1988 (Sect 7, 8, 9): <ul style="list-style-type: none"> • any conduct of a person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or • any conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or • any conduct of a public official or former public official that constitutes or involves a breach of public trust, or • any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.
Maladministration	As per Public Interest Disclosure Act 1994: Conduct that involves action or inaction of a serious nature that is contrary to law; or unreasonable, unjust, oppressive, improperly discriminatory; or based wholly or partly on improper motives. Refer Port Macquarie-Hastings Council Public Interest Disclosures Internal Reporting Policy.
Serious or substantial waste	Refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.
Stakeholders	Stakeholders refer to Councillors, Council staff members, committee members, consultants, contractors, suppliers, applicants and volunteers

PLAN

Port Macquarie-Hastings Council is committed to a culture of good governance and ethical behaviour. As such, it will not tolerate fraudulent or corrupt behaviour and is committed to building a sound ethical culture supported by appropriate policies, procedures and strategies that prevent fraudulent and corrupt behaviour through:

- Ongoing education and training of all Council officials in relation to their obligations in combating dishonest and fraudulent behaviour.
- Regular review of fraud and corruption risk assessments to identify circumstances where fraud and corruption could occur.
- Implementation of procedures that have regard to, and mitigate, the risks identified in day to day activity.
- Promote an organisational environment that encourages professionalism, integrity and ethical conduct.
- Use of formal procedures upon detection, investigation and disciplining and/or prosecuting fraudulent or corrupt conduct.
- The reporting of any fraud or corrupt conduct to the Independent Commission Against Corruption (ICAC) and other authorities where appropriate.

Council's commitment to preventing fraudulent or corrupt activity, and avoiding or managing conflicts of interests, will be supported by implementing appropriate auditing systems to deter and identify corrupt activities, included in the following Fraud Control Framework.

FRAUD CONTROL FRAMEWORK

In order to achieve best practice, Port Macquarie-Hastings Council is adopting the following processes which are sourced from the Fraud Control Framework of the Audit Office of NSW. The Audit Office framework is acknowledged as being best practice and widely used in State and Local Government organisations, providing for a consistent, effective and systematic approach to preventing fraud and corruption across the organisation.



The Fraud Control Framework of the Audit Office of NSW encompasses ten key attributes which sit within the themes of prevention, detection and response. Each attribute has a checklist of high-level processes and behaviours that should be present.

Attribute	Theme
1. Leadership	Prevention
2. Ethical Framework	Prevention, Detection, Response
3. Responsibility Structures	Prevention, Detection, Response
4. Fraud and Corruption Prevention Policy	Prevention
5. Prevention Systems	Prevention
6. Fraud Awareness	Prevention, Response
7. Third Party Management Systems	Prevention, Response
8. Notification Systems	Detection, Response
9. Detection Systems	Detection
10. Investigations Systems.	Response

PREVENTION

1 LEADERSHIP

A successful fraud control framework is led by a committed and accountable Executive Team who demonstrate and reinforce the high ethical standards expected of public officials, who are resistant to improper behaviour or practice and promote an open culture of accountability and transparency. The Chief Executive Officer has ultimate responsibility for fraud and corruption prevention within Council and is supported by the Executive Team; Audit, Risk and Improvement Committee; and the Governance function.

2 ETHICAL FRAMEWORK

The Fraud and Corruption Prevention Control Plan, related Policy and associated framework builds upon Port Macquarie-Hastings Council's commitment to ethical, transparent and accountable behaviour. Port Macquarie-Hastings Council has clear policies, such as its Code of Conduct, setting out acceptable standards of ethical behaviour which are available to all staff on Council's intranet and website. Council also provides regular training in the Code of Conduct as well as provide sessions during new staff inductions and new committee formation on the requirements of the code.

3 RESPONSIBILITY STRUCTURES

This Plan applies to everyone who has any interaction with Council or Council staff to the maximum extent that Council has the authority to require it. This includes Councillors, Council staff members, committee members, consultants, contractors, suppliers, applicants and volunteers who all have obligations in the prevention of fraud and corruption and the fostering of an ethical and accountable work environment at Council.

Expectations of this Plan also apply to customers, community and any relevant third parties with regard to the functions and/or operations undertaken for or on behalf of Council.

3.1 All Staff

It is important that all Council staff contribute to a workplace culture that has a 'zero tolerance' approach towards fraudulent and corrupt behaviour. As such, all staff have responsibilities in accordance with this Plan, specifically:

- Maintain awareness and compliance with the requirements of the Plan and the related policy.
- Perform their duties to the best of their abilities with honesty, integrity and impartiality.
- Have regard to fraud and corruption related risks when performing their duties, and support processes that report and mitigate risks.
- Prevent, mitigate and report on (suspected, actual or attempted) fraud, corruption, maladministration and waste. This shall be done in accordance with Council's Code of Conduct and Public Interest Disclosures and Internal Reporting Policy.
- Cooperate with and provide assistance to investigators or officials investigating suspected or reported fraud or corruption.
- Manage and declare pecuniary and non-pecuniary interests in compliance with Council's Code of Conduct.

3.2 Chief Executive Officer

The Chief Executive Officer is responsible for the efficient and effective operation of Council and the implementation of systems and practices that proactively minimise risks of fraud and corruption while promoting an ethical workplace culture that has 'zero tolerance' towards fraudulent and corrupt behaviour and is readily reported should it occur.

In addition to the responsibilities of all staff, the Chief Executive Officer is required to:

- Promote Council's commitment to fraud and corruption prevention.
- Lead by example through ethical workplace behaviour, decision making and acting with honesty, integrity and impartiality when dealing with others.
- Ensure processes exist to monitor Directors' and Group Managers' compliance with their duties in accordance with this Plan and the related policy.
- Ensure Councillors are aware of their obligations in accordance with this Plan.
- Monitor and review fraud and corruption risk assessments on a regular basis.
- Ensure any allegations of wrongdoing are fully investigated and report actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) in accordance with Section 11 of the ICAC Act 1988.
- Report criminal offences to the NSW Police Force.

3.3 Mayor and Councillors

Responsibilities in accordance with this Plan and the related policy, specifically:

- Maintain awareness and compliance with the requirements of the Plan and the related policy.
- Perform their duties to the best of their abilities with honesty, integrity and impartiality.
- Have regard to fraud and corruption related risks when performing their duties, and support processes that report and mitigate risks.
- Prevent, mitigate and report on (suspected, actual or attempted) fraud, corruption, maladministration and waste. This shall be done in accordance with Council's Code of Conduct and Public Interest Disclosures and Internal Reporting Policy.

- Cooperate with and provide assistance to investigators or officials investigating suspected or reported fraud or corruption.
- Reporting all instances of possible fraud or corrupt conduct, in accordance with Council's Code of Conduct and Public Interest Disclosures Internal Reporting Policy.
- Provide support to the Chief Executive Officer to implement adequate strategies to prevent fraud and corruption.
- Implementing and promoting Council's commitment to fraud and corruption prevention.
- Manage and declare pecuniary and non-pecuniary interests in compliance with Council's Code of Conduct.

3.4 Directors and Group Managers

In addition to the general responsibilities of all staff, Directors and Group Managers have a supervisory role in the implementation of this Plan and promotion of an ethical workplace culture by demonstrably supporting the objectives of this Plan and the related policy, specifically:

- Leading by example through ethical workplace behaviour, decision making and acting with honesty, integrity and impartiality when dealing with others.
- Promoting and disseminating of this Plan and the related policy and the standards of ethical behaviour expected by Council.
- Ensure training is provided to employees surrounding fraud and corruption awareness, Council's expectations and the reporting requirements in accordance with Council's Code of Conduct and Council's Public Interest Disclosures and Internal Reporting Policy.
- Provide ethical advice and support to staff.
- Identify and ensure appropriate internal controls are in place to manage potential fraud and corruption risks. This includes systematic review of risks and controls over time as well as initial identification, and assessment of training needs including refresher training.

3.5 Group Manager Governance

In addition to the general responsibilities of all staff, the Group Manager Governance is Council's Disclosures Coordinator for the purpose of Council's Public Interest Disclosures and Internal Reporting Policy. This role is further responsible for the provision of advice and education surrounding fraud and corruption prevention, Council's expectations and reporting requirements in accordance with Council's Code of Conduct and Public Interest Disclosures and Internal Reporting Policy.

The Group Manager Governance may also initiate investigations into allegations of wrongdoing.

3.6 Audit, Risk and Improvement Committee (ARIC)

The ARIC provides independent assistance to the Council by providing advice on the adequacy of the fraud control framework and the processes and systems in place to capture and effectively manage the identified fraud and corruption risks, internal controls and proposed risk treatment action plans which will be documented and recorded in Council's Risk Register.

The responsibilities of the ARIC are set out in the ARIC Charter as resolved by Council. These responsibilities include:

- Compliance
- Risk Management

- Fraud Controls
- Financial Management
- Governance
- Implementation of the Community Strategic Plan, Delivery Program and Strategies
- Service Reviews and Performance Measurement
- Performance of Council Functions
- Internal Audit
- External Audit

3.7 Volunteers and Contractors acting for Council

Volunteers and Contractors providing services or otherwise acting on behalf of Council are required to:

- Perform their duties to the best of their abilities with honesty, integrity and impartiality.
- Have regard to fraud and corruption related risks when performing their duties, and support processes that report and mitigate risks.
- Prevent, mitigate and report on (suspected, actual or attempted) fraud, corruption, maladministration and waste. This shall be done in accordance with Council's Code of Conduct and Public Interest Disclosures and Internal Reporting Policy.
- Cooperate with and provide assistance to investigators or officials investigating suspected or reported fraud or corruption.

3.8 External Parties

Council requires that all external parties act ethically and honestly in their business dealings with Council and that:

- Actual or perceived conflicts of interest are declared at the point any conflict becomes apparent;
- Any persons doing business with Council are to provide accurate and reliable information to Council when required, and;
- Take all preventative measures to prevent the unauthorised disclosure of confidential Council information.

External parties include Contractors, Consultants, Suppliers, Applicants, other Government Agencies or any other party engaged in business dealings with Council.

3.9 Residents and members of the public

Council encourages residents, customers and members of the public to support Council in preventing and responding to fraudulent or corrupt behaviour and invites those who suspect fraud or corruption that involves Council, to report their suspicions to the Chief Executive Officer, Group Manager Governance or any other appropriate authority.

4 KEY FRAUD AND CORRUPTION RISKS FACING COUNCIL

The table below provides a summary of the key fraud and corruption risks facing Council. This is not an exhaustive list. Details of Council's fraud and corruption risks will be included in Council's fraud and corruption functional risk register.

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Risk category	Description	Risk attributes
Corruption		
Conflicts of interest	A conflict of interest occurs when an employee or agent – someone who is authorised to act on behalf of a principal – has an undisclosed personal or economic interest in a matter which could influence his or her professional role.	<ul style="list-style-type: none"> • Extent and value of supplier relationships / contracts • Extent of recruitment activities / staff turnover • Presence of decentralised procurement and recruitment systems.
Bribery, illegal gratuities, economic extortion	<p>Bribery is offering, promising, giving, accepting or soliciting an advantage as an inducement for an action which is illegal or unethical.</p> <p>Illegal gratuities are items of value given to reward a decision after it has been made. They do not necessarily involve intent.</p> <p>Extortion is the obtaining of property from another, with the other party's consent, induced by wrongful use of actual or threatened force or fear.</p>	<ul style="list-style-type: none"> • Number of staff • Number of supplier and Contractor relationships.
Asset misappropriation		
Theft of cash	A scheme in which an employee steals or misuses the employing organisation's resources.	<ul style="list-style-type: none"> • Use of petty cash • Turnover of cash.
Inventory and all other assets	A scheme in which an employee steals or misuses the employing organisation's resources.	<ul style="list-style-type: none"> • Nature of assets (data, inventory, fixed assets).
Fraudulent disbursements	A scheme in which an employee causes their employer to issue a fraudulent payment for fictitious goods or services, or reimbursement of fraudulent expenses.	<ul style="list-style-type: none"> • Volume and value of supplier transactions • Volume and value of expense transactions.
Financial statement fraud		
Net worth / net income understatements / overstatements	A scheme in which an employee intentionally causes a misstatement or omission of material information in the organisation's financial reports.	<ul style="list-style-type: none"> • Change in management, high turnover of executive members. • Significant pressure from stakeholders to reduce costs and improve financial results. • Financial position of the organisation.

5 PREVENTION SYSTEMS

Council's main objective is to minimise the occurrence of fraud and corruption within Council. This objective will be achieved by:

- Identifying fraud and corruption risks
- Determining strategies to control those risks
- Defining responsibility and timeframes for strategies to be implemented

Council's identified fraud and corruption risks, internal controls and proposed risk treatment action plans will be documented and recorded in Council's Risk Register.

Council recognises that internal audit complements the internal assessment of fraud and corruption related risks and controls. Independent identification and assessment of Council's fraud and corruption risks will be arranged through independent auditors to the extent that the Audit, Risk and Improvement Committee (ARIC) deems warranted.

6 FRAUD AWARENESS

One of the most common ways in which fraud and corruption is detected is by observation, investigation and reporting by those who work with, or deal directly with, the perpetrator(s).

Council will commit to providing all staff with a general awareness of fraud and corruption, and provide guidance on how they are to respond if such behaviour is suspected, detected or attempted.

This will be achieved in a number of ways by:

- Incorporating a brief session on fraud and corruption prevention into induction training for new staff;
- Providing fraud awareness training sessions to Management and staff;
- Making the Code of Conduct and the Fraud and Corruption Prevention Policy available to all staff and the general public via Council's website;
- Disseminating articles of interest on fraud and corruption to staff via staff newsletters, publications and circulars;
- Promotion of this strategy and associated documents through Council's procurement framework and procurement documentation;
- Introduction of a "whistleblower hotline" to allow members of staff and the community to report inappropriate behaviours such as (but not limited to) corrupt conduct, maladministration or alleged fraud. This will provide for public interest disclosures to be reported as well as anonymous reports.
- Regular attendance at relevant industry forums and seminars.

Additionally, Council routinely interacts with a wide range of stakeholders such as residents, ratepayers, suppliers, contractors and developers to volunteers, applicants, media, community organisations and various other interested parties. There is a need to ensure that these stakeholders are actively aware of Council's attitude towards fraud and corruption and that such behaviour will not be tolerated, through the promotion of this strategy in an effort to reduce the likelihood of improper dealings and/or attempts by external parties to influence Councillors or Council staff.

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7 THIRD PARTY MANAGEMENT SYSTEMS

Port Macquarie-Hastings Council ensures that appropriate controls are in place via an assortment of policies to manage our dealings with third parties and conflicts of interest. In doing so we make available a copy of our *Statement of Business Ethics* to contractors and suppliers to ensure understanding of the standards of behaviour expected by Council.

Third party management also covers managing staff conflicts of interest in accordance with Council's Code of Conduct, Related Parties Disclosure Policy and secondary employment declaration requirements in accordance with Section 353 Local Government Act 1993.

8 NOTIFICATION SYSTEMS

Council's Code of Conduct compels all employees to report any instances of possible fraud, corruption, maladministration or serious and substantial wastage. Members of the public are actively encouraged to report any such behaviour that is known or suspected. Council supports and encourages a supportive culture of reporting and any person who makes a report in accordance with Port Macquarie-Hastings Council's Public Interest Disclosure and Internal Reporting Policy will be protected under the *Public Interest Disclosures Act 1994*.

As previously mentioned, Council will be introducing a "whistleblower hotline" to allow members of staff and the community to report inappropriate behaviours such as (but not limited to) corrupt conduct, maladministration or alleged fraud. This will provide for public interest disclosures to be reported as well as anonymous reports.

Reports of all suspected unethical activity including corruption be made to Council's Group Manager Governance. Alternatively, anyone wishing to make a report can direct matters of corruption to the Independent Commission Against Corruption, maladministration to the NSW Ombudsman and serious and substantial wastage to the Office of Local Government.

9 DETECTION SYSTEMS

Internal controls are effective at detecting fraudulent and corrupt behaviour with Council maintaining appropriate controls such as:

- segregation of duties
- approvals and authorisation
- verification
- reconciliations
- management reviews
- data mining tools
- risk assessments
- physical security
- job rotation
- Independent reviews like internal and external audits and peer reviews.
- Audit, Risk and Improvement Committee

Council will not tolerate any reprisal action against staff who uncover and report such behaviour and will ensure appropriate methods are in place for their protection. If someone believes that detrimental action has been or is being taken against them, or someone else who has reported suspected fraud or

corruption, they should advise a disclosure officer in accordance with the Public Interest Disclosure and Internal Reporting Policy immediately.

10 INVESTIGATION SYSTEMS

10.1 Assessment

When an allegation of fraud or corruption is made under a Public Interest Disclosure, the Disclosures Coordinator will undertake a preliminary assessment and may recommend that the matter be referred to an external body or that a full investigation be conducted. The complainant will be advised and action taken as appropriate in accordance with Council's Public Interest Disclosures and Internal Reporting Policy.

10.2 Support

Council will deal fairly with all parties in the course of investigating allegations of fraud or corruption, however if fraud or corruption is proven, Council will apply the appropriate sanctions or refer the matter to external law enforcement agencies if criminal offending is detected.

Council's investigation standards are clearly documented in various Council policies and procedures that include Council's Code of Conduct, Public Interest Disclosure and Internal Reporting Policy and Workplace Investigations Policy and Procedure.

10.3 Maintaining Confidentiality

Every effort will be made to ensure that any allegations of fraudulent or corrupt conduct are handled confidentially. In some situations, confidentiality may not be possible or appropriate and will be managed in accordance with the Public Interest Disclosure and Internal Reporting Policy.

Council will accept and consider anonymous reports, however anonymity may limit Council's ability to seek further information or adequately assess the report.

10.4 Vexations, Frivolous or Misleading Allegations

Any report that is found to be vexatious, frivolous or deliberately misleading may result in disciplinary action against the staff member for making the allegation.

REVIEW

This plan will be reviewed every 12 months.

Appendix 1 - Examples of Potential Fraudulent and Corrupt Activity

Theft

The most common types of property stolen include:

- stationery and office supplies
- construction and maintenance equipment and tools
- lap top computers
- mobile phones
- technical equipment
- cash
- fuel
- intellectual property, including documents and data

Theft also includes the unauthorised use of credit cards, petrol cards, Cabcharge cards or vouchers.

Gifts, Benefits and Bribes

Gifts, benefits and bribes are often intended to influence the way the recipient carries out official functions. The intention may be to encourage the recipient to not look too closely at an illegal or unauthorised activity, or to actively participate in a fraudulent or corrupt activity.

Exposure to offers of gifts, benefits or bribes is particularly common for Council Officers who:

- approve or can influence decisions
- procure goods or services
- carry out regulatory work
- provide customer or client service
- carry out work with the private sector

Misuse of Council Resources for Inappropriate Private Purposes

In their publication "Preventing the misuse of Council Resources Guideline 2", the ICAC provides a number of examples of this type of risk:

- a Council driver using a Council truck to deliver tonnes of gravel to a friend's property and remove a tree
- a works team undertakes paid work for a builder on a construction site during working hours
- a swimming pool manager running a non-authorised swimming school during work hours
- a parks maintenance officer running a landscaping business using council equipment and materials, and falsifying timesheets to cover up his private use
- five council employees spend a work day turfing an employee's backyard

Other forms of misuse include:

- staff using mobile phones excessively for private purposes without reimbursement of costs
- internet services being used extensively for non-work purposes
- "left-over" materials and low value assets being claimed by Council Officers

Zoning and Development

- coercion, intimidation and harassment of Council planners dealing with development applications
- inducements from developers to modify approved DA or conditions imposed

Regulatory Compliance

- Compliance Officers accepting bribes and favours to allow illegal and unauthorised activities

Procurement, Tendering and Contract Management

Activities associated with procurement, tendering and contract management have traditionally been very susceptible to fraud and corruption. They normally result from bribes, commissions or conflicts of interests. Examples of the type of fraud and corruption risk exposures include:

- order splitting to avoid tendering or obtaining quotes
- collusion with suppliers to provide dummy quotes
- accepting late tenders without justification
- approving fraudulent contract variations

Human Resources

- creation of fictitious employees on the payroll register
- applicants for positions falsifying career background details
- direct recruitment of friends and relatives to permanent and casual positions

Delegations

The opportunity for various types of fraud and corruption can be increased by:

- unclear delegations
- delegation for order and payment granted to same person
- lack of supporting documentation

Information Technology

The main risk areas of computer fraud are:

- unauthorised electronic transfer of funds
- electronic claims processing
- unauthorised alteration of input data
- misappropriation, destruction or suppression of output data
- alteration of computerised data
- alteration or misuse of software program

Forgery or Falsification of Records

The falsification of records and processing of a false statement is fraud. Examples include falsification of:

- data on expense claims and receipts
- credit card reimbursement claims
- invoices and timesheets
- job application forms
- leave records
- forgery of a signature on a cheque or document

Unauthorised Sale or Provision of Information

This risk involves unauthorised sale or provision of confidential information, including client information.

Appendix 2 – Reporting Fraud and Corruption

A staff member who suspects that fraudulent activity is occurring should observe the following steps:

1. **Note observations:**
 - do not jump to conclusions
 - carefully observe and note the suspected conduct
 - document your own actions
 - keep any documents as possible evidence and do not alter them, eg. by marking, and ensure they are stored securely.
2. **Report concerns:**
 - to your line manager or a Disclosure Officer who is available to provide advice on a confidential basis.
3. **Inform only those who need to know:**
 - to prevent possible destruction of evidence by those involved in the fraud
 - as protection against any pressure from those at the centre of the allegations.
4. **Maintain confidentiality:**
 - to protect the rights of a person suspected of fraudulent activity who may in fact be innocent.

A report of wrongdoing can be made in writing or verbally:

- to your line supervisor or Group Manager
- to a Disclosure Officer – as listed on the Public Interest Disclosure intranet page
- through Council's hotline where you may make an anonymous report

Additionally, the following external agencies are able to provide advice or take reports of wrongdoing at Local Councils:

Independent Commission Against Corruption (ICAC) – about alleged corruption

(ICAC) Telephone: 1800 463 909
Address: GPO Box 500, Sydney NSW 2001
Email: icac@icac.nsw.gov.au

Office of Local Government – about serious and substantial waste

Telephone: (02) 4428 4100
Email: olg@olg.gov.au

NSW Ombudsman – about alleged maladministration

Telephone: (02) 9286 1000
Email: nswombo@ombo.nsw.gov.au

Information and Privacy Commission NSW – about alleged information breaches

Telephone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au



DRAFT CODE OF MEETING PRACTICE

April 2021

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1 INTRODUCTION

This Code of Meeting Practice is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This Code incorporates:

- the mandatory provisions of the Model Code of Meeting Practice prescribed by the Regulation on 14 December 2018 (Model Code),
- some non-mandatory provisions of the Model Code (shown by an asterix symbol (*) adjacent to the clause number), and
- supplementary provisions prepared by Council (shown by a hash symbol (#) adjacent to the clause number), which must not be inconsistent with the mandatory provisions of the Model Code.

This code and all its provisions applies to all meetings of Port Macquarie-Hastings Council (Council) and committees of Council of which all the members are Councillors.

The Council and such committees must conduct meetings in accordance with this Code.

Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless Council determines otherwise.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

NOTE: A point of order cannot be made by a Councillor with respect to adherence to the meeting principles: see clause 15.2.

3 BEFORE THE MEETING

Timing of Ordinary Council Meetings

3.1 [DELETED]

3.2 The Council shall, by resolution, set the frequency, time, date and place of its Ordinary meetings.

NOTE: Under section 365 of the Act, Councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a Council is required to meet each year under section 365A.

Extraordinary meetings

3.3 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.

NOTE: Clause 3.3 reflects section 366 of the Act.

Notice to the public of Council meetings

3.4 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

NOTE: Clause 3.4 reflects section 9(1) of the Act.

3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on Council's website, and in such other manner that Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of Ordinary Council meetings

3.7 The Chief Executive Officer must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

NOTE: Clause 3.7 reflects section 367(1) of the Act.

3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

NOTE: Clause 3.8 reflects section 367(3) of the Act.

Notice to Councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

NOTES: Clause 3.9 reflects section 367(2) of the Act.

The Chief Executive Officer will make the determination whether an Extraordinary Council meeting is called in the case of an emergency. Note that emergencies are generally accepted as natural disasters or serious unexpected events that require urgent attention.

Notices of motion will not be dealt with at an Extraordinary meeting of Council unless they are the subject on which an extraordinary meeting of Council is called.

Giving notice of business to be considered at Council meetings

- 3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next Ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 5:00pm on the Monday that is not less than seven (7) business days before the meeting is to be held.

- 3.11 A Councillor may, in writing to the Chief Executive Officer, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

NOTE: A Councillor who submitted a notice of motion may request the withdrawal of the motion when it is before the Council: see clause 10.3.

- 3.12* If the Chief Executive Officer considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the Chief Executive Officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.

- 3.13* A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the Chief Executive Officer must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Council, or
- (b) by written notice sent to all Councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the Chief Executive Officer about the performance or operations of the Council.

- 3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the Chief Executive Officer or a member of staff of the

Council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the Council.

- 3.16 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Any oral response at the meeting will be included in the minutes and in a written report to the following meeting.

NOTE: Nothing here prevents an initial answer being provided orally at the meeting and formally by way of a later report in writing.

- 3.16A# Questions with Notice submitted under 3.10 are required to be in accordance with the following conditions:

- i. The question is to be a single sentence of a single question commencing "That the Chief Executive Officer be requested to respond to the following question with notice...";
- ii. Should the question require additional time to prepare an adequate response, the Chief Executive Officer shall be consulted by Council as to an appropriate future Council meeting that a response shall be provided.
- iv. Determines that a Councillor shall be limited to a maximum of two (2) Questions with Notice at any Ordinary Council Meeting

Note: Nothing here prevents an initial answer being provided orally at the meeting and formally by way of a later report in writing.

Note: Clause 3.10 of the Code of Meeting Practice relates to submitting Notices of Motion and a question on Notice is regarded as a Notice of Motion

Agenda and business papers for Ordinary meetings

- 3.17 The Chief Executive Officer must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- 3.18 The Chief Executive Officer must ensure that the agenda for an Ordinary meeting of the Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
 - (b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 9.6.
- 3.20 The Chief Executive Officer must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

NOTE: Clause 3.21 reflects section 9(2A)(a) of the Act.

- 3.22 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

NOTE: Clause 3.23 reflects section 9(2) and (4) of the Act.

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the Chief Executive Officer has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

NOTE: Clause 3.24 reflects section 9(2A)(b) of the Act.

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

NOTE: Clause 3.25 reflects section 9(3) of the Act.

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

NOTE: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.27 The Chief Executive Officer must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

NOTE: The procedure in relation to 3.28 requires:

1. A Councillor to move a motion to for the item to be dealt with as it is a matter of great urgency.

2. Chairperson calls for a seconder.
3. If there is a seconder, then the mover of the motion can speak as to why they believe it should be considered and the urgent nature. In accordance with clause 3.30, only the mover of the motion can speak to the motion before it is put.
4. Council votes on considering it as an item of business.
5. The chairperson makes a decision as to whether it should be considered due to its urgent nature.
6. In accordance with clause 3.31, a motion of dissent cannot be moved against a ruling of the chairperson on whether a matter is of great urgency.

3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(b) can speak to the motion before it is put.

3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(a) on whether a matter is of great urgency.

Pre-meeting briefing sessions

3.32* Prior to each Ordinary meeting of the Council, the Chief Executive Officer may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Council and meetings of committees of the Council.

3.33* Pre-meeting briefing sessions are to be held in the absence of the public.

3.34* The Chief Executive Officer or a member of staff nominated by the Chief Executive Officer is to preside at pre-meeting briefing sessions.

3.35* Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or committee meeting at which the item of business is to be considered.

3.36* Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

3.37# A record of minutes will be recorded in the pre-meeting briefing including the items discussed, attendees of the briefing, timings and conflicts as detailed in clause 3.37.

4 PUBLIC FORUMS

- 4.1* The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to Extraordinary Council meetings and meetings of Committees of the Council.
- 4.1A# Public forums relating to Council meetings are to be held after the publication of the agenda and before the Council Meeting at a time agreed by the Mayor and Chief Executive Officer.
- 4.1B# The maximum time for public forum will be 60 minutes with an option to extend public forum by 30 minutes following consensus by all Councillors present.
- 4.2* Public forums are to be chaired by the Mayor, the Deputy Mayor in the absence of the Mayor, or a Councillor selected by those Councillors in attendance in the event the Mayor and Deputy Mayor are absent.
- 4.3* To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 4.30pm on the last business day before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4* A person may apply to speak on no more than two (2) items of business on the agenda of the Council meeting.
- 4.5* Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6* The Chief Executive Officer or their delegate may refuse an application to speak at a public forum. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7* No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8* Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs, by 4:30pm on the last business day before the date of the public forum. The Chief Executive Officer or their delegate may refuse to allow such material to be presented should the request be unreasonable, equipment not being readily available or insufficient notice has been provided by the speaker.
- 4.9* The Chief Executive Officer or their delegate is to determine the order of speakers at the public forum with speakers wishing to speak to matters on the agenda being given priority.
- 4.10* Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.11* Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

- 4.12* A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.13* Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.14* The Chief Executive Officer or their nominee may, with the concurrence of the chairperson, address the forum for up to two (2) minutes in response to an address at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.15* Where an address made at a public forum raises matters that require further consideration by Council staff, the Chief Executive Officer may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.16* When addressing the public forum, speakers at public forums must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- 4.17* If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.16, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.18* Clause 4.17 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.19* Where a speaker engages in conduct of the type referred to in clause 4.16, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at public forums for such a period as the Chief Executive Officer or their delegate considers appropriate.
- 4.20* Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or Committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.
- 4.21# The following submissions may **not** be made at an open forum:
- a submission on a proposed or pending planning proposal, development application, application to modify a development consent, application to review a determination or any related matter,
 - a submission by an applicant or objector in respect of development who made an oral submission at an on-site inspection,
 - a submission by a person on a matter on which they have made submissions at two (2) previous open forums in the same calendar year, unless otherwise approved in writing by the Chief Executive Officer,
 - a submission relating to a current or pending procurement, contract negotiation or dispute resolution involving the Council,
 - a submission on any matter which the Chief Executive Officer or their delegate considers is inappropriate to be made at an open forum.

- 4.22# Members of the public may also make written representations to Councillors regarding matters on the agenda. These representations are required to be received by Council at councilmeeting@pmhc.nsw.gov.au no later than 4.30pm the Monday prior to the meeting. These representations will be circulated to Councillors to assist in their decision making prior to the commencement of the Council meeting.

NOTE: These written representations do not form part of the formal meeting, nor do they form part of the meeting documents or minutes.

5 COMING TOGETHER

Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.

NOTE: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting.

- 5.3# Seating order for Councillors at Council meetings shall be determined by resolution of the Council.

- 5.4 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.6 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

- 5.7 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

NOTE: Clause 5.7 reflects section 234(1)(d) of the Act.

- 5.8 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.

NOTES: Clause 5.9 reflects section 368(1) of the Act.

If an even number of Councillors holds office at the time, a majority is half that number plus one.

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

NOTE: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the Council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

NOTES#: A Councillor who has been granted leave of absence for a meeting by the Council is an apology for the meeting for the purposes of clause 5.11(a). A Councillor can be an apology for a meeting without having been granted a leave of absence by the Council.

A Councillor who leaves the meeting room during a meeting is absent from the meeting for the purpose of determining whether a quorum is present.

Refer to the Code of Conduct in the event that a majority of Councillors are precluded from consideration of a matter, by reason of having disclosed a pecuniary or non-pecuniary significant interest or in the case where a Councillor has deliberately left the meeting for the purpose of losing a quorum.

- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the Councillors present, or
- (c) failing that, by the Chief Executive Officer.

- 5.13 The Chief Executive Officer must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

- 5.14* Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Mayor may, in consultation with the Chief Executive Officer and, as far as is practicable with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15* Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next Ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend Council meetings

- 5.16 Everyone is entitled to attend a meeting of the Council and committees of the Council. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.

NOTE: Clause 5.16 reflects section 10(1) of the Act.

- 5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.18 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a committee of the Council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

NOTES: Clause 5.18 reflects section 10(2) of the Act.

Part 15 specifies powers to expel persons from a meeting.

Webcasting of meetings

- 5.19 All meetings of the Council and committees of the Council (as defined in the Local Government Act) are to be webcast on the Council's website. Council will livestream its Ordinary and Extraordinary Council meetings when held in the Port Macquarie Council Chamber, where that section of the meeting is not closed to the public, and from other locations where facilities permit.

NOTES: Council will make an audio-visual recording of the meeting and will make this recording available through the Council website as soon as practicable after the completion of the meeting.

Due to technical limitations when Council meetings are held outside the Council Chamber in the Port Macquarie Administration Offices, the minimum of an audio recording of the meeting will be made available through the Council website as soon as practicable after the completion of the meeting. Video recordings may be provided if facilities allow.

It is also noted that, although it is unexpected, technical difficulties may arise which may result in no recording of the meeting being available. Should this occur a report will be presented to the following Council meeting indicating reasons for the inability to record (if known) and a note will be placed on Council's website indicating that no recording for that meeting is available due to technical difficulties experienced at that time.

No editing of these recordings is permitted other than for formatting or presentation purposes.

Recordings are not made of confidential sections of Council or Committee meetings.

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.

- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

- 5.22 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for **no less than twelve (12) months**. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the Chief Executive Officer and other staff at meetings

- 5.23 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.

NOTE: Clause 5.23 reflects section 376(1) of the Act.

- 5.24 The Chief Executive Officer is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.

NOTE: Clause 5.24 reflects section 376(2) of the Act.

- 5.25 The Chief Executive Officer may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of employment of the Chief Executive Officer.

NOTE: Clause 5.25 reflects section 376(3) of the Act.

- 5.26 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive Officer.

Adjournment of Meeting

- 5.27# Council or a Committee of the Council may resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

- 5.28# Where a meeting is adjourned under clause 5.27 to another date, the Chief Executive Officer must:

- (a) individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the Chief Executive Officer is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

6 THE CHAIRPERSON

The chairperson at meetings

- 6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

NOTE: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

NOTE: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the Mayor and Deputy Mayor

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the Chief Executive Officer or, in their absence, an employee of the Council designated by the Chief Executive Officer to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the Chief Executive Officer nor a designated employee is present at the meeting, or if there is no Chief Executive Officer or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the Council:
- (a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1* If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.1A# If the chairperson is the Deputy Mayor, they are to be addressed as 'Mr Deputy Mayor' or 'Madam Deputy Mayor'.
- 7.2* Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Mr Chair' or 'Madam Chairperson' or 'Madam Chair'.
- 7.3* A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4* A Council officer is to be addressed by their official designation or as Mr/Ms [surname].
- 7.5# During a meeting of Council, all Councillors with the exception of the chairperson, or any Councillor prevented by physical impairment, shall stand when speaking.

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 [DELETED]

8.2 The general order of business for an Ordinary meeting of the Council shall be:

- Open meeting
- 01 Acknowledgement of country
- 02 Local Government Prayer
- 03 Apologies
- 04 Confirmation of minutes
- 05 Disclosures of interests
- 06 Mayoral minute(s)
- 07 Confidential attachments to Ordinary Council meeting
- 08 Leadership and Governance
- 09 Your Community Life
- 10 Your Business and Industry
- 11 Your Natural and Built Environment
- 12 Items to be dealt with by exception
- 13 Confidential matters
- Close of meeting

NOTE: Notices of motion/Questions with notice and Petitions will be included in the functional areas of the agenda.

8.2A# The Acknowledgement of Country shall normally be delivered in accordance with advice/guidelines issued by the Australian Government at that time. This also applies to all Committees of Council, sub-committees and groups.

8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGSBusiness that can be dealt with at a Council meeting

9.1 The Council must not consider business at a meeting of the Council:

- (a) unless a Councillor has given notice of the business, as required by clause 3.10, and
- (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

- (a) is already before, or directly relates to, a matter that is already before the Council, or
- (b) is the election of a chairperson to preside at the meeting, or
- (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral minute, or
- (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.

9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

NOTE: The procedure in relation to 9.3 requires:

- 1. A Councillor to move a motion to for the item to be dealt with as it is a matter of great urgency.
- 2. Chairperson calls for a seconder.
- 3. If there is a seconder, then the mover of the motion can speak as to why they believe it should be considered and the urgent nature. In accordance with clause 9.4, only the mover of the motion can speak to the motion before it is put.
- 4. Council votes on considering it as an item of business.
- 5. The chairperson makes a decision as to whether it should be considered due to its urgent nature.
- 6. In accordance with clause 9.3(b), a motion of dissent cannot be moved against a ruling of the chairperson on whether a matter is of great urgency.

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral Minutes

9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral Minute without the motion being seconded.

NOTE: A motion to adopt a Mayoral Minute can be debated and amended as with any other substantive motion.

9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.

9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

9.10* Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral Minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of committees of Council

- 9.12 The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 9.13 If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Adopting recommendations in reports

- 9.13A# If in any report (other than the report of a committee) distinct recommendations are made, the Council may make separate decisions on each recommendation (splitting recommendations).

Questions

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the Chief Executive Officer, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.

NOTES: It is considered that all Councillors have the opportunity to, through the Chief Executive Officer, put a question to a Council employee.

The effect of clause 9.16 also applies to questions to staff arising in the open forum.

- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.

NOTE: Councillors are encouraged to provide the Chief Executive Officer with advance notice of significant questions intended to be asked by a Councillor during the meeting regarding any item on the agenda.

- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10 RULES OF DEBATE

Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.
- 10.1A# The mover of a motion that has been seconded will be given the opportunity to speak for the motion before any amendment to the motion will be accepted.

Notices of motion

- 10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.6A# Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson must explain to the mover of the motion the reason or reasons why the chairperson proposes to do so.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.
- 10.8A# Councillors are encouraged to provide adequate notice of any proposed motion they intend to move at a Council meeting to all Councillors prior to the commencement of the meeting.

Motions requiring the expenditure of funds

- 10.9* A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If an amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion and the Councillor who seconded the motion but only with the approval of the Councillor moving the amendment.

NOTES: If an amendment is accepted by the mover of the original motion, the amended motion becomes the motion with the same original mover, and debate is continued until a vote.

Where a motion or amendment is developed by Councillors as a consequence of debate during the meeting, the Chief Executive Officer will cause the draft motion or amendment to be displayed on screens to provide Councillors with the opportunity to review the motion or amendment prior to voting, to ensure the intent of the motion or amendment is accurately reflected.

Councillors are encouraged to provide the Chief Executive Officer and Councillors with advance notice of significant variations to the staff recommendations.

- 10.16A# Councillors are encouraged to provide adequate notice of any proposed amendments they intend to move at a Council meeting to all Councillors prior to the commencement of the meeting.

Foreshadowed motions

- 10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of an original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the moved foreshadowed motion is then seconded. If an original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

NOTE: If an amendment is carried then it becomes a motion, and can be debated before a vote, at which time a further amendment may be moved. If it is debated, then its mover shall be given the right of reply which will then close the debate.

- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
 - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.31 [DELETED]

11 VOTING

Voting entitlements of Councillors

- 11.1 Each Councillor is entitled to one (1) vote.

NOTE: Clause 11.1 reflects section 370(1) of the Act.

- 11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

NOTE: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- 11.4 [DELETED]

Voting at Council meetings

- 11.5 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- 11.6 [DELETED]

- 11.7 [DELETED]

- 11.8 [DELETED]

- 11.9 [DELETED]

- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

- 11.11 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 11.12 The Chief Executive Officer must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

- 11.13 [DELETED]

- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

- 11.15 Clauses 11.12 and 11.14 apply also to meetings that are closed to the public.

NOTES: Clauses 11.12–11.15 reflect section 375A of the Act.

The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

- 12.1 The Council may resolve itself into a committee to consider any matter before the Council.

NOTE: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

NOTE: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the Council designated by the Chief Executive Officer, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1* The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

- 13.2* Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

- 13.3* The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on or in respect of which a Councillor has declared a pecuniary interest or a significant conflict of interest under the Council's adopted code of conduct.

- 13.4* Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.3.

- 13.5* A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

- 13.6* Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

- 13.7* Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than Councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the Council's code of conduct.

NOTE: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

NOTE: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

NOTE: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the Council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

NOTE: Clause 14.4 reflects section 10B(2) of the Act.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

NOTE: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or committee.

NOTE: Clause 14.6 reflects section 10B(4) of the Act.

- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

NOTE: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

NOTE: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

- 14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

NOTE: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 4:30PM the last day before the date of the meeting at which the matter is to be considered.

- 14.12 The Chief Executive Officer (or their delegate) may refuse an application made under clause 14.11. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two (2) speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the Chief Executive Officer or their delegate is to determine who will make representations to the Council.
- 14.15 The Chief Executive Officer (or their delegate) is to determine the order of speakers.
- 14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two (2) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

NOTE: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson, or a person requested to by the chairperson, must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson, or a person requested to by the chairperson, under clause 14.21 during a part of the meeting that is webcast.
- 14.23# Resolutions passed during a meeting, or a part of a meeting that is closed to the public, will have the names of the Councillors who voted for and against the resolutions (including any casting votes), made public by the chairperson, or a person requested to by the chairperson, during a part of the meeting that is open to the public and shall be recorded in the minutes.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

NOTE: When a point of order is raised, the Councillor must specify the section of the code that has been breached by providing the clause number of the code and the details of that clause.

Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

NOTE: In calling a Councillor to order, the Chairperson must specify the section of the code that has been breached by providing the clause number of the code and the details of that provision.

- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.
- 15.12 The chairperson may require a Councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

NOTE: Acts of disorder committed by the Mayor or Councillors during Council or committee meetings may constitute a breach of clause 3.22 of the Council's Code of Conduct and is Councillor misconduct for the purposes of s440F of the Local Government Act 1993.

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

- 15.14 [DELETED]

- 15.15* All chairpersons of meetings of the Council and committees of the Council are authorised under this code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.
- 15.16* Clause 15.15 does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.21 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

17 DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

NOTE: Clause 17.1 reflects section 371 of the Act.

- 17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Council decisions

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

NOTE: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

NOTE: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

NOTE: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

NOTE: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

NOTE: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

NOTE: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the Chief Executive Officer no later than 12:00PM on the next business day after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

NOTE: Clause 17.11 reflects section 372(6) of the Act.

- 17.12* Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three Councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 17.13* A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14* A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15* Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting to correct any error, ambiguity or imprecision in the Council's resolution.
- 17.16* In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15, the Councillor is to propose alternative wording for the resolution.
- 17.17* The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15, unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18* A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19* A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20* A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

[DELETED]

19 AFTER THE MEETING

Minutes of meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

NOTE: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the Council's minutes:

- (a) details of each motion moved at a Council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

NOTE: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

NOTE: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

NOTE: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

NOTE: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

NOTE: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the Council

19.12 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the Council.

NOTE: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

20.2 The Council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

20.4 The quorum for a meeting of a committee of the Council is to be:

- (a) such number of members as the Council decides, or
- (b) if the Council has not decided a number – a majority of the members of the committee.

NOTE: If an even number of Councillors holds office at the time, a majority is half that number plus one.

Functions of committees

20.5 The Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

20.6 The Chief Executive Officer must send to each Councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

NOTE: The Chief Executive Officer will make the determination whether an Extraordinary Committee meeting is called in the case of an emergency. Note that emergencies are generally accepted as natural disasters or serious unexpected events that require urgent attention.

Attendance at committee meetings

20.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of Council committees

- 20.11 The chairperson of each committee of the Council must be:
- (a) the Mayor, or
 - (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
 - (c) if the Council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 [DELETED]
- 20.18 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.20 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson, or a person requested to by the chairperson, must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the

resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson, or a person requested to by the chairperson, under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council committee meetings

- 20.23 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

- 20.24* All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

- 20.25 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.

- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 20.29 The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

21 IRREGULARITIES

- 21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Councillor or committee member, or
- (c) any defect in the election or appointment of a Councillor or committee member, or
- (d) a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's code of conduct,

- or
(e) a failure to comply with this code.

NOTE: Clause 21.1 reflects section 374 of the Act.

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the Council's adopted code of meeting practice
committee of the Council	means a committee established by the Council in accordance with clause 20.2 of this code (being a committee consisting only of Councillors) or the Council when it has resolved itself into committee of the whole under clause 12.1
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two Councillors under clause 11.7 of this code requiring the recording of the names of the Councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>

webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

Version Control

Version	Description	Approval	Approval Date
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6/1/97	Amendment(s)	Policy	6 January 1997
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Council Policy PUBLIC INTEREST DISCLOSURE INTERNAL REPORTING POLICY

1. INTRODUCTION

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who to report wrongdoing to in Port Macquarie-Hastings Council, what can be reported and how reports of wrongdoing will be dealt with by Port Macquarie-Hastings Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the *Public Interest Disclosures Act 1994* (PID Act).

This policy is just one in the suite of Port Macquarie-Hastings Council's complaint handling policies (refer section 4).

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the grievance procedure. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the Grievance Procedure.

2. POLICY STATEMENT AND SCOPE

2.1 Organisational commitment

Port Macquarie Hastings Council will not tolerate corrupt conduct, maladministration, the serious and substantial waste of public money or contravention of the *Government Information (Public Access) Act 2009* ("GIPA Act") and is committed to the aims and objectives of the *Public Interest Disclosures Act 1994* ("PID Act").

The PID Act has the purpose of ensuring that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The PID Act aims to encourage and facilitate the disclosure of serious wrongdoing.

Council wishes to foster an ethical and accountable culture that encourages the disclosure of serious wrongdoing.

Council recognises the value and importance of contributions of staff, Councillors and other Council engaged persons to enhance administrative and management practices and strongly supports disclosures being made by those individuals.

The Policy establishes an internal reporting system for the reporting of disclosures of serious wrongdoing by Council, its staff and Councillors.

The Council will take all reasonable steps to provide protection to staff, Councillors and Council engaged persons who make such disclosures from any detrimental action in reprisal for the making of a disclosure.

2.2 Who does this policy apply to?

This policy will apply to:

- Councillors
- council staff, whether permanent, temporary or casual employees
- consultants
- individual contractors working for Port Macquarie-Hastings Council
- employees of contractors providing services to Port Macquarie-Hastings Council
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another council or public authority who report wrongdoing relating to Port Macquarie-Hastings Council.

2.3 What should be reported?

You should report any suspected wrongdoing within Council, or any activities or incidents you see within Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

(a) Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

(b) Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.
- issuing an order against a person without giving them procedural fairness.

- awarding contracts and tenders to private parties that are related by family, friendship or association.
- failing to make a decision in accordance with official Policy for no appropriate reason.

(c) Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad or no processes in place for a system involving large amounts of public funds.
- the purchase of unnecessary or inadequate goods and services.
- overstaffing in particular areas.
- staff being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment.

(d) Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation
- intentionally overlooking documents that are clearly covered by an access application.

(e) Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. 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.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a Councillor participating in consideration of a DA for a property they or their family have an interest in.

2.4 Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The disclosures coordinator is responsible for assessing reports, in consultation with the Chief Executive Officer where appropriate. All reports will be assessed on the information available to the disclosures coordinator at the time. It is up to the disclosures coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the disclosures coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

2.5 When will a report be treated as a public interest disclosure?

Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to either the Chief Executive Officer or, for reports about the Chief Executive Officer the Mayor, a position nominated in this policy (see section 2.6), an investigating authority or in limited circumstances to an MP or journalist (see section 2.7).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 2.15)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 2.16).

2.6 Who can receive a report within Port Macquarie-Hastings Council

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within Council who are authorised to receive a public interest disclosure.

- Chief Executive Officer
- Mayor (for reports about the Chief Executive Officer only)
- Disclosures Coordinator - Group Manager Governance
- Internal Ombudsman
- Disclosures Officers

Disclosure Officers are appointed by the Chief Executive Officer and can be found in the document titled "Port Macquarie-Hastings Council Public Interest Disclosures - Disclosures Officers"

Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 3.3).

If your report involves a Councillor, you should make it to the Chief Executive Officer. If your report relates to the Chief Executive Officer, you should make it to the Mayor.

2.7 Who can receive a report outside of Port Macquarie-Hastings Council

Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

(a) Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the Chief Executive Officer or the Mayor.

The relevant investigating authorities for Port Macquarie-Hastings Council are:

- the Independent Commission Against Corruption (ICAC) – for disclosures about corrupt conduct

- the Ombudsman – for disclosures about maladministration
- the Auditor-General – for disclosures about serious and substantial waste
- the Information Commissioner – for disclosures about a breach of the GIPA Act
- the Office of Local Government – for disclosures about local councils

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with Port Macquarie-Hastings Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

(b) Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the Chief Executive Officer
- a person nominated in this policy, including the Mayor for reports about the Chief Executive Officer
- an investigating authority.

Also, the Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

(c) Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Council's code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

2.8 How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Council's Internal Reporting Form is also available for staff or Councillors to use to make a report and is available on Council's Intranet.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

Council also provides a hotline and on-line service for the reporting of Public Interest Disclosures which allows for a reporter to lodge a complaint anonymously.

2.9 Can a report be anonymous?

Yes, there will be some situations where you may not want to identify yourself when you make a report.

Council provides a hotline and on-line service for the reporting of Public Interest Disclosures which allows for a reporter to lodge a complaint anonymously.

Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for Council to prevent any reprisal should others identify you.

2.10 Feedback to staff who report wrongdoing

Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

(a) Acknowledgement

When you make a report, Council will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, Council will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation or other action
- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

(b) Progress updates

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by the *Council* not to proceed with the matter
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

(c) Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

2.11 Maintaining confidentiality

Port Macquarie-Hastings Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the disclosures coordinator and the Chief Executive Officer, or in the case of a report about the Chief Executive Officer, the disclosures coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

2.12 Managing the risk of reprisal and workplace conflict

When a staff member or Councillor reports wrongdoing, Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

2.13 Protection against reprisals

Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of Council's code of conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where the Council has reasonable grounds to take such action.

(a) Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the disclosures coordinator or the Chief Executive Officer immediately. In the case of an allegation of reprisal by the Chief Executive Officer, you can alternatively report this to the Mayor.

All supervisors must notify the disclosures coordinator or the Chief Executive Officer if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the Chief Executive Officer, the Mayor can alternatively be notified.

If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of the Council's code of conduct (reprisal action) by a Councillor or the Chief Executive Officer to the Office of Local Government
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

(b) Protection against legal action

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

2.14 Support for those reporting wrongdoing

Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the disclosures coordinator.

Council's Employee Assistance Program (EAP) is available to all employees and their immediate family. It is a free service offered by Council. Contact details for the EAP service can be found on Council's intranet.

2.15 Sanctions for making false or misleading statements

It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the code of conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

2.16 The rights of persons the subject of a report

Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.
- Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

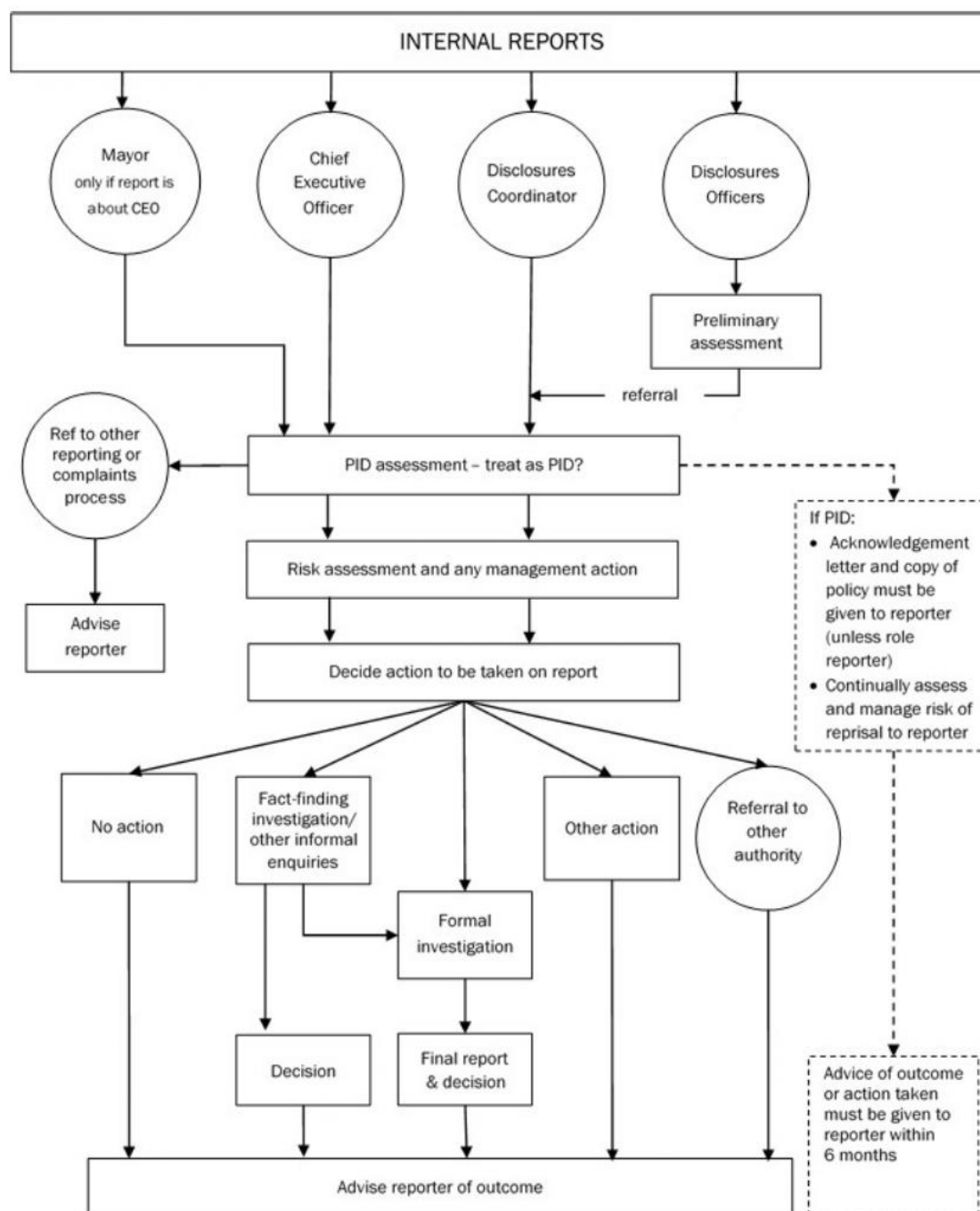
2.17 Review

This policy will be reviewed by the Council every two (2) years.

2.18 More information

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

2.19 Internal Reporting Process Flowchart



3. RESPONSIBILITIES AND AUTHORITIES

3.1 The role of council staff and Councillors

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and Councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all council staff and Councillors involved in the internal reporting process must adhere to Port Macquarie-Hastings Council's code of conduct. A breach of the code could result in disciplinary action.

3.2 The role of the Port Macquarie-Hastings Council

Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to Council to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure the Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

3.3 Roles of key positions

Chief Executive Officer

The Chief Executive Officer has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Council complies with the PID Act. The Chief Executive Officer can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under Council's code of conduct in accordance with Council's adopted code of conduct procedures
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified

- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Disclosures coordinator

The disclosures coordinator has a central role in Council's internal reporting system. The disclosures coordinator can receive and assess reports, and is the primary point of contact in Council for the reporter. The disclosures coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the Chief Executive Officer)
- deal with reports made under Council's code of conduct in accordance with Council's adopted code of conduct procedures
- coordinate Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

Disclosures officers

Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Disclosures officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the disclosures coordinator or Chief Executive Officer for full assessment.

Mayor

The Mayor can receive reports from staff and Councillors about the Chief Executive Officer. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under Council's code of conduct in accordance with Council's adopted code of conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the disclosures coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC

- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Supervisors and line managers

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the disclosures coordinator or Chief Executive Officer immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the Chief Executive Officer, notify the Mayor.

4. REFERENCES

Government Information (Public Access) Act 2009

Local Government Act 1993

Public Interest Disclosures Act 1994

Code of Conduct

Complaints Against & Compliments in Favour of Staff Policy

Complaints Handling Procedure

Grievance Procedure

Making Council Policy

NSW Ombudsman's *Guideline B2: What should be reported?*

NSW Ombudsman's Model internal reporting policy - June 2020

Port Macquarie-Hastings Council Public Interest Disclosures - Disclosures Officers

5. PROCESS OWNER

The Group Manager Governance is the nominated process owner for this Policy and is responsible for the review of this Policy. A review of this Policy will involve incorporating relevant legislation changes, documentation released from relevant agencies and best practice guidelines.


BUDGET VARIATIONS - March 2021											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to March 2021	New Yearly Proposed Budget - March 2021	Movement	Funding Source	EFFECT ON FUNDING POSITION
Adjustments which impact Council's Budget Position											
To bring to account additional Development Assessment income received year to date											
Development Assessment	11130	Construction Certificate Income	Operating	Development & Environment	-108,000	-108,000	-327,132	-228,000	-120,000	Revenue	- 120,000
Development Assessment	10790	Development Assessment Income	Operating		-1,126,404	-1,126,404	-1,037,621	-1,226,404	-100,000	Revenue	- 100,000
Total adjustments which impact Council's Budget Position									-220,000		-220,000
Grants & Other Funding											
Council has received a grant for the enhancement of security screening procedures at Port Macquarie Airport											
Airport	42173	Port Macquarie Airport Enhanced Security Screening	Operating	Corporate Performance	0	0	0	10,000	-10,000	Grant	0
Airport	19012	Operating Grants	Operating		0	0	0	-10,000	10,000	Grant	0
Total Grants & Other Funding									10,000		0
Movement between Projects											
Transfer of budget between GL's - accounting entry only											
Parks & Recreation	42107	Laurieton Sports Complex - Multi-Purpose Court	Capital	Development & Environment	0	115,000	406	220,000	-105,000	Reserve	0
Parks & Recreation	42131	Laurieton Sports Complex - Multi-Purpose Court	Capital		0	105,000	0	0	105,000	Reserve	0
Extension of temporary contract in Development Assessment - funded by additional revenue											
Development Assessment	255	Salaries & Wages	Operating	Development & Environment	1,057,908	1,101,560	833,479	1,136,560	-35,000	Revenue	-35,000
Development Assessment	10730	Building Certification Revenue	Operating		-684,400	-750,750	-716,360	-785,750	35,000	Revenue	35,000
Total Movements between Projects									140,000		0
Budget Variation Requests - Approved by Executive											

BUDGET VARIATIONS - March 2021											
Section	Project	Project Description	Capital/ Operating	Division	Full Year Original Budget	Full Year Current Budget	Actuals to March 2021	New Yearly Proposed Budget - March 2021	Movement	Funding Source	EFFECT ON FUNDING POSITION
Budget Variance Request for additional funding to deliver a new automatic sports field irrigation system at Lank Bain Sports Ground											
Parks & Recreation	42045	Lank Bain Sports ground Upgrade	Capital	Development & Environment	76,550	76,550	26,633	140,000	-63,450	Reserve	0
Parks & Recreation	42061	Sporting Infrastructure Renewals	Capital		140,000	140,000	0	76,550	63,450	Reserve	0
Total Budget Variations approved by Executive									63,450		0
ORGANISATIONAL TOTAL - THIS REVIEW									433,450		220,000
FORECAST FOR FINANCIAL YEAR ENDED 30 JUNE 2021											
		Original Budget as at 1 July 2020			Shortfall	-676,730					
		Plus: Adjustments									
		July Review				0					
		August Review			Surplus	151,102					
		September Review			Surplus	63,165					
		October Review			Balanced	0					
		November Review			Balanced	0					
		January Review			Surplus	117,330					
		February Review			Balanced	0					
		March Review			Surplus	220,000					
		FORECAST FOR 30 JUNE 2021			Shortfall	-125,133					
Notes:	1	The result shown above is the general fund result. All surpluses/deficits in the water, sewerage and waste funds are transferred to/from reserves.									
	2	Reserve are internal restrictions that hold funds for a specific purpose, e.g. The airport has its own reserve and all income and expenditure relating to the airport is credited/debited to that reserve.									
	3	Council projects are funded from a variety of funding sources. Below is a definition of the various types of funding that are used to fund projects.									
		Revenue - All funds that are generated through rates, annual charges, fees and charges, interest etc. These funds are untied and can be expended on any project that Council considers appropriate.									
		Grants - Government grants can either be monetary or otherwise and may be tied or untied. Tied grants are required to be used for a specific purpose such as the construction of a road. Untied grants may be applied for any purpose council considers appropriate.									
		Contributions - Contributions are non-reciprocal transfers to Council in the sense that Council is not required to give value in exchange for the contributions directly to the contributor. Examples are contributions given by ratepayers towards capital works in their vicinity.									
		Reserves - Reserves are internal restrictions held for a specific purpose, e.g. The airport has its own reserve and all income and expenditure relating to the airport is credited/debited to that reserve.									
		S7.11 and S64 Contributions - Section 7.11 of the NSW Environmental and Planning Act (1979) and section 64 of the Local Government Act (1993) provides NSW local government with a formal legal framework for levying developers for the provision of infrastructure, services and amenities - known as developer contributions.									
	4	Some projects are funded by multiple funding sources, e.g. a capital project may be funded by s7.11 funds, grants and revenue. The effect on capital column will only show the revenue funding adjustment as the other types of funding will have an income line budget adjustment shown in the report.									



Monthly Investment Report

March 2021

 IMPERIUM MARKETS	Imperium Markets Pty Ltd ABN: 87 616 579 527 Authorised Representative of Libertas Financial Planning Pty Ltd AFSL 429 718 Phone: +61 2 9053 2987 Email: michael.chandra@imperium.markets Level 9 Suite 02, 3 Spring Street, Sydney NSW 2000



Executive Summary

Compliance

Compliance Measure	Within Policy Limits (Y/N)	Reason if Not Compliant
Term to Maturity	Yes – Compliant	n/a
Counterparty	Yes – Compliant	n/a
Credit Quality	Yes – Compliant	n/a

Performance

As at 31/03/2021	1m (actual)	1m (% p.a.)	FYTD (actual)	FYTD (% p.a.)
AusBond Bank Bill Index	0.00%	0.02%	0.05%	0.07%
Council's Portfolio[^]	0.16%	1.90%	1.58%	2.11%
Outperformance	0.16%	1.88%	1.53%	2.04%

[^]Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

Impact of COVID-19 to Council's Portfolio

COVID-19 has adversely impacted financial markets, which in turn, has also affected Council's investment portfolio. We provide a quick summary in this section.

With regards to financial markets, shares (equities) experienced a significant correction in March 2020 but have since, recovered substantially due to the unprecedented fiscal and monetary policy support from global central banks and governments. **The RBA cut rates to record lows on 3rd November 2020 to 0.10%.** Equities have continued their rally with the accelerated rollouts of multiple vaccines and additional fiscal stimulus measures. Longer-term bond yields have also risen dramatically over the past few months on the prospects of higher inflation. As a result, longer-term fixed interest securities (3-5 years) such as bonds and term deposits remain elevated throughout March.

With regards to the medium-longer term outlook for financial markets, of importance is the RBA's outlook and stance on the current situation:

1. The RBA's official cash rate will remain unchanged at its emergency level of 0.10% until its objectives of full employment and inflation are reached. They stressed that reducing unemployment was a "*national priority*" and the development in the labour market as key to the policy outlook;
2. The extension of the Term Funding Facility (TFF) until 30 June 2021, allowing all ADIs to access cheap funding directly from the RBA at a cost of 0.10% for 3 years for new drawings;
3. **The RBA Board continues to suggest no rate rises "until at least 2024".**

The biggest impact to Council's investment portfolio is with regards to its largest exposure being assets held in bank term deposits, which accounts for around ~93% of Council's total investment, and cash (~6% of the total investment portfolio). **The biggest risk that PMHC faces over the medium-longer**



term in this environment is not the potential loss of capital (given all the banks are well capitalised and regulated by APRA), but the rapid loss of interest income as interest rates have plummeted.

Council's term deposit portfolio was yielding 1.89% p.a. at month-end, with a weighted average duration of around 663 days or 1.82 years. **This average duration will provide some income protection against the low interest rate environment over the next 18 months.** As existing deposits mature however, they will inevitably be reinvested at much lower prevailing rates.

We note the current interest rates in the term deposit market:

- The highest deposit rate from any rated ADI in the market is now ~1.50% p.a. for 5 years;
- The highest deposit rates amongst the "AA-" rated ADIs (major banks) is now yielding between 0.40%-1.25% p.a. (depending on term);
- The highest deposit rates amongst the "A" rated ADIs was yielding between 0.62%-1.50% p.a. (depending on term);
- The highest deposit rates amongst the "BBB" rated ADIs was yielding between 0.40%-0.80% p.a. (depending on term).

Given official rates have fallen to record lows, Council is likely to see a rapid decline in interest income over future financial years. Its budgeted income over the medium-longer term needs to be revised to reflect the low interest rate environment. Returns between 0.50%-0.80% p.a. may potentially be the "norm" over the next few financial years.



Council's Portfolio

Asset Allocation

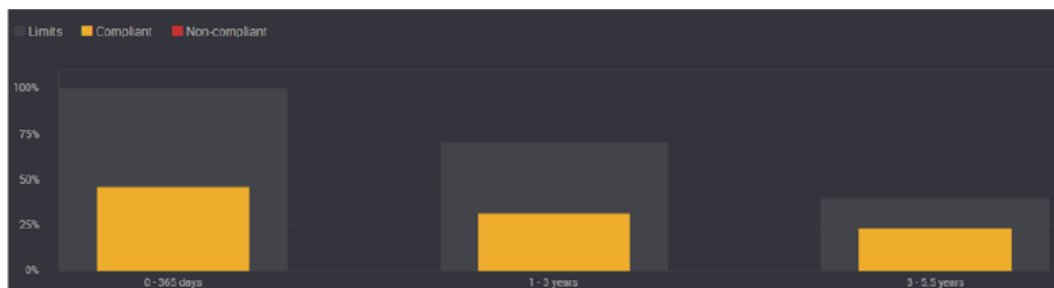
The portfolio is predominately directed to fixed term deposits (93%). The remainder of the portfolio is directed to the overnight cash account with Westpac (6%) and the single FRN with Bendigo-Adelaide (1%).

With the RBA cutting interest rates in November 2020 to 0.10%, the priority should be to lock in any remaining attractive medium-longer dated fixed deposits or senior fixed bonds that may still be available to address reinvestment risk as margins continue to compress.



Term to Maturity

All maturity limits (minimum and maximum) comply with the Investment Policy. Medium-Term (3-5½ years) assets account for around 23% of the total investment portfolio, with capacity of around \$58m at month-end.



Where there is (counterparty) capacity to invest in attractive 3-5½ year investments, we recommend this be allocated to new any remaining attractive fixed term deposits or fixed bonds (refer to respective sections below).



Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 365 days	\$157,106,460	45.72%	0%	100%	\$186,556,607
✓	1 - 3 years	\$107,500,000	31.28%	0%	70%	\$133,064,147
✓	3 - 5.5 years	\$79,056,607	23.00%	0%	40%	\$58,408,620
✓	5.5 - 10 years	\$0	0.00%	0%	10%	\$34,366,307
		\$343,663,067	100.00%			

Counterparty

As at the end of March, Council did not have an overweight position to any single ADI. Overall, the portfolio is diversified across the investment grade credit spectrum (rated BBB- or higher), with no exposure to unrated ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	NAB	AA-	\$87,500,000	25.46%	30.00%	\$15,598,920
✓	WBC (St George)	AA-	\$69,606,460	20.25%	30.00%	\$33,492,460
✓	Rabobank	A+	\$13,000,000	3.78%	20.00%	\$55,732,613
✓	ICBC Sydney	A	\$59,500,000	17.31%	20.00%	\$9,232,613
✓	ING Bank Aus.	A	\$15,500,000	4.51%	20.00%	\$53,232,613
✓	Aus Military Bank	BBB+	\$7,500,000	2.18%	10.00%	\$26,866,307
✓	BOQ	BBB+	\$25,000,000	7.27%	10.00%	\$9,366,307
✓	Bendigo	BBB+	\$3,056,607	0.89%	10.00%	\$31,309,700
✓	AMP Bank	BBB	\$9,000,000	2.62%	10.00%	\$25,366,307
✓	Auswide	BBB	\$24,000,000	6.98%	10.00%	\$10,366,307
✓	MyState	BBB	\$13,000,000	3.78%	10.00%	\$21,366,307
✓	Newcastle PBS	BBB	\$17,000,000	4.95%	10.00%	\$17,366,307
			\$343,663,067	100.00%		

In September 2020, ratings agency **S&P downgraded AMP Bank by one notch to “BBB”** stating its view that *“the overall creditworthiness of the AMP group is weaker”* and that *“the group is exposed to challenges that may disrupt its overall strategic direction and its ability to effectively execute its strategy.”*

Separately, Moody’s downgraded MyState Bank’s long-term credit rating from Baa1 (BBB+ equivalent from S&P) to Baa2 (BBB equivalent from S&P). The downgrade reflects the bank’s lower financial buffers in a more challenging operating environment when compared to its peers. Moody’s acknowledged though that the bank’s capital ratio remained steady during the 2020 financial year.

We have no issues with Council’s investments with both AMP Bank and MyState Bank, given they are super-senior ranked assets, extremely low risk and high up the bank capital structure.

We remain supportive of the regional and unrated ADI sector (and have been even throughout the GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high



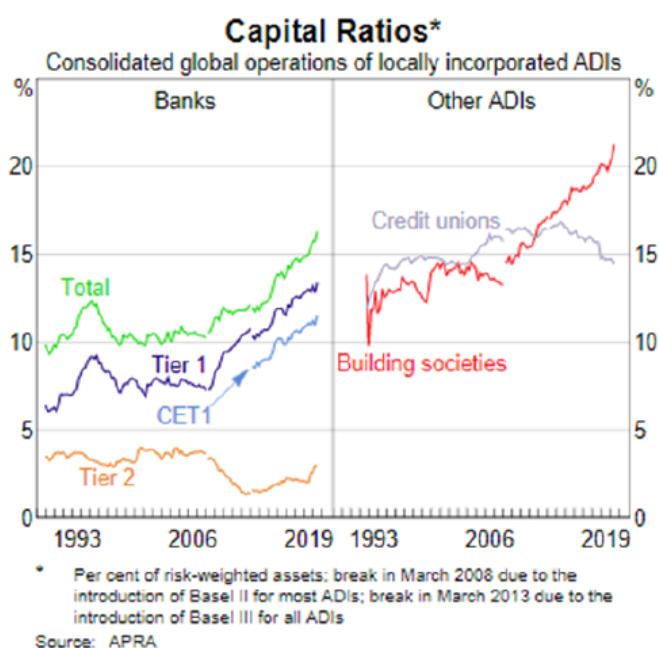
levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

RBA Governor Lowe has commented that they have not seen any signs of stress in the financial system and that unlike during the GFC, the banks (all ADIs) now have cash, are well capitalised and are acting as “shock absorbers” in the current crisis.

Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position than they have been historically (see the Capital Ratio figure below). We believe that deposit investments with the lower rated ADIs should be continued going forward, particularly when they offer ‘above market’ specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio’s overall returns.

In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC. ***APRA’s mandate is to “protect depositors” and provide “financial stability”.***

The biggest single risk that depositors face in the current low interest rate environment is not capital or credit risk, but reinvestment risk. Interest rates are now at their effective lower bound of 0.10%.





Fossil Fuel Investments

What is Council's current exposure to institutions that fund fossil fuels?

Using the following link <http://www.marketforces.org.au/banks/compare>, based on the Council's investment portfolio balance as at 31/03/2021 (\$343.66m), we can roughly estimate that ~60% of the investments have some form of exposure.

How would Council modify its Investment Policy to cater for divestment of fossil fuels?

If the major banks were withdrawn from investments, some members of the community may look at that remaining list of ADIs (banks) and say *"Why the do we have all our money with those no-name institutions? I've never even heard of them. We don't want to take risks with our money after councils lost \$100's of millions speculating in the GFC"*. It will be difficult to please everyone. We suggest starting the discussion with all Councillors asking *"are you comfortable investing all the money with the lower rated regionals and credit unions?"* If not, then a full divestment campaign will be complicated.

Some ways to potentially 'make changes' to the policy, or at least have a discussion, includes:

- *"Where possible within policy and without compromising the risk and return profile, we favour..."*
- *"We have not yet made a decision to divest because it will have implications on credit quality, ratings and income, but we are actively discussing..."*

What would be implications on our portfolio credit rating?

By adopting a free fossil fuel policy or an active divestment strategy, this would eliminate the major banks rated "AA-" as well as some other "A" rated banks (AMP, BoQ and ING). Council would be left with a smaller sub-sector of banks to choose to invest with.

What would be risks and implications on Council's portfolio performance?

Some implications include:

- High concentration risk – limiting Council to a selected number of banks;
- Increased credit/counterparty risk;
- May lead to a reduction in performance (most of the senior FRN issues are with the higher rated ADIs) which could result in a significant loss of income generated – could be in excess of hundreds of thousands of dollars per annum;
- Underperformance compared to other Councils.

It may be contrary to Council's primary objective to preserve capital as the investment portfolio's risk would increase (all things being equal). Council may not be maximising its returns – this is one of the primary objectives written in the Investment Policy.



Council's exposure is summarised as follows:

Counterparty	Credit Rating	Funding Fossil Fuel
NAB	AA-	Yes
WBC (St George)	AA-	Yes
Rabobank	A+	No
ICBC, Sydney	A	No
ING Bank Australia	A	Yes
Australian Military	BBB+	No
BoQ	BBB+	Yes
Bendigo-Adelaide	BBB+	No
AMP Bank	BBB	Yes
Auswide	BBB	No
MyState Bank	BBB	No
Newcastle Permanent	BBB	No

^^The underlying exposure in these managed funds includes the domestic major banks.

Source: <https://www.marketforces.org.au/info/compare-bank-table/>

Summary	Amount	Invested %
Yes	\$206,606,460	60%
No	\$137,056,607	40%
	\$343,663,067	100%



Credit Quality

The portfolio remains lightly diversified from a credit ratings perspective. The portfolio is entirely directed to the investment grade ADIs (BBB- or higher), with zero allocation to unrated ADIs. There is high capacity to invest in the higher rated ADIs (A or higher), particularly after the downgrades of BoQ and Bendigo-Adelaide Bank in May 2017, as well as AMP Bank over the past few years, which now all fall into the “BBB” rated category.

Following the adoption of a new policy, there is now more capacity to invest with the “BBB” rated ADIs (~\$22m remaining at month-end), although most ADIs in this sector are currently full on liquidity due to the combination of minimal credit growth (loans being written) and the term funding facility (TFF) provided by the RBA (access to cheap funding).

If there are any attractive deposits being offered in the “BBB” rated sector (outside of BoQ, which Council is close to maximum limits), we will inform Council to take advantage and invest accordingly.

All ratings categories are within the current Policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AA Category	\$157,106,460	45.72%	100%	\$186,556,607
✓	A Category	\$88,000,000	25.61%	60%	\$118,197,840
✓	BBB Category	\$98,556,607	28.68%	35%	\$21,725,466
✓	Unrated ADIs	\$0	0.00%	5%	\$17,183,153
		\$343,663,067	100.00%		



Performance

Council's performance for the month ending 31 March 2021 is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.01%	0.02%	0.06%	0.13%	0.19%
AusBond Bank Bill Index	0.00%	0.00%	0.02%	0.05%	0.11%
Council's T/D Portfolio	0.16%	0.48%	1.00%	1.59%	2.23%
Council's FRN Portfolio	0.08%	0.24%	0.50%	0.77%	1.13%
Council's Portfolio[^]	0.16%	0.48%	1.00%	1.58%	2.22%
Outperformance	0.16%	0.47%	0.97%	1.53%	2.11%

[^]Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.10%	0.10%	0.13%	0.17%	0.19%
AusBond Bank Bill Index	0.02%	0.01%	0.05%	0.07%	0.11%
Council's T/D Portfolio	1.91%	1.96%	2.02%	2.12%	2.23%
Council's FRN Portfolio	1.00%	0.99%	1.01%	1.03%	1.13%
Council's Portfolio[^]	1.90%	1.95%	2.01%	2.11%	2.22%
Outperformance	1.88%	1.94%	1.96%	2.05%	2.11%

[^]Total portfolio performance excludes Council's cash account holdings. Overall returns would be lower if cash was included.

For the month of March, the total portfolio (excluding cash) provided a solid return of +0.16% (actual) or +1.90% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.00% (actual) or +0.02% p.a. (annualised). The strong performance continues to be driven by the handful of deposits still yielding above 3% p.a. However, some of these individual deposits are approaching maturity and will be reinvested at much lower prevailing rates.

Over the past 12 months, the portfolio returned +2.22% p.a., outperforming bank bills by 2.11% p.a. and over eleven times the official cash rate. This has been very strong given deposit rates reached their all-time lows and margins have generally contracted over the past 3 years.

We are pleased that PMHC remains amongst the best performing Councils in the state of NSW where deposits are concerned, earning on average, around \$2,200,000 in additional interest income compared to its peers (refer to our November 2020 rankings). We have been pro-active in our advice about protecting interest income and addressing reinvestment risk for many years and encouraged to maintain a long duration position. This is now reflected by the high performance of the investment portfolio. Of the 81 individual deposits PMHC held, 19 are still yielding higher than 3.00% p.a. That is, around 23 % of outstanding deposits held is earning an interest rate that is thirty times the prevailing cash rate of 0.10%.



Council's Term Deposit Portfolio & Recommendation

As at the end of March 2021, Council's deposit portfolio was yielding 1.89% p.a. (down 8bp from the previous month), with an average duration of ~1.8 years. Where possible, we recommend Council extends or at least maintains this average duration. In the low interest rate environment, the biggest collective risk that the local government sector has faced over the post-GFC era has been the dramatic fall in interest rates - from 7¼% to the historical low levels of 0.10%.

As the past decade has highlighted (post-GFC era), we have seen too many portfolios' roll a high proportion of their deposits between 3-6 months, resulting in their deposits being reinvested at lower prevailing rates. That is, depositors have overpaid for liquidity and generally not insured themselves against the low interest rate environment by diversify their funding across various tenors (out to 5 years) but rather placed all their 'eggs in one basket' and kept all their deposits short. **Reinvestment risk has collectively been and continues to be the biggest detriment to depositors' interest income over the post-GFC period.**

At the time of writing, we see value in:

ADI	LT Credit Rating	Term	T/D Rate
ICBC, Sydney	A	5 years	~1.50% p.a.
NAB	AA-	5 years	1.25% p.a.
ICBC, Sydney	A	4 years	~1.15% p.a.
CBA	AA-	4 years	0.95% p.a.
NAB	AA-	4 years	0.95% p.a.
ICBC, Sydney	A	3 years	~0.85% p.a.
CBA	AA-	3 years	0.71% p.a.
BNK Bank	Unrated ADI	2 years	0.70% p.a.
NAB	AA-	3 years	0.70% p.a.
ICBC, Sydney	A	2 years	~0.62% p.a.
NAB	AA-	2 years	0.55% p.a.

The above deposits are suitable for investors looking to provide some income protection and mitigate reinvestment/rollover risk in the low interest rate environment.

For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (dependent on daily funding requirements):



ADI	LT Credit Rating	Term	T/D Rate
Judo Bank	Unrated ADI	12 months	~0.87% p.a.
Judo Bank	Unrated ADI	9 months	~0.83% p.a.
BNK Bank	Unrated ADI	12 months	0.65% p.a.
BNK Bank	Unrated ADI	9 months	0.60% p.a.
ICBC, Sydney	A	12 months	~0.52% p.a.
MyState	BBB	12 months	0.50% p.a.
CBA	AA-	12 months	0.43% p.a.
ICBC, Sydney	A	12 months	~0.40% p.a.
BoQ	BBB+	9-12 months	0.40% p.a.
Westpac	AA-	12 months	0.36% p.a.
NAB	AA-	12 months	0.35% p.a.



Senior FRNs & Recommendations

Over March, amongst the senior major bank FRNs, physical credit securities widened significantly at the longer-end of the curve. Secondary market securities remain relatively expensive on the back of the RBA announcing its \$200bn quantitative easing (QE) package (doubled in Feb 2021). Bid-ask spreads have tightened sharply on the back of excess liquidity and short supply of new issuances.

A new 5 year senior major bank FRN would now be issued around the +48bp, which remains tight on a historical basis. We expect minimal primary issuance from the domestic banks in the immediate future given the RBA's term funding facility (TFF) to the ADIs, offering a rate of 0.10% (on new drawings) for 3 years, which has been extended to June 2021. The lack of supply from new (primary) issuances has also played a major role with the rally in credit markets over recent months.

During the month, there were more semi-government issuances from TasCorp (AA+), printing \$500m for a 22/01/2032 fixed bond at 2.25% p.a. Meanwhile, NTTC (Aa3) issued a 21/05/2032 fixed bond at 2.50% p.a., printing \$650m.

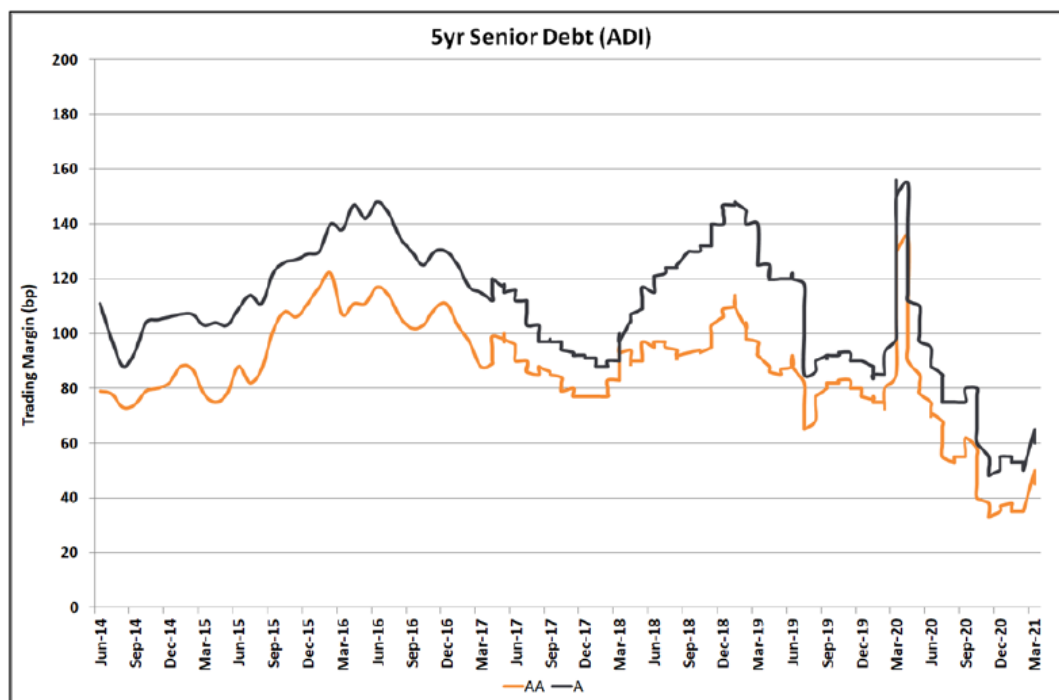
Amongst the "A" rated sector, the securities were marked significantly wider at the long-end of the curve by around 3-10bp. During March, MUFG Sydney Branch (A) issued a new 3½ year senior FRN at +48bp, printing \$750m (with orders in excess of \$1.1bn). China Construction Bank (A) issued a new 3 year senior 'benchmark' issue at +58bp, initially tightening from initial guidance of +63bp. The transaction size was \$500m while bids exceeded \$900m i.e. nearly two times oversubscribed.

While turnover in the secondary market is still predominately dominated by commonwealth, semi-government and major bank senior paper, given the lack of supply, we have started to observe that even a handful of regional bank senior paper has sometimes been trading inside "mid" levels over recent months.

Credit securities remain tight on a historical level but are looking slightly more attractive following the widening experienced over the past few weeks. FRNs will continue to play a role in investor's portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment).

Senior FRNs (ADIs)	31/03/2021	26/02/2021
"AA" rated – 5yrs	+48bp	+35bp
"AA" rated – 3yrs	+27bp	+20bp
"A" rated – 5yrs	+60bp	+50bp
"A" rated – 3yrs	+40bp	+33bp
"BBB" rated – 3yrs	+55bp	+52bp

Source: IBS Capital



Source: IBS Capital

We now generally **recommend switches** ('benchmark' issues only) into new attractive primary issues (or longer-dated alternatives), out of the following senior FRNs that are maturing:

- On or before early 2024 for the "AA" rated ADIs (domestic major banks);
- On or before mid-2022 for the "A" rated ADIs; and
- Within 12 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last 1-2 years are now generally holding sub-optimal investments and are not maximising returns by foregoing realised capital gains. In the current low interest rate environment, any boost in overall returns should be locked in when it is advantageous to do so.

In late August 2019, Council placed a bid of \$3m into the new Bendigo (BBB+) 5 year FRN at +97bp maturing 06/09/2024 (ISIN: AU3FN0050019). This FRN should be viewed as a 4 year holding period, with the ability to 'roll down the curve', realise capital gains which would boost the overall return of the investment portfolio. The security was marked around +42bp (from +42bp the previous month) or a capital price ~\$101.89 at month-end. We recommend Council holds this FRN.



Economic Commentary

International Market

Financial markets were supported following President Biden's accelerated vaccine rollout, targeting 90% of US adults to be eligible for COVID shots by April 19, while the mooted US\$3trn infrastructure package is being tipped to increase to US\$4trn.

In equity markets, the S&P 500 Index gained +4.24% to be up +53.71% for the year, while the NASDAQ Index rose +0.41% for the month. Equities surged across Europe's main indices in March, led by Germany's DAX (+8.86%), France's CAC (+6.38%) and UK's FTSE (+3.55%).

The US Senate approved the US\$1.9tn relief bill after a marathon negotiation that saw the supplemental pandemic unemployment benefit cut to US\$300 per week from US\$400 and eligibility for the (still US\$1,400) cash handout tapering sharply for individuals earnings over US\$75,000.

The headline US CPI for February printed in line with expectations at +0.4% m/m, but the core reading was softer than expected coming in at +0.1% versus +0.2% expected. On an annual basis, the US core CPI eased to +1.3% from +1.4% in January.

The US savings rate for February jumped to +20.5% (from +13.4% in January), while the unemployment rate fell to 6.2% against expectations from an unchanged 6.3%.

The US Fed left its policy setting unchanged and its QE pace steady at US\$120bn p/m (US\$80bn UST and US\$40bn MBS). Despite some concerns by the market over a potential shift up, **the new median dots still show no rate hikes in 2022-2023.**

US hedge fund Archegos Capital defaulted on margin calls, resulting in a handful of larger banks reporting large losses including Nomura and Credit Suisse.

Germany's Finance Minister Olaf Scholz said that it will drastically speed up its coronavirus vaccination campaign with the aim of getting as many as 10m people vaccinated per week from the end of March.

China's January/February 2021 combined trade figures show export growth in January/February was up a stunning +60% on Jan/Feb 2020, well above the +40% expected.

The New Zealand Government announced a series of measures designed to reduce demand for housing, predominantly by investors, while increasing supply. The biggest policy change is that interest will no longer be deductible on residential property purchases or maintenance.

The OECD now forecasts global growth in 2021 at +5.6%, up from +4.2% previously.

The MSCI World ex-Aus Index rose +3.18% for the month of March:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+4.24%	+5.77%	+53.71%	+14.58%	+14.04%	+11.60%
MSCI World ex-AUS	+3.18%	+4.57%	+51.52%	+10.94%	+11.42%	+7.97%
S&P ASX 200 Accum. Index	+2.44%	+4.26%	+37.47%	+9.65%	+10.25%	+7.95%

Source: S&P, MSCI



Domestic Market

In its meeting in March, **the RBA's rate guidance was unchanged** with the post-meeting Statement repeating the familiar lines that the Board **does not expect the conditions for a rate hike "to be met until 2024 at the earliest"**. On quantitative easing (QE), the Bank reiterated that it was prepared to do more (QE) after the second \$100bn round ends in September, if necessary, whilst emphasising the impact of an elevated exchange rate.

Q4 GDP beat expectations, rising by a strong +3.1% q/q to be down -1.1% over the 2020 calendar year, whilst the household savings ratio fell to 12.0% from 18.7% over Q4.

The trade balance rose \$3.0bn to \$10.1bn in January, the highest on record. This was driven by a \$2.3bn increase in export values (with iron ore contributing \$2.0bn).

Employment surged in February with jobs growth of 88.7k m/m almost triple the market consensus. **The unemployment rate fell to 5.8% (from 6.3%). Underemployment (those employed wanting and able to work more hours) has fallen sharply back to pre-pandemic levels** – now the lowest since February 2019 at 8.1% compared to its peak of 13.8% at the height of the pandemic-induced downturn.

Australia could see up to 150,000 positions lost after the government's JobKeeper wage subsidy expired in late March.

Locally produced AstraZeneca vaccines can start being distributed around Australia after the TGA approved the release of the first four batches of the vaccine manufactured by CSL-Seqirus in Melbourne, a total of 832,200 doses.

Greater Brisbane went into a three-day lockdown in the last week of March after new community transmission cases were detected.

APRA's Chairman, Wayne Byres, signalled the regulator's reluctance to intervene in response to rising house prices through imposing macro-prudential limitations on ADI's lending growth, indicating there was no evidence in a deterioration in lending standards by the banks.

The Australian dollar fell -2.90%, finishing the month at US76.02 cents (from US78.29 cents the previous month).

Credit Market

The main credit indices marginally widened over March on the back of inflationary concerns. The indices now trade back to their levels experienced in late 2020:

Index	March 2021	February 2021
CDX North American 5yr CDS	54bp	56bp
iTraxx Europe 5yr CDS	52bp	51bp
iTraxx Australia 5yr CDS	64bp	62bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	March 2021	February 2021
Bloomberg AusBond Bank Bill Index (0+YR)	+0.00%	-0.00%
Bloomberg AusBond Composite Bond Index (0+YR)	+0.80%	-3.58%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.01%	-0.02%
Bloomberg AusBond Credit Index (0+YR)	+0.19%	-1.65%
Bloomberg AusBond Treasury Index (0+YR)	+0.98%	-4.21%
Bloomberg AusBond Inflation Gov't Index (0+YR)	+1.50%	-4.37%

Source: Bloomberg

Other Key Rates

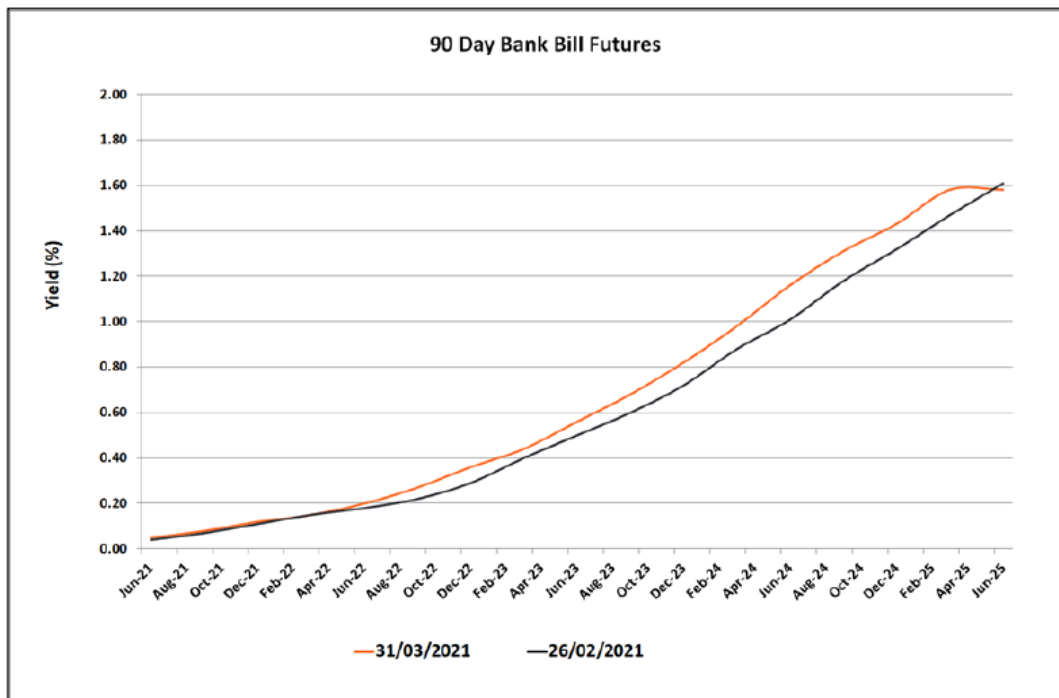
Index	March 2021	February 2021
RBA Official Cash Rate	0.10%	0.10%
90 Day (3 month) BBSW Rate	0.04%	0.03%
3yr Australian Government Bonds	0.11%	0.12%
10yr Australian Government Bonds	1.74%	1.87%
US Fed Funds Rate	0.00%-0.25%	0.00%-0.25%
10yr US Treasury Bonds	1.74%	1.44%

Source: RBA, AFMA, US Department of Treasury



90 Day Bill Futures

Over March, bill futures rose slightly across the board on rising inflationary expectations. Overall, bill futures continue to depict a low rate environment over the long-run, despite the steeping curve in recent months:



Source: ASX



Fixed Interest Outlook

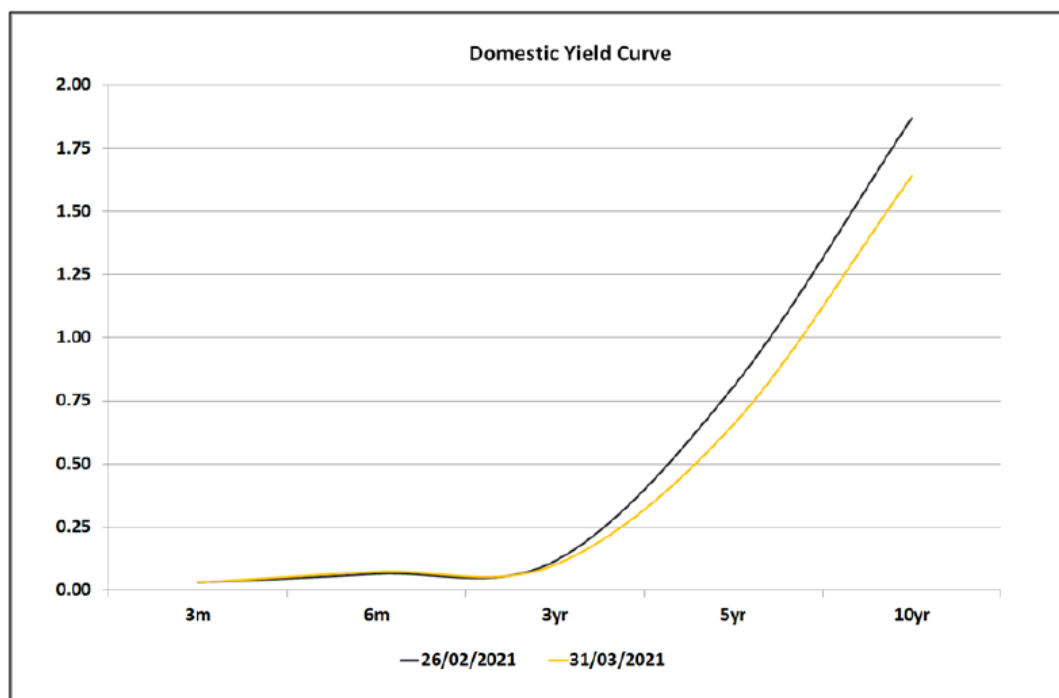
The unprecedented fiscal support for the global economy and the evident determination of the new US Biden administration to accelerate the vaccine rollout and to stabilise the economy has aided financial markets. Further stimulus packages are also being proposed to expediate the recovery.

US Treasury Secretary Yellen reiterated that with passage of the US\$1.9tn stimulus bill, the economy could be back at full employment next year. She also repeated that she does not expect inflation to be a problem.

US Fed Chair Powell stressed the point that the US economy is a long way from a full recovery. He indicated it *"could take more than three years to hit the 2% average inflation target"* while also showing no concerns over asset prices elevation *"by some measures"*. Powell also said that any pickup in inflation in coming months would likely be temporary, which reaffirmed their stance that they were not considering tightening anytime soon. Overall, 11 out of the 18 Fed policy committee members still anticipate the first rate hike in 2024. The other seven members expect at least one rate hike in 2023.

Domestically, the RBA is of the view that *"a materially lower unemployment rate"* is needed to generate wages growth in excess of 3%, which is the level the RBA thinks is needed to deliver inflation sustainably within the 2-3% inflation target. The Bank does not see this occurring ***"until 2024 at the earliest"***, which underpins their rates guidance.

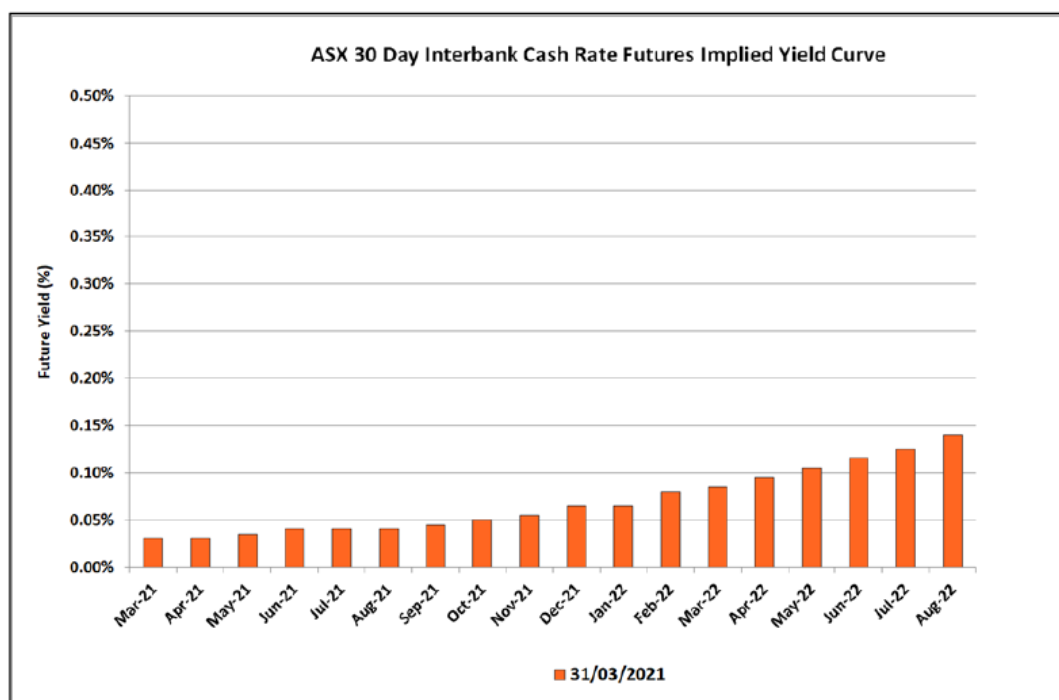
The domestic bond market continues to suggest a prolonged low period of interest rates. Over the month, yields fell around 13bp at the long-end of the curve:



Source: AFMA, ASX, RBA



RBA Governor Lowe pushed back on market pricing of rate hikes as early as late 2022. Dr Lowe reiterated his 'best guidance' was that it is "unlikely to see wages growth consistent with the inflation target before 2024. This is the basis for our assessment that the cash rate is very likely to remain at its current level until at least 2024":



Source: ASX

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Investment Report

01/03/2021 to 31/03/2021



Portfolio Valuation as at 31/03/2021

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Accrued	Accrued MTD
Westpac	AA-	TD	LOCAL BRANCH	At Maturity	21/05/2020	21/05/2021	1.0000	10,000.00	86.30	8.49
Westpac	AA-	TD	GENERAL	Quarterly	22/05/2018	25/05/2021	3.1000	4,000,000.00	12,909.59	10,531.51
AMP Bank	BBB	TD	GENERAL	Annual	25/11/2019	25/05/2021	1.6000	5,000,000.00	27,835.62	6,794.52
AMP Bank	BBB	TD	GENERAL	Annual	29/11/2019	27/05/2021	1.6000	4,000,000.00	21,391.78	5,435.62
BOQ	BBB+	TD	GENERAL	Annual	29/05/2019	31/05/2021	2.3000	3,000,000.00	58,035.62	5,860.27
Rabobank Australia Branch	A+	TD	GENERAL	Annual	08/06/2017	07/06/2021	3.0200	5,000,000.00	122,454.79	12,824.66
Westpac	AA-	TD	GENERAL	Quarterly	06/06/2018	15/06/2021	3.1000	3,000,000.00	6,115.07	6,115.07
NAB	AA-	TD	GENERAL	At Maturity	19/06/2020	21/06/2021	1.0000	4,000,000.00	31,342.47	3,397.26
NAB	AA-	TD	GENERAL	Annual	03/07/2018	22/06/2021	3.0000	4,000,000.00	89,424.66	10,191.78
NAB	AA-	TD	GENERAL	Annual	03/07/2018	06/07/2021	3.0000	3,000,000.00	67,068.49	7,643.84
Westpac	AA-	TD	GENERAL	Quarterly	17/07/2018	13/07/2021	3.0400	5,000,000.00	30,400.00	12,909.59
NAB	AA-	TD	GENERAL	Annual	26/07/2018	20/07/2021	3.0400	4,000,000.00	82,621.37	10,327.67
Westpac	AA-	TD	LOCAL BRANCH	Annual	24/07/2019	23/07/2021	1.7500	4,000,000.00	48,136.99	5,945.21
NAB	AA-	TD	GENERAL	Annual	02/08/2018	03/08/2021	3.0700	5,000,000.00	100,931.51	13,036.99
Westpac	AA-	TD	GENERAL	At Maturity	21/01/2021	23/08/2021	0.2000	20,000.00	7.67	3.40
ICBC Sydney Branch	A	TD	GENERAL	Annual	30/08/2019	30/08/2021	1.6200	5,000,000.00	47,268.49	6,879.45
NAB	AA-	TD	GENERAL	At Maturity	31/08/2020	31/08/2021	0.8000	5,000,000.00	23,342.47	3,397.26
NAB	AA-	TD	GENERAL	Annual	31/08/2020	31/08/2021	0.8000	5,000,000.00	23,342.47	3,397.26



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Accrued	Accrued MTD
Westpac	AA-	TD	GENERAL	Quarterly	13/09/2018	14/09/2021	2.8800	5,000,000.00	6,706.85	6,706.85
NAB	AA-	TD	GENERAL	Annual	27/09/2018	28/09/2021	3.0500	5,000,000.00	77,294.52	12,952.05
Auswide Bank	BBB	TD	GENERAL	Annual	30/09/2019	30/09/2021	1.7500	4,000,000.00	35,095.89	5,945.21
Westpac	AA-	TD	GENERAL	Quarterly	13/09/2018	12/10/2021	2.8900	5,000,000.00	6,730.14	6,730.14
Auswide Bank	BBB	TD	GENERAL	Annual	23/10/2019	25/10/2021	1.6500	5,000,000.00	36,164.38	7,006.85
Auswide Bank	BBB	TD	GENERAL	At Maturity	25/11/2019	25/11/2021	1.7000	5,000,000.00	114,808.22	7,219.18
ICBC Sydney Branch	A	TD	GENERAL	Annual	05/12/2018	07/12/2021	3.0100	4,000,000.00	37,934.25	10,225.75
ICBC Sydney Branch	A	TD	GENERAL	Annual	16/12/2019	16/12/2021	1.5700	4,000,000.00	18,237.81	5,333.70
ING Direct	A	TD	GENERAL	Annual	30/01/2020	31/01/2022	1.6500	5,000,000.00	14,013.70	7,006.85
Westpac	AA-	TD	GENERAL	At Maturity	30/01/2021	31/01/2022	0.2500	10,000.00	4.18	2.12
Newcastle Permanent	BBB	TD	GENERAL	Quarterly	07/02/2019	08/02/2022	3.0500	4,000,000.00	17,380.82	10,361.64
Westpac	AA-	TD	GENERAL	Annual	21/02/2017	21/02/2022	3.6100	2,000,000.00	7,516.71	6,132.05
NAB	AA-	TD	GENERAL	Annual	21/02/2017	21/02/2022	3.4600	5,000,000.00	18,010.96	14,693.15
ING Direct	A	TD	GENERAL	Annual	02/03/2020	02/03/2022	1.5000	5,000,000.00	6,164.38	6,164.38
BOQ	BBB+	TD	GENERAL	Annual	15/03/2017	15/03/2022	3.8000	2,000,000.00	3,539.73	3,539.73
Newcastle Permanent	BBB	TD	GENERAL	Quarterly	12/03/2019	22/03/2022	2.9000	4,000,000.00	6,356.16	6,356.16
Newcastle Permanent	BBB	TD	GENERAL	Annual	27/03/2019	29/03/2022	2.8000	5,000,000.00	1,150.68	1,150.68
Newcastle Permanent	BBB	TD	GENERAL	Quarterly	18/04/2019	19/04/2022	2.7000	4,000,000.00	21,600.00	9,172.60
BOQ	BBB+	TD	GENERAL	Annual	28/05/2019	30/05/2022	2.4000	4,000,000.00	81,008.22	8,153.42
Rabobank Australia Branch	A+	TD	GENERAL	Annual	08/06/2017	07/06/2022	3.2200	5,000,000.00	130,564.38	13,673.97



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Accrued	Accrued MTD
Australian Military Bank	BBB+	TD	GENERAL	Annual	19/06/2020	20/06/2022	1.1500	2,000,000.00	18,021.92	1,953.42
Australian Military Bank	BBB+	TD	GENERAL	Annual	19/06/2020	20/06/2022	1.1500	2,000,000.00	18,021.92	1,953.42
Australian Military Bank	BBB+	TD	GENERAL	Annual	23/06/2020	23/06/2022	1.0500	3,500,000.00	28,393.15	3,121.23
Westpac	AA-	TD	GENERAL	Quarterly	23/06/2020	23/06/2022	1.0100	3,500,000.00	871.64	871.64
Westpac	AA-	TD	GENERAL	Quarterly	24/06/2020	24/06/2022	1.0200	5,000,000.00	1,117.81	1,117.81
NAB	AA-	TD	GENERAL	Annual	02/08/2018	02/08/2022	3.2200	4,000,000.00	84,690.41	10,939.18
NAB	AA-	TD	GENERAL	Annual	16/08/2018	16/08/2022	3.0500	4,000,000.00	75,873.97	10,361.64
ICBC Sydney Branch	A	TD	GENERAL	Annual	28/08/2019	29/08/2022	1.6400	5,000,000.00	48,526.03	6,964.38
Auswide Bank	BBB	TD	GENERAL	At Maturity	06/09/2019	06/09/2022	1.8000	3,000,000.00	84,772.60	4,586.30
Westpac	AA-	TD	LOCAL BRANCH	Annual	13/09/2017	13/09/2022	3.4100	3,000,000.00	55,774.52	8,688.49
Rabobank Australia Branch	A+	TD	GENERAL	Annual	13/09/2017	13/09/2022	3.3800	3,000,000.00	55,283.84	8,612.05
Westpac	AA-	TD	GENERAL	Quarterly	29/09/2020	29/09/2022	0.7200	5,000,000.00	295.89	295.89
MyState Bank	BBB	TD	GENERAL	Annual	29/09/2020	29/09/2022	0.8500	5,000,000.00	21,424.66	3,609.59
Auswide Bank	BBB	TD	GENERAL	Annual	30/09/2019	30/09/2022	1.7500	4,000,000.00	35,095.89	5,945.21
ICBC Sydney Branch	A	TD	GENERAL	Annual	23/10/2019	24/10/2022	1.7000	3,000,000.00	22,356.16	4,331.51
ICBC Sydney Branch	A	TD	GENERAL	Annual	31/10/2019	31/10/2022	1.7300	5,000,000.00	36,258.90	7,346.58
ING Direct	A	TD	GENERAL	Annual	27/02/2020	27/02/2023	1.6000	2,500,000.00	3,726.03	3,397.26
BOQ	BBB+	TD	GENERAL	Annual	28/05/2019	29/05/2023	2.5500	4,000,000.00	86,071.23	8,663.01
BOQ	BBB+	TD	GENERAL	Annual	19/06/2020	19/06/2023	1.3500	2,000,000.00	21,156.16	2,293.15
BOQ	BBB+	TD	GENERAL	Annual	27/06/2019	27/06/2023	2.2000	5,000,000.00	83,178.08	9,342.47



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Accrued	Accrued MTD
MyState Bank	BBB	TD	GENERAL	Annual	14/09/2020	14/09/2023	0.9000	4,000,000.00	19,627.40	3,057.53
MyState Bank	BBB	TD	GENERAL	Annual	14/09/2020	14/09/2023	0.9000	4,000,000.00	19,627.40	3,057.53
ICBC Sydney Branch	A	TD	GENERAL	Annual	27/11/2019	27/11/2023	1.7600	6,000,000.00	36,164.38	8,968.77
ICBC Sydney Branch	A	TD	GENERAL	Annual	16/12/2019	18/12/2023	1.8100	4,000,000.00	21,025.75	6,149.04
Auswide Bank	BBB	TD	GENERAL	At Maturity	02/03/2020	04/03/2024	1.7500	3,000,000.00	56,815.07	4,458.90
BOQ	BBB+	TD	GENERAL	Annual	18/06/2020	18/06/2024	1.4500	3,000,000.00	34,204.11	3,694.52
ING Direct	A	TD	GENERAL	Annual	23/06/2020	24/06/2024	1.2500	3,000,000.00	28,972.60	3,184.93
Bendigo and Adelaide	BBB+	FRN	GENERAL	Quarterly	06/09/2019	06/09/2024	1.0066	3,056,607.00	1,985.62	1,985.62
BOQ	BBB+	TD	GENERAL	Annual	27/09/2019	27/09/2024	2.0000	2,000,000.00	20,273.97	3,397.26
NAB	AA-	TD	GENERAL	Annual	16/10/2020	16/10/2024	0.8000	5,000,000.00	18,301.37	3,397.26
NAB	AA-	TD	GENERAL	Annual	18/11/2020	18/11/2024	0.7000	5,000,000.00	12,849.32	2,972.60
NAB	AA-	TD	GENERAL	Annual	29/01/2021	29/01/2025	0.7200	4,000,000.00	4,892.05	2,446.03
NAB	AA-	TD	GENERAL	Annual	02/03/2021	03/03/2025	0.9500	4,000,000.00	3,123.29	3,123.29
ICBC Sydney Branch	A	TD	GENERAL	Annual	18/06/2020	18/06/2025	1.7500	2,000,000.00	27,520.55	2,972.60
ICBC Sydney Branch	A	TD	GENERAL	Annual	16/10/2020	16/10/2025	1.2000	5,000,000.00	27,452.05	5,095.89
NAB	AA-	TD	GENERAL	Annual	17/11/2020	17/11/2025	0.8500	3,500,000.00	11,003.42	2,526.71
ICBC Sydney Branch	A	TD	GENERAL	Annual	17/11/2020	17/11/2025	1.3000	6,500,000.00	31,253.42	7,176.71
ICBC Sydney Branch	A	TD	GENERAL	Annual	03/12/2020	03/12/2025	1.2000	5,000,000.00	19,561.64	5,095.89
NAB	AA-	TD	GENERAL	Annual	07/12/2020	08/12/2025	0.9000	5,000,000.00	14,178.08	3,821.92
ICBC Sydney Branch	A	TD	GENERAL	Annual	07/12/2020	08/12/2025	1.2000	5,000,000.00	18,904.11	5,095.89



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Accrued	Accrued MTD
NAB	AA-	TD	GENERAL	Annual	29/01/2021	29/01/2026	0.9100	4,000,000.00	6,183.01	3,091.51
NAB	AA-	TD	GENERAL	Annual	02/03/2021	02/03/2026	1.2100	4,000,000.00	3,978.08	3,978.08
Westpac	AA-	TD	GENERAL	Quarterly	09/03/2021	09/03/2026	1.2500	5,000,000.00	3,938.36	3,938.36
NAB	AA-	TD	GENERAL	Annual	16/03/2021	16/03/2026	1.2500	5,000,000.00	2,739.73	2,739.73
Westpac	AA-	CASH	GENERAL	Monthly	31/03/2021	31/03/2021	0.5000	20,066,460.11	8,518.76	8,518.76
TOTALS								343,663,067.11	2,667,001.72	481,565.93



Authorised by: Council
Authorised date: 19/09/2018
Effective date: 20/09/2018
Next review date: 18/09/2022
File Number: D2017/315301

Council Policy Media Relations Policy

1. INTRODUCTION

Port Macquarie-Hastings Council recognises media relations as an important tool for effective communication of Council projects, initiatives, services and decisions to its key stakeholder groups – ratepayers, residents, visitors, local business & industry and government. The purpose of this policy is to ensure that Council maintains its positive public image by providing a framework for the provision of accurate, timely and transparent information through all media channels.

2. POLICY STATEMENT AND SCOPE

2.1 Policy Scope

This Policy provides a framework for Council Officials to promote positive, fair, accurate and reliable coverage of Council matters.

2.2 Policy Statement

The key objective is for Port Macquarie-Hastings Council to maintain integrity and a positive public image in line with its current Community Strategic Plan, Delivery Program and Operational Plan. This will be achieved through presentation of media releases and statements, media liaison and events, interviews and other media interactions.

Secondary objectives of the Policy are to:

- Establish a framework for managing communication between Council and the media with the aim of ensuring a coordinated approach in providing, accurate, timely and transparent information
- Clearly indicate Council's authorised spokespersons
- Ensure appropriate authorisation of media content
- Limit the possibility of miscommunication and reputation risk

2.2.1 Application

This Policy applies to all Council Officials, which includes staff (permanent, temporary or casual), the Mayor, Councillors, volunteers, contractors, administrators, Council committee members and delegates of Council who are authorised to make comment in the media on behalf of Port Macquarie-Hastings Council.

Council Officials are not precluded from using media to make comment as a private citizen on issues that personally affect them. However, they must make it clear that they are commenting as a private citizen and not as a Council Official. It is important that Council Officials do not provide personal comments that can be misconstrued as representing an official Council position.

2.2.2 Conduct

When making comment to media on behalf of Council, Council Officials must:

- maintain the high standard expected of all employees within the Corporate Values and Code of Conduct;
- ensure that content is factual and complies with the relevant legislation and organisational policies;
- only disclose publicly available information;
- communicate in a style appropriate to the audience e.g. young people, senior people, people from culturally diverse backgrounds, professional colleagues;
- Treat media outlets equitably and without bias;
- Avoid providing 'off the record' comments as it is best to assume that anything said to a media representative may be published;

- be respectful of all individuals and communities that may consume different media
- identify themselves as a representative of Council.

2.2.3 Record Keeping

Records of all media interactions must be managed in accordance with legislation and Council's record keeping requirements.

3. RESPONSIBILITIES AND AUTHORITIES

3.1 Authorised spokespersons

The Mayor shall be the principal spokesperson for Council and represent the views of Council on its decisions, plans and priorities. In instances where the Mayor is not available, either the Deputy Mayor or General Manager shall be the spokesperson, or a Councillor may be delegated this responsibility, with the agreement of the Mayor or General Manager.

Councillors have a right to express their own personal opinion and will ensure that any opinion expressed is acknowledged as being their own personal opinion and not that of Council.

When the Council is in caretaker mode, the General Manager will be responsible for providing guidance on revised communications protocols, in-line with the Caretaker Conventions.

The General Manager will be the spokesperson on operational matters and may authorise Directors, Group Managers or specialist Council staff to speak to the media.

No Council staff member, other than those authorised by the General Manager or as stated under this policy are to handle an enquiry from, or issue information to the media.

Media will be encouraged to direct all requests through Council's Communications team who are responsible for coordinating media liaison, responding to media requests and issuing various media communications, ensuring coordinated, timely and accurate responses are provided. If the Communications team are not available, enquiries should be directed to the relevant Director or the General Manager.

If Council staff members, Council contractors or Council service providers are directly approached by a media representative they will decline to comment, not provide any information (including Council documents and images) and will advise the media to contact the Communications team directly.

To ensure clarity in Council's messages and the most appropriate responses to issues, the following guidelines are provided in selecting spokespeople:

Type of Issue	Definition	Authorised Spokespeople	Authorised Approver
Council decisions, policy and strategic Issues	Matters of policy, inter-governmental relations or community vision	Mayor, Deputy Mayor, Portfolio Councillor or General Manager	Mayor or General Manager
Operational Issues	Relating to the day-to-day operation of Council. Includes projects, services and operational activities	General Manager, Director, Group Manager as delegated by Director	Director, Group Manager as delegated by Director
Technical or Expert Issues	Requiring very specific, technical or detailed information to provide understanding on a topic	Group Manager, nominated staff member who is subject matter expert, as delegated by Group Manager	Director, Group Manager as delegated by Director

The following Council Officials are authorised to issue media statements on behalf of Council:

- Group Manager Economic Development and Communications

- Communications Manager
- Communications Officer
- Other Council Officials as approved by the General Manager

3.2 Approval

All media releases, statements, announcements and other media communications will be developed in consultation with and approved by Council's authorised spokesperson, and distributed to media by the Communications team.

3.3 Implementation and Review

The Communications Manager is responsible for the implementation, communication and review of this policy.

This policy will be reviewed every 4 years, or within 12 months following a Council election, whichever date occurs earliest.

4. REFERENCES

Port Macquarie-Hastings Council officials are bound by Council's Code of Conduct and Corporate Values.

This Policy is to be read in conjunction with:

- The Privacy and Personal Information Act 1998,
- Council's Code of Conduct,
- Council's Corporate Values,
- Council's Customer Service Charter,
- Council's Social Media Management Policy,
- Council's Business Continuity Plan,
- Council's Action Requests Complaints Policy,
- The NSW Local Government Act (1993),
- Local Government (General) Regulations,
- Caretaker Conventions (NSW Department of Premier and Cabinet)

5. DEFINITIONS

Council Official - Includes staff (permanent, temporary or casual), the Mayor, Councillors, volunteers, contractors, administrators, council committee members and delegates of Council, who are authorised to make comment in the media on behalf of Port Macquarie-Hastings Council.

Media – All legitimate forms of media including newspapers, television, radio, magazines, journals and online media (excluding social media).

6. PROCESS OWNER

The Group Manager Economic Development and Communications is the Policy Owner.

7. AMENDMENTS

This is an update to the Media Relations Policy adopted by Port Macquarie-Hastings Council on 25 July 2012. The policy has been amended to include guidelines around spokespersons and content approval authorities, identify a broader range of media channels, update the responsible officer, include a definition of Council officials and amend the policy review period.

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

08 MAYOR'S SPORTING FUND - APPLICATIONS RECEIVED

CONSENSUS:

That the Mayor's Sporting Fund Sub-Committee recommend to Council:

1. The allocation of \$350 (each) to assist Keira Johnson, Matt Olsen and Andrew Olsen have each been selected as members of the NSW Under 18's Youth Beach Phoenix Program (previously known as the Junior Beach State Volleyball Team Program) to compete at the Australian Junior Beach Volleyball Championships from 25 - 29 April 2021 in Coolangatta, Queensland.
2. The allocation of \$500 to Maddison Drewitt who has been selected as a member of the NSW Under 18's Women's Field State Hockey Team to compete at the Australian National Hockey Championships from 8 - 16 April 2021 in Launceston, Tasmania.

PMHC Recovery Committee - Terms of Reference

Title

The Port Macquarie Hastings Council Recovery Committee is established in response to the Severe Weather Event and Flooding beginning on the 19/03/2021 which has been Declared a Natural Disaster.

Purpose

The Recovery Committee will coordinate the recovery process working with and supporting local and regional recovery efforts for communities impacted by the event.

Functions

The PMHC Recovery Committee will:

- Develop and coordinate the implementation of the Recovery Action Plan (with an agreed transition/exit strategy) that aligns with local assessments and plans. This is achieved through Subcommittees reporting to the Recovery Committee.
- Ensure that relevant stakeholders, especially the communities affected, are involved in the development and implementation of recovery objectives and strategies and are kept informed of progress made.
- Identify, pre-empt and manage local and regional recovery issues and trends.
- Ensure that recovery activities are in line with the NSW Recovery Plan.
- Schedule and participate in a Recovery Committee debrief process.

Chair

The Chair of the Recovery Committee is the appointed Recovery Coordinator. Where a Recovery Coordinator is not appointed the lead agency for the event or the Local Council chairs the Recovery Committee.

Membership

Refer to Recovery Committee Membership List.

Secretariat

Secretariat support will be provided by Port Macquarie Hastings Council, or by other agreed arrangement.

Frequency of meetings

The Port Macquarie Recovery Committee will meet weekly (initially) either face to face or via teleconference as determined by members. The ongoing frequency and location of meetings will be determined as required, by member's agreement.

Reporting

The PMHC Recovery Committee will report through the Recovery Coordinator to the State Recovery Controller and the State Recovery Committee and develop a Recovery Action Plan.

Subcommittees and working groups

The PMHC Recovery Committee will initially establish Subcommittees as required under:

- Health and Wellbeing
- Infrastructure
- Communications Working Group

Port Macquarie-Hastings Council Recovery Committee**Current Membership**

PMHC	Director Strategy & Growth - Chair
Resilience NSW	
NSW Police	
NSW Health	
Dept of Primary Industries	
Fire and Rescue NSW	
SES	
Transport for NSW (Roads and Maritime)	
Land Care Port Macquarie	
EPA	
National Parks and Wildlife Service	
Insurance Council	
Public Works	
Family & Community Services	
Department Community & Justice	
Regional NSW	
Service NSW	
Business NSW	
Disaster Relief Australia	
Community Housing	

Port Macquarie Hastings Council Infrastructure, Waste & Environment Recovery Subcommittee - Terms of Reference

Title

The PMHC Infrastructure, Waste and Environment Subcommittee has been established by the PMHC Recovery Committee in response to the severe weather and flooding event.

Purpose

To provide specialised support and advice to the PMHC Recovery Committee in relation to infrastructure, flood waste and environment recovery issues.

Functions

The Infrastructure, Waste and Environment Subcommittee will:

- Develop an Infrastructure, Waste and Environment action plan in relation (but not limited) to:
 - Emergency waste generated by the event
 - Asset and infrastructure assessment and recovery
 - Water quality
- Identify and address access issues caused by road and bridge disruptions
- Manage the emergency waste generated by the event
- Address property knock down, reconstruction and approvals
- Report regularly to the Recovery Committee
- Make recommendations to the Recovery Committee

Chair

The Chair of the Subcommittee is a member of the Recovery Committee.

Membership

As determined by the Recovery Committee.

Secretariat

Secretariat support will be provided by Port Macquarie Hastings Council.

Frequency of meetings

The Infrastructure, Waste and Environment Subcommittee will initially meet weekly.

Reporting

The Infrastructure, Waste and Environment Subcommittee will report to the PMHC Recovery Committee.

Working groups

List here any working groups that are formed.

**Port Macquarie-Hastings Council Infrastructure Waste &
Environment Recovery Subcommittee****Current Membership**

PMHC	Director Strategy & Growth - Chair
Resilience NSW	
Public Works Advisory Group	
Local Land Services	
Department of Primary Industries	
Fire and Rescue NSW	
SES	
Transport for NSW (Roads and Maritime)	
Landcare Port Macquarie	
EPA	
National Parks and Wildlife Service	

Port Macquarie Hastings Health & Wellbeing Recovery Subcommittee - Terms of Reference

Title

The PMHC Health and Wellbeing Subcommittee has been established by the PMHC Recovery Committee in response to the severe weather and flooding event.

Purpose

To provide specialised support and advice to the PMHC Recovery Committee in relation to health and wellbeing recovery issues related to the flooding event and compounded by bushfires, drought and COVID-19 pandemic.

Functions

The Health & Wellbeing Subcommittee will:

- Prioritise and progress issues related to health and wellbeing impacts and develop an Action Plan
- Identify and address ongoing mental health needs of flood impacted communities
- Coordinate health and wellbeing initiatives to support the communities' recovery.
- Provide a forum for key stakeholders to be engaged in the recovery strategy.
- Identify, pre-empt and manage local and recovery issues and trends.
- Prioritise and progress issues related to health and wellbeing impacts and develop a recovery action plan.
- Provide advice for Health & Wellbeing initiatives or services, including any Recovery Support services that are established across the LGA and region.
- Report regularly to the Recovery Committee
- Make recommendations to the Recovery Committee

Chair

The Chair of the Subcommittee is a member of the Recovery Committee.

Membership

As determined by the Recovery Committee.

Secretariat

Secretariat support will be provided by Port Macquarie Hastings council.

Frequency of meetings

The Health & Wellbeing Subcommittee will initially meet weekly.

Reporting

The Health & Wellbeing Subcommittee will report to the PMHC Recovery Committee.

Working groups

List here any working groups that are formed.

**Port Macquarie-Hastings Council Health & Wellbeing
Recovery Subcommittee****Current Membership**

PMHC - Group Manager Community	Group Manager Community - Chair
NSW Health	Alternate Chair
MNC LHD	
Health North Coast	
Resilience NSW	
Dept Primary Industry	
St Agnes Parish	
Red Cross	
St Vincent De Paul	
Lifeline	
Health North Coast	
Givit	
Headspace	
Public Health Network	
Dept of Education	
Family & Community Services	

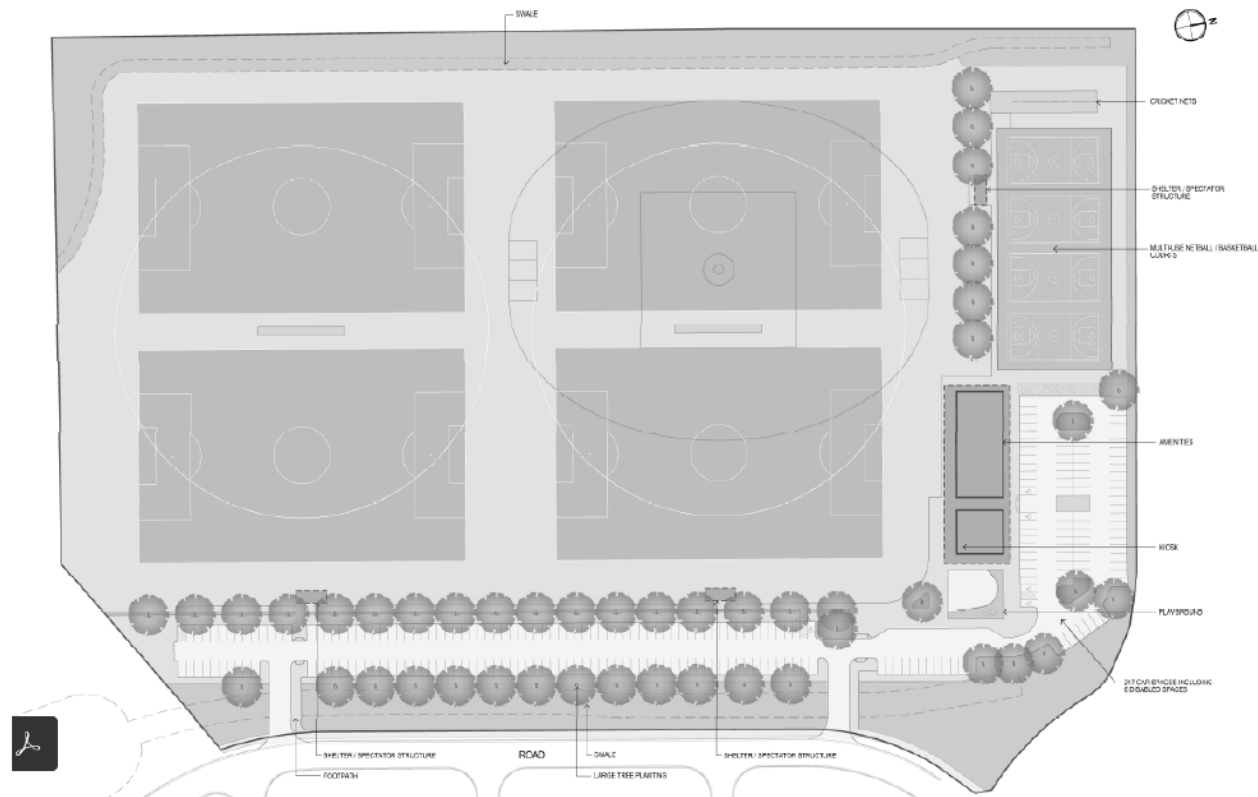


Hastings Regional Sporting Complex - Concept Plan



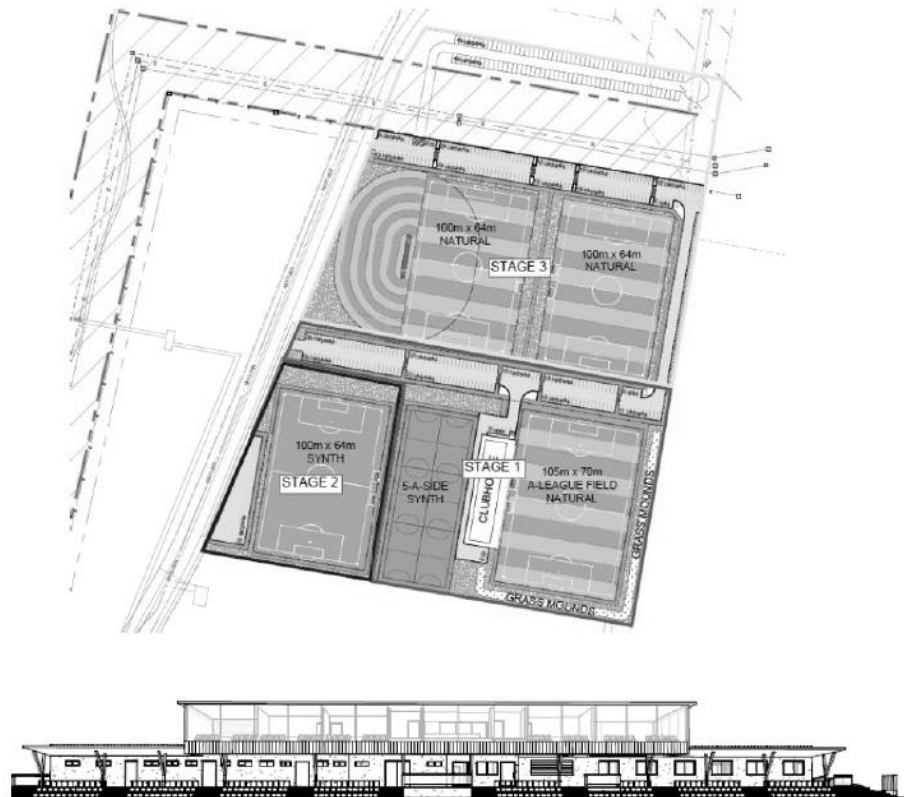
LEGEND

- 1 CARPARK
- 2 OVERFLOW CARPARK
- 3 EMERGENCY VEHICLE ACCESS POINT
- 4 SERVICE VEHICLE ACCESS DRIVEWAY
- 5 CRICKET CENTRE OF EXCELLENCE
- 6 PLAYGROUND
- 7 3M CONCRETE SHARED PATH
- 8 PEDESTRIAN CROSSING
- 9 CRICKET NETS
- 10 PREMIER CRICKET OVAL - 75M RADIUS WITH 4 TURF PITCHES
- 11 SECONDARY CRICKET OVAL - 85M RADIUS WITH 3 TURF PITCHES
- 12 SECONDARY CRICKET OVAL - 85M RADIUS WITH 1 SYNTHETIC PITCH
- 13 JUNIOR CRICKET OVAL - 50M RADIUS WITH 1 SYNTHETIC PITCH
- 14 BUS SETDOWN
- 15 ENTRY STATEMENT
- 16 GRANDSTAND
- 17 AMENITIES AND STORAGE FACILITIES
- 18 BIORETENTION / DETENTION BASIN
- 19 DRAINAGE SWALE WITH BRIDGE
- 20 DOG OFF LEASH AREA
- 21 WAYFINDING SIGNAGE - VEHICULAR
- 22 WAYFINDING SIGNAGE - PEDESTRIAN
- 23 STORAGE
- 24 LIGHT POLES
NOTE: THERE ARE A TOTAL OF 16 LIGHT POLES. NOT ALL 16 HAVE BEEN IDENTIFIED ON THE PLAN WITH A NUMBER
- 25 ACCESS TO RANDALL STREET
- 26 PROPOSED ENTRY UPGRADES





Thrumster Sporting Fields - Concept Plan



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

Port Macquarie Hastings Council
17 Burrawan Street,
Port Macquarie, NSW, 2444

7 Leighton Close
North Haven, NSW, 2443

Tuesday 6th April, 2021

Attention: Peta Pinson – Mayor
Attention: Dr Clare Allen – Chief Executive Officer (CEO)

Cc: Leslie Williams MP – Member for Port Macquarie

Subject: Flood Gates at Camden Street North Haven

Dear Peta / Clare,

This is a covering letter, to explain the package of documents Express Posted to you on Tuesday 6th April 2021.

These documents outline the circumstances the residents of North Haven (east of Ocean Drive) endured during the recent flood event of the 19th to 22nd March 2021. Specifically, the failed operation of the flood gates at Camden Street and the blockages of the storm water drain that leads to these gates.

Attached in this package is a petition of one hundred and forty (140) signatures requesting the council acknowledge that these gates exist and will initiate a proper maintenance program to enable the correct operation of the storm water channel and flood gates. Several residents in the area around Edith Street and Leighton Close have been in communication with Council for many years over this issue.

Also included is a testimonial given by a resident who attended to opening the flood gates. His testimonial references photos 1 to 3 with a time line indicating the effect on the area. Please note the inaction by council both previously and for this rain event.

The remaining photos depict the following:

Photo - Debris at David Campbell Street drain. This shows the build-up of debris on the morning of Sunday 21st March 2021. **This debris had been removed from the drain by residents not any authorities.** Photos showing debris on both sides of the flood gates in the morning of Sunday 21st March 2021. These photos show the debris preventing the proper operation of the flood gates.

The rain event of Friday (19/3/21) and Saturday (20/3/21) was well predicted by the Bureau of Meteorology. This should have been the trigger for the Council to check infrastructure in the area for malfunctions and to clean up so that the storm water could escape in a timely manner.


Upon review of this information, we request a written initial response so that we can inform all residents who have signed the petition as to what action the council will adopt.

Yours sincerely,




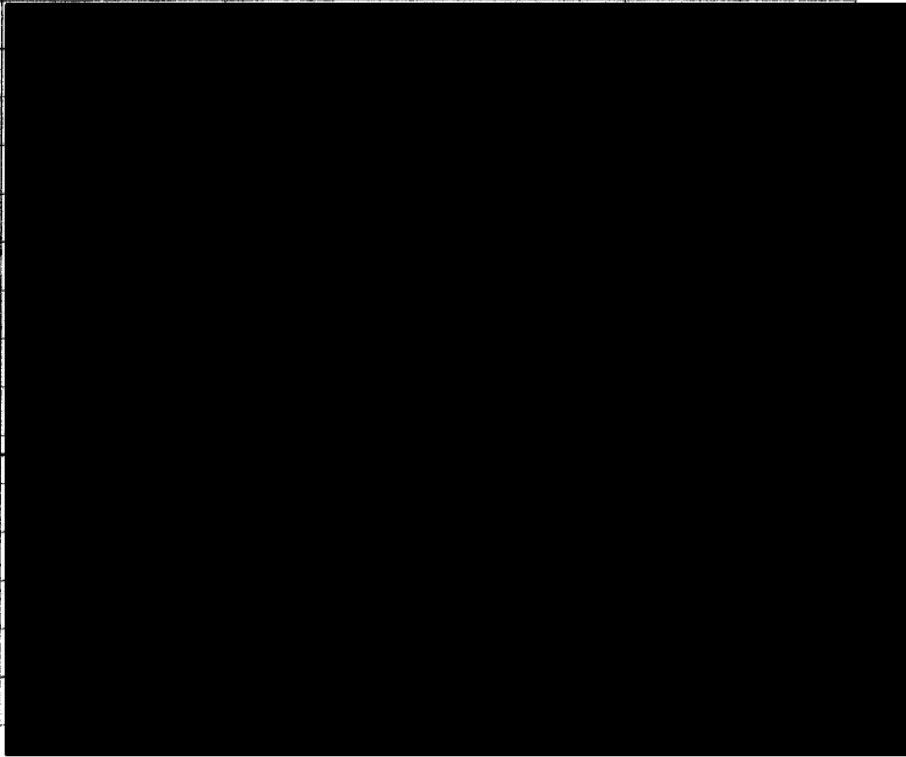
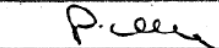

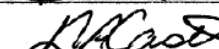
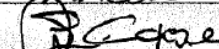

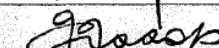




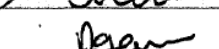

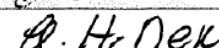

Robyn and Terry King

Mobile: 0402 365 116
Phone: 6559 5976
Email: robynking@optusnet.com.au

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
07 APR 2021	
Keyword	
Activity	
Subject	
Folder SF21/38	

FLOOD GATES AT NORTH HAVEN

We, the undersigned, wish to bring to council's attention the lack of maintenance to the flood gates at North Haven. We believe that this contributed to houses in the area being inundated by water from the creek that should have flowed through the gates to the Camden Haven River. It is our contention that because the gates have not been maintained properly they did not function as they were designed to do. We suggest an urgent review and request some proof that these gates will be on the maintenance schedule from now on.

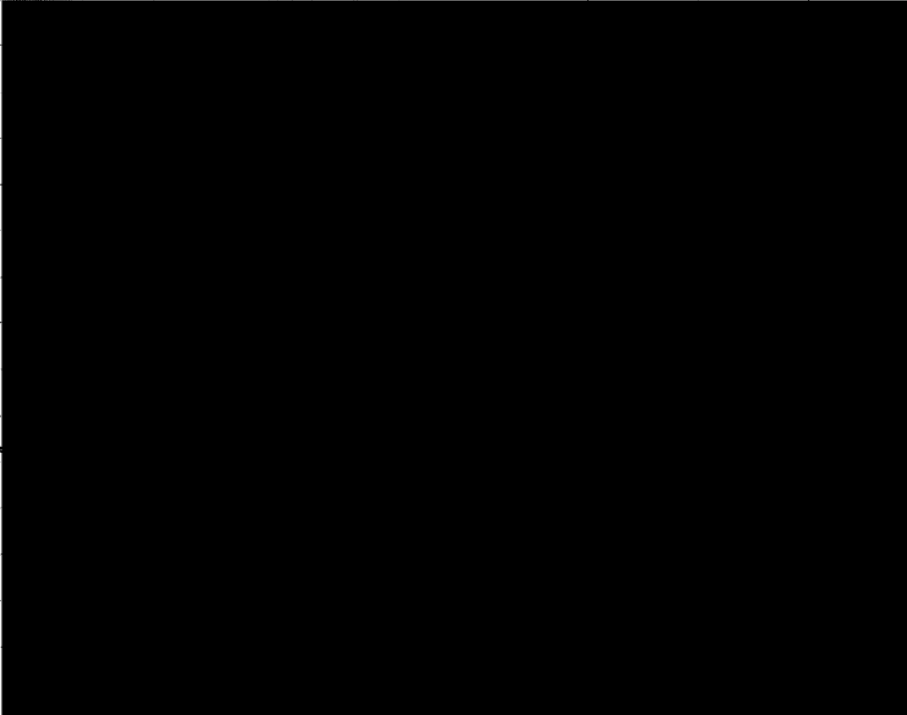
Name	Signature	Address	Contact phone number
MRS DENNIS			
Peggy Kelly			
Pip Neal			
Michael Caselton			
Linda Caselton			
PAUL MESSINGHAM			
JENNY JESSOP			
Kevin Jessop			
Gaile Jessop			
Terry Jessop			
Steve Collins			
Don Cowen			
Ken Collins			
Audette Dennis			
ROBYN & TERRY KING			



1/10

FLOOD GATES AT NORTH HAVEN

We, the undersigned, wish to bring to council's attention the lack of maintenance to the flood gates at North Haven. We believe that this has contributed to houses in the area being inundated by water from the creek that should have flowed through the gates to the Camden Haven River. It is our contention, that because the gates have not been maintained properly they did not function as they were designed to do. We suggest an urgent review and request some proof that these gates will be on the maintenance schedule from now on.

Name	Signature	Address	Contact phone number
A. Zucconi	A Zucconi		
J. TINSLEY	J Tinsley		
J. Jones	J Jones		
B. Carter	B Carter		
D. Park	D Park		
S. RIVERATH	S Riverath		
N. CLARK	N Clark		
A WALLACE	A Wallace		
D. Wallace	D Wallace		
J. Spencer	J Spencer		
L. Smith	L Smith		
H. ASHTON	H Ashton		
L. HOLUB	L Holub		
S. PEPPER	S Pepper		
K. GEDDES	K Geddes		


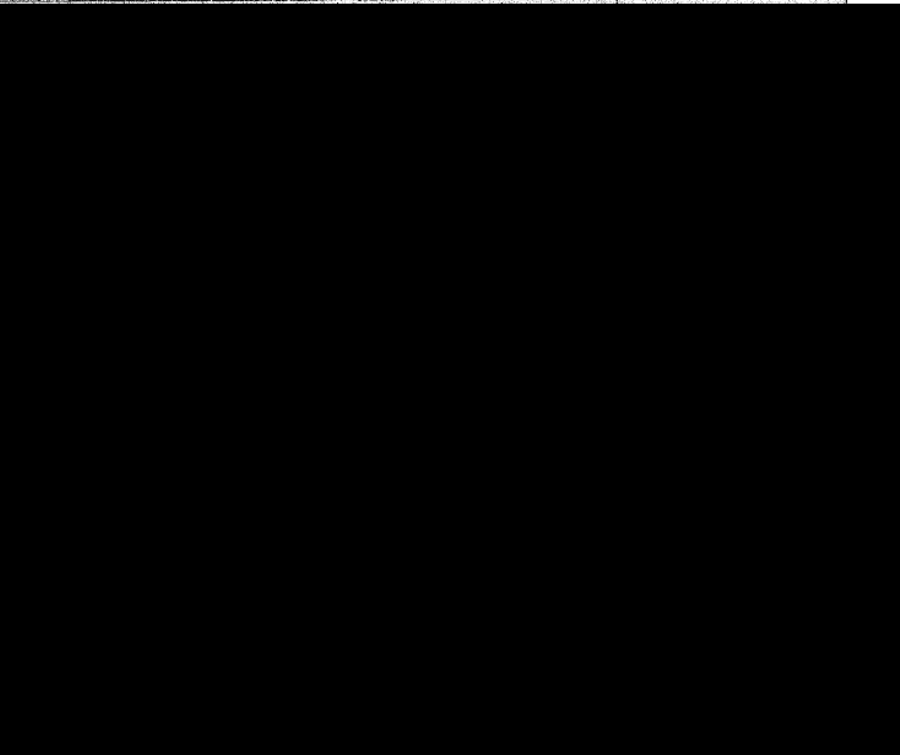


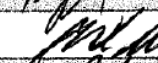

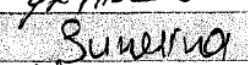

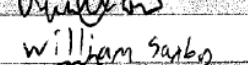


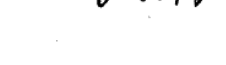



Robyn Knightley

12

2/10

FLOOD GATES AT NORTH HAVEN

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Name	Signature	Address	Contact phone number
Katie Fenwick			
KEISTY BELL			
MALCOLM BELL			
Tom Capel			
Tony Wood			
Joy Brown			
Oscar Bock			
Sundering Sundering			
Jupik Hooker			
Viaki Harrison			
Donnie Jo Mc			
MURRAY GORDON			
COLIN SYMES			
Pat Barber			


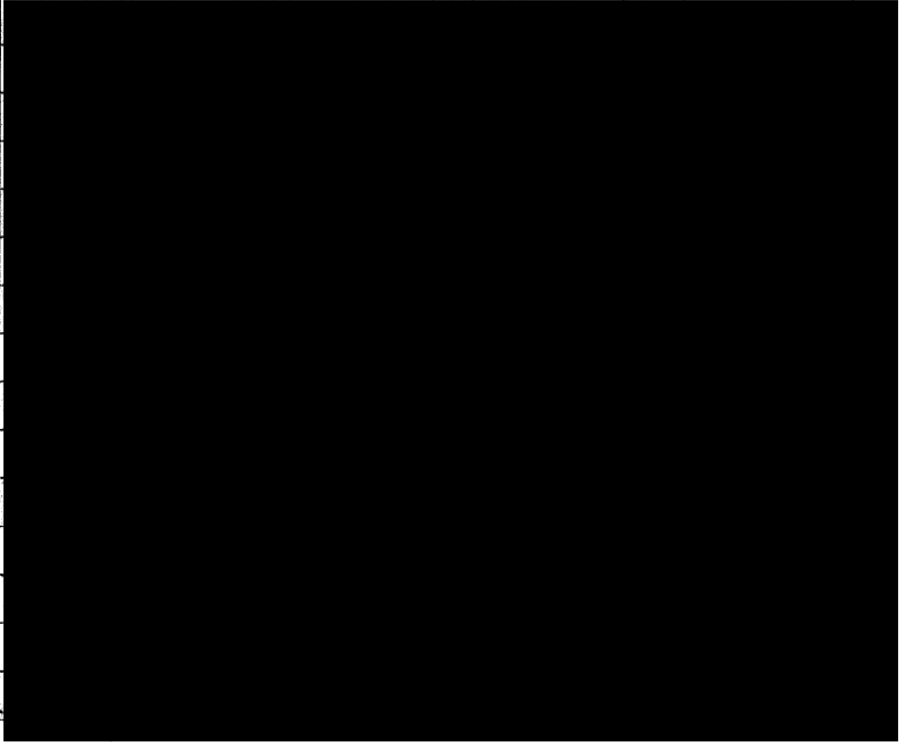

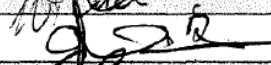


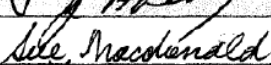
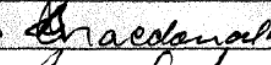
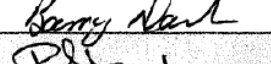
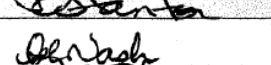
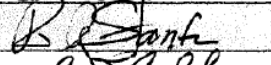
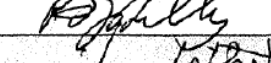
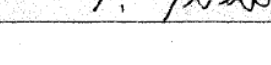





3/10

0

FLOOD GATES AT NORTH HAVEN

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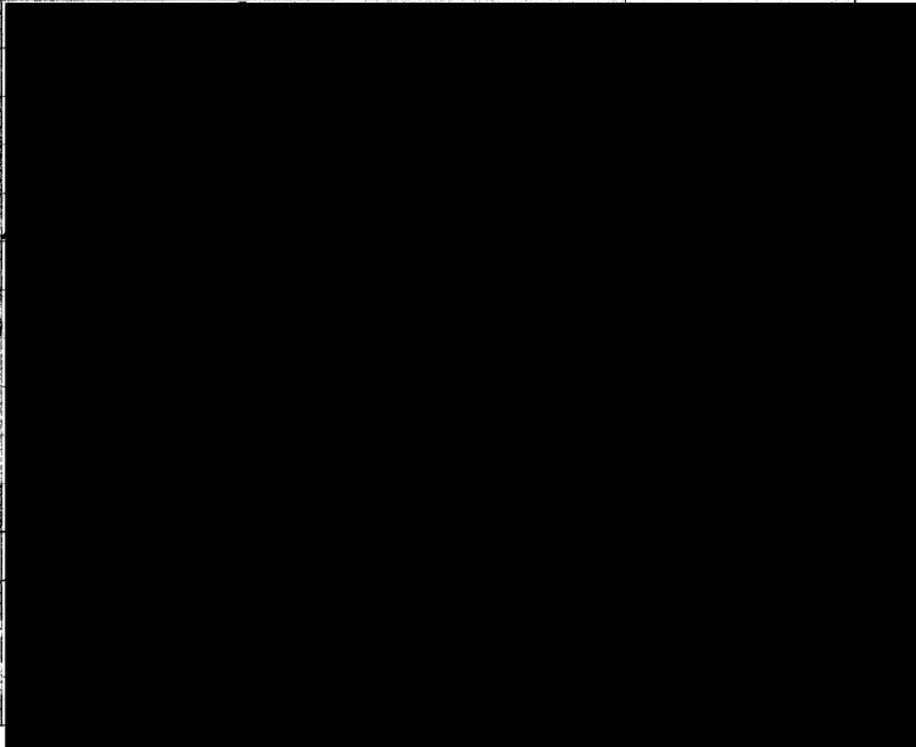
Name	Signature	Address	Contact phone number
GLENN PRIOR			
WAYNE LIPTON			
MAUREEN CARTER			
GERE CLARKE			
PAUL GARVAN			
Phillie Garvan			
JAN AVERY			
Sue Macdonald			
ROBERT MACDONALD			
BARRY NASH			
Roslyn Stanton			
HELEN NASH			
Ron Stanton			
B. KILBY			
✓ in white			

Robert King White

4/10

FLOOD GATES AT NORTH HAVEN

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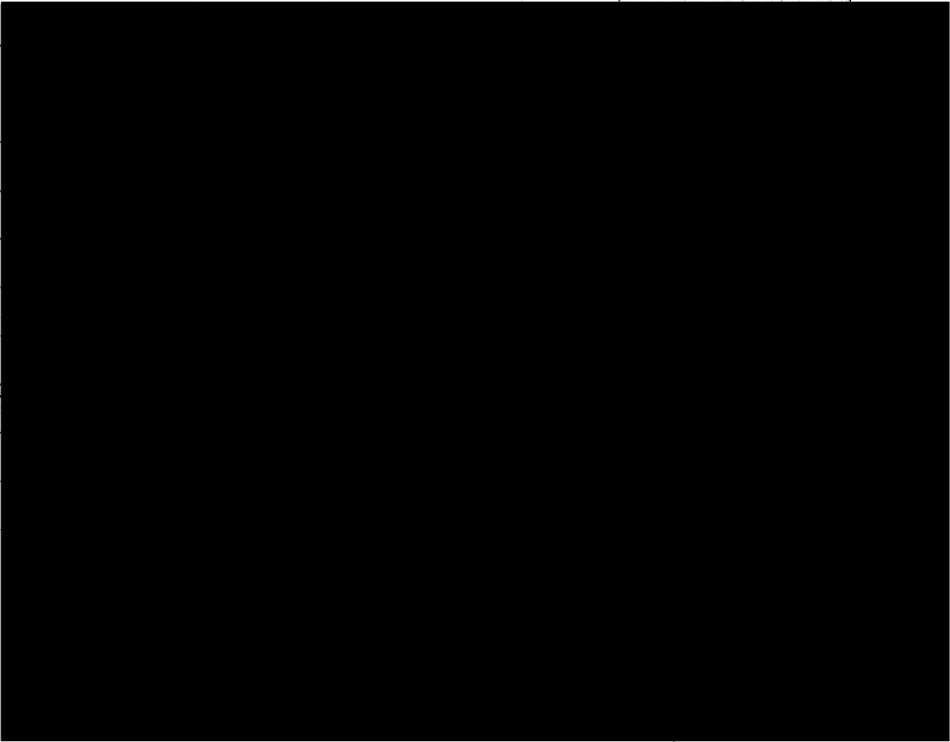
Name	Signature	Address	Contact phone number
Kylie Farrell	<i>[Signature]</i>		
Demi Farrell	<i>[Signature]</i>		
Michael Farrell	<i>[Signature]</i>		
Joanne Carroll	<i>[Signature]</i>		
CHARRY LANE	<i>[Signature]</i>		
Christina Hoey	<i>[Signature]</i>		
DARIN ROSS	<i>[Signature]</i>		
Russ COLLISON	<i>[Signature]</i>		
PARRILLA COLLISON	<i>[Signature]</i>		
BETTY LANE	<i>[Signature]</i>		
Taylor Bateman	<i>[Signature]</i>		
Tom Bateman	<i>[Signature]</i>		
Ian Booker	<i>[Signature]</i>		
MARK ASHTON	<i>[Signature]</i>		
Scott Martin	<i>[Signature]</i>		

Robyn King

5/10

FLOOD GATES AT NORTH HAVEN

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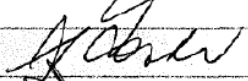
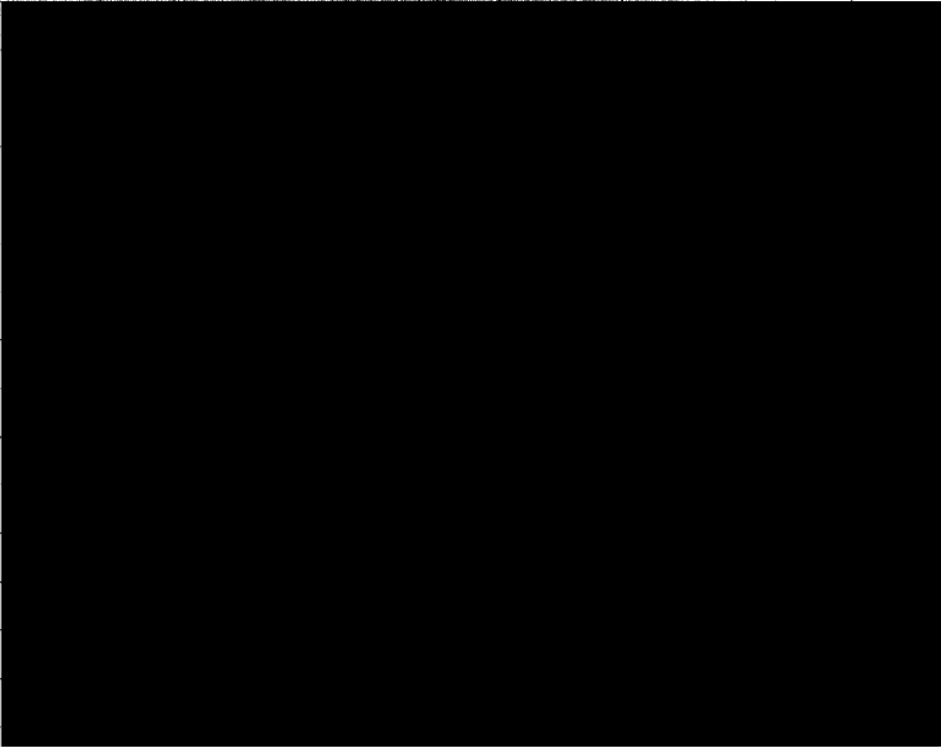




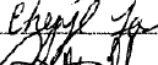
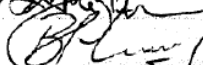

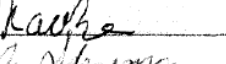
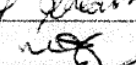

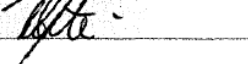



Name	Signature	Address	Contact phone number
Jo Parmenter	Jo Parmenter		
BRIAN PARMENTER	Brian Parmenter		
Ross Parrot	Ross Parrot		
Julie Parrot	Julie Parrot		
Kim Bauder	Kim Bauder		
Julie Daniell	Julie Daniell		
Ron Daniell	Ron Daniell		
Glen Belko	Glen Belko		
Keith Belko	Keith Belko		
Phillip EASTON	Phillip Easton		
G. Goss	G. Goss		
Linda Focke	Linda Focke		
EDWARD FARGAS	Edward Fargas		
VERNA FARGAS	Verna Fargas		

Wally Robyn Kew

6/10

FLOOD GATES AT NORTH HAVEN

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Name	Signature	Address	Contact phone number
ANNE FOSTER			
Greg Foster			
Maria Welbourne			
PAUL WELBOURNE			
Peter Gibbs			
CYNTHIA AMEY			
Cheryl Foster			
Sue McHughson			
Bruce Amey			
Noelene Campbell			
Hugh Rackley			
JOANNE STERMAN			
Meagan Gibbs			
CECILE COLVIN			
Pam Apte			

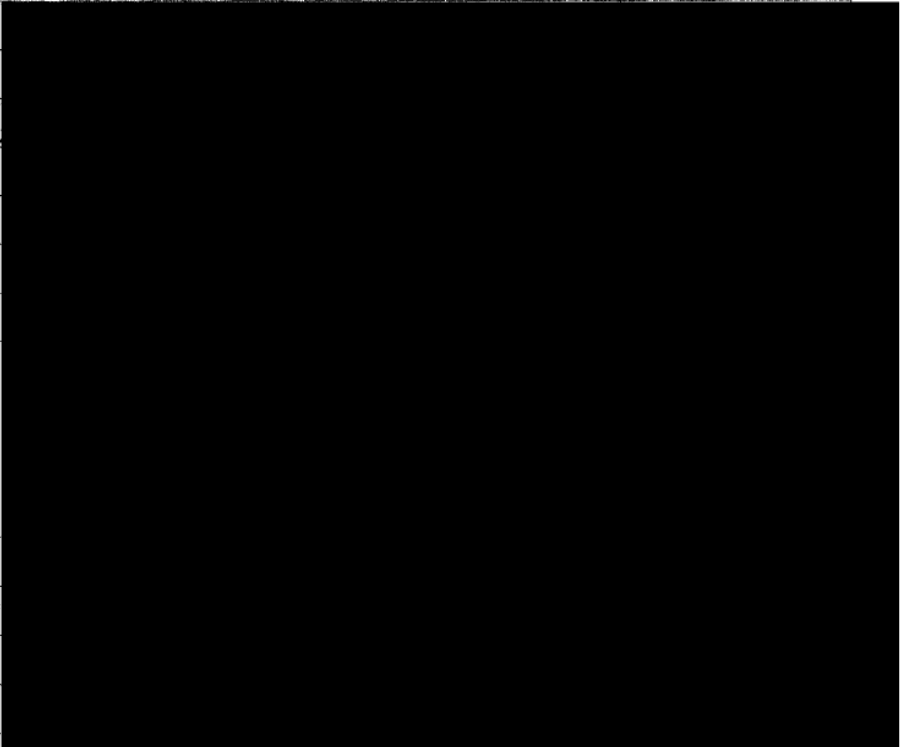
Kenny
Foster

Miss Robyn King

7/10

FLOOD GATES AT NORTH HAVEN

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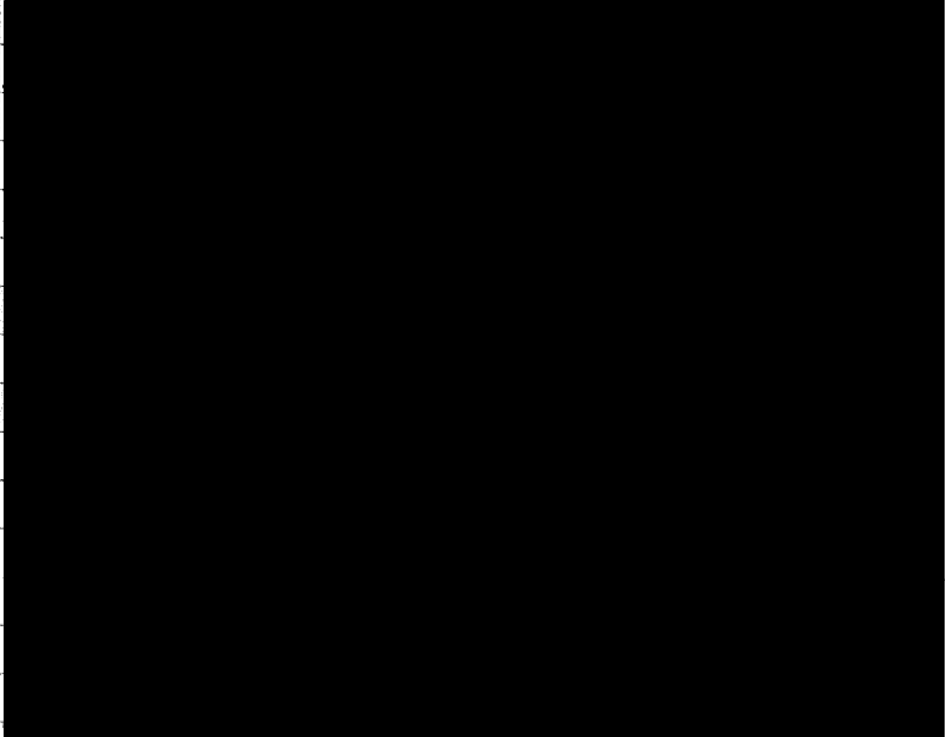
Name	Signature	Address	Contact phone number
Margarictha Lucas	<i>Margarictha Lucas</i>		
Donna MISHINGHAM	<i>Donna Mishingham</i>		
CAROL BAKER	<i>Carol Baker</i>		
John Rockliffe	<i>John Rockliffe</i>		
John Rees	<i>John Rees</i>		
Glenn Barber	<i>Glenn Barber</i>		
Alan Harou	<i>Alan Harou</i>		
Peter Coxon	<i>Peter Coxon</i>		
Shirley Barlow	<i>S. Barlow</i>		
KARL QYOMREY	<i>Karl Qyomrey</i>		
BEN GAMBLIN	<i>Ben Gambelin</i>		
JEFF SMITH	<i>Jeff Smith</i>		
STUART RIPLEY	<i>Stuart Ripley</i>		
Karen Ross	<i>K Ross</i>		
Brad Ross	<i>B. Ross</i>		

Mike Robinson

8/10

FLOOD GATES AT NORTH HAVEN

We, the undersigned, wish to bring to council's attention the lack of maintenance to the flood gates at North Haven. We believe that this contributed to houses in the area being inundated by water from the creek that should have flowed through the gates to the Camden Haven River. It is our contention that because the gates have not been maintained properly they did not function as they were designed to do. We suggest an urgent review and request some proof that these gates will be on the maintenance schedule from now on.

Name	Signature	Address	Contact phone number
ROD SCHINDLER	<i>Rod Schindler</i>		
H. SCHINDLER	<i>H. Schindler</i>		
H. COLLINS	<i>H. Collins</i>		
DAVE PORTER	<i>D. Porter</i>		
Victor Whitby	<i>V. Whitby</i>		
STEPHEN ORAM	<i>S. Oram</i>		
Nicholas Geritz	<i>N. Geritz</i>		
Robert Lenehan	<i>R. Lenehan</i>		
Patricia Lenehan	<i>P. Lenehan</i>		
Vaomi Leo	<i>V. Leo</i>		
Shane Green	<i>S. Green</i>		
Kobyn Hancock	<i>K. Hancock</i>		
MELISSA BEST	<i>M. Best</i>		
LYN ANTILL-BLACK	<i>L. Black</i>		
JOYCE ORMSBY	<i>Joyce Ormsby</i>		

My Signature

9/10

We, the undersigned, wish to bring the council's attention to the fact of negligence to the flood protection of Camden Haven. We believe that this contributed to houses in the area being inundated by water from the creek that should have flowed through the gates to the Camden Haven Haven. It is our contention that, because the gates have not been maintained properly they did not function as they were designed to do. We suggest an urgent review and request some proof that these gates will be on the maintenance schedule from now on.

Reyn King M King

After a call from the SES to evacuate at 2am, Saturday 20/3/21, I called the SES at 3am to see if anyone had opened the flood gates at the end of Camden Street, North Haven. I was told nobody knew anything about them but it would be noted and reported.

On the evening of 19/3/21 the flood water (more correctly, storm water) had risen half way up Leighton Close, North Haven (see photos 1) and continued to rise overnight (see photo 2). At 11am on 20/3/21 a neighbour and myself manually opened the flood gates. Within 4 hours the water in the street had gone down by half (see photo 3) and by 7pm had completely gone off the road leaving only pools on the low sides of the footpath. The water over the road in Edith Street, North Haven, had dropped 60 centimetres and was only very shallow.

I feel that if the flood gates had been opened earlier a lot of damage in the nearby streets and the 2 caravan parks would have been a lot less severe.

According to several neighbours the council had been notified, over several years, of this problem and had been assured that the flood gates would be maintained and opened in emergencies. IT HASN'T HAPPENED YET!

I also rang the council on Monday morning, 22/3/21, to speak to the engineer in charge of stormwater drainage and was told he wasn't available. My name, address and phone number were taken and I was assured I would be contacted. I have had no communication to date, 2/4/21.

Les Dennis



A handwritten signature in cursive script, appearing to read 'Les Dennis', located below the redacted area.



Photo No 1.



Photo No 2.



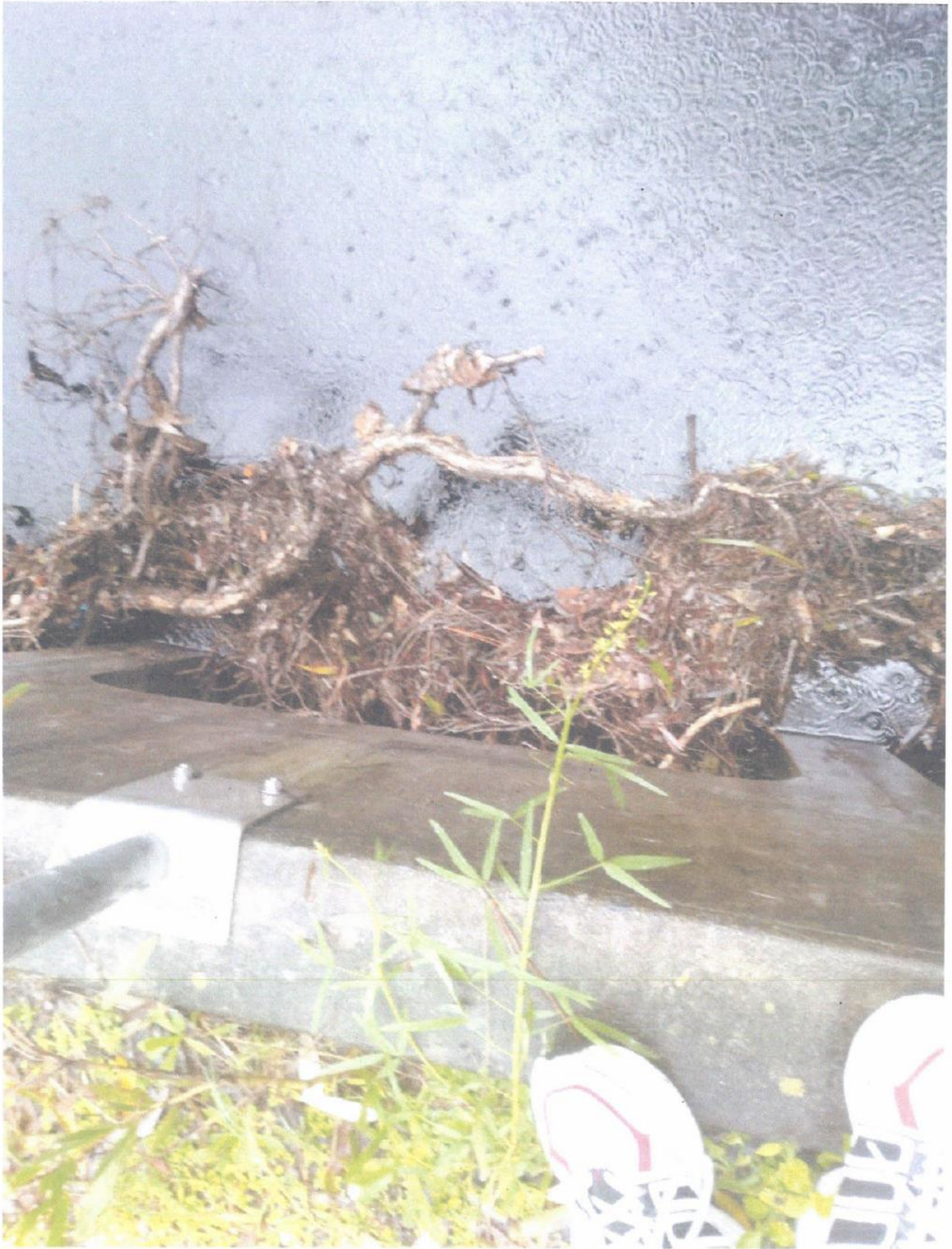
Photo No 3



Sunday 21st March 2021 - Debris on David-Campbell St Drain



Sunday 21st March 2021 - Debris bucket



Sunday 21st March 2021. - Debris buildup



MINUTES
Coast, Estuary & Floodplain Advisory
Sub-Committee Meeting
25/02/2021

PRESENT

Council Representatives:

Councillor Peter Alley (Chair)
Councillor Lisa Intemann (Deputy Chair)
Director Development and Environment (Melissa Watkins)
Group Manager Regulatory and Environment Services (Debbie Archer)
Natural Resources Manager (Blayne West)
Coast Estuary, Flood Co-ordinator (Ben Foster)
Coast and Estuary Officer (Jack Grant)
Environmental Projects Officer (Jesse Dick)

Community Representatives:

Alan MacIntyre (Community - Camden Haven - Coast, Estuary)
Kingsley Searle (Community and Oyster Industry - Hastings - Coast, Estuary)
Tony Troup (Oyster Industry - Camden Haven - Coast, Estuary)
Marisha Ewart (Community - Camden Haven - Coast, Estuary)
Peter Fitzroy (Community - Lake Cathie - Coast, Estuary)
Vernon Warner (Community - Lake Cathie - Coast, Estuary)

Agency Representatives:

Tina Clemens (DPIE Crown Lands)
Shane Robinson (DPIE - NPWS - Coast, Estuary)
John Schmitt (DPIE - Biodiversity & Conservation Division - Coast, Estuary)
Caroline Ortel (DPIE - Biodiversity & Conservation Division - Flood)
Maria Fraser (SES - Flood)

Other Attendees:

Lee Jacobs

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.



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02 APOLOGIES

CONSENSUS:

That the apologies received from Mayor Peta Pinson, Paul Burg (SES Flood), Nicholas Denshire (DPIE), Geoffrey James (NPWS), and Andre Uljee (Transport for NSW Maritime Operations and Compliance) be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Coast, Estuary & Floodplain Advisory Sub-Committee Meeting held on 26 November 2020 be confirmed.

04 DISCLOSURES OF INTEREST

Vern Warner declared a Non-Pecuniary - Less than Significant interest for Item 7 - Lake Cathie - Proposed Illaroo Road Revetment Wall Funding Model Consultation - Status Update Report, as he is President of the Lake Cathie Progress Association and has had many discussions, forwarded letters and raised issues with Council regarding the revetment wall project, the funding model and delays in its release.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

CONSENSUS:

That the Business Arising From Previous Minutes Schedule be noted with the following additional information:

11.05 27/08/2020 LAKE CATHIE - IRON FLOC:

Members advised that they did not receive the Revive Lake Cathie Stakeholder Meeting presentation circulated by email. Committee requested to receive a link to the presentations on Revive Lake Cathie's website.



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**06 NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT
FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN (FRMSP)**

Mark Edenborough and report author Lee Jacobs provided a presentation on the North Brother Flood Study.

CONSENSUS:

That the Coast Estuary and Floodplain Advisory Sub-Committee:

1. Endorse the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan with the noted amendments requested by SES.
2. That the team refer to DPIE Crown Lands in relation to land status and placement of works and that any significant changes are brought back to the Committee for consideration.
3. Recommend that the amended North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan be reported to Council and be placed on public exhibition.

**07 LAKE CATHIE - PROPOSED ILLAROO ROAD REVETMENT WALL FUNDING
MODEL CONSULTATION - STATUS UPDATE REPORT**

Vern Warner declared an Non-Pecuniary - Less than Significant interest in this Item and remained in the meeting.

CONSENSUS:

That the Coast, Estuary and Floodplain Advisory Sub-Committee:

1. Note engagement with property owners and community stakeholders on the Cost Benefit Analysis and Funding Model for the proposed Illaroo Road Revetment Wall commenced on 8 February 2020.
2. Receive a further report on the outcome of the community engagement.
3. That this committee note the level of community concern raised at community forums to date.
4. Provide a briefing to this Committee following Council's consideration.



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08 COASTAL MANAGEMENT PROGRAM - STAGE 1 - RECOMMENDATION TO COUNCIL TO ENDORSE SCOPING STUDY

CONSENSUS:

That the Coast, Estuary and Floodplain Advisory Sub-Committee note the report to Council and that Council has endorsed the Coastal Management Program Scoping Study.

09 ACTIVE COAST, ESTUARY & FLOODPLAIN PROJECTS - STATUS UPDATE

CONSENSUS:

The Coast, Estuary and Floodplain Advisory Sub-Committee noted the status of the active Coast, Estuary and Floodplain projects.

10 RECRUITMENT OF DEVELOPMENT AND FISHING INDUSTRY REPRESENTATIVES TO COAST, ESTUARY AND FLOODPLAIN ADVISORY SUB-COMMITTEE

CONSENSUS:

That the Coast, Estuary and Floodplain Advisory Sub-Committee members encourage representatives from the development industry and the commercial and recreational fishing industry.

11 GENERAL BUSINESS

11.01 JESSE DICK

CONSENSUS:

That the Coast, Estuary and Floodplain Advisory Sub-Committee extend its appreciation to Jesse Dick for his great work and wish him well in his future role.



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11.02 TREE PRESERVATION ORDER

CONSENSUS:

That the Coast, Estuary and Floodplain Advisory Sub-Committee request Council examine the efficacy of its Tree Preservation Order as it applies to both urban and rural areas.

11.03 VEHICLES ON BEACHES POLICY

CONSENSUS:

That the draft Vehicles on Beaches Policy be provided to the Coast, Estuary and Floodplain Advisory Sub-Committee for input prior to finalisation of community consultation.

11.04 CODE OF CONDUCT

The Coast, Estuary and Floodplain Advisory Sub-Committee were reminded of the Code of Conduct obligations.

11.05 GOOGLEY'S LAGOON

Marisha Ewart enquired if Council is aware of siltation and disappearance of seagrass at Googley's Lagoon.

11.06 BOATING ON CAMDEN HAVEN RIVER

Marisha Ewart referred to boats on the Camden Haven River causing pollution, erosion and safety issues specifically in the area between Dunbogan Bridge and Watson Taylor Lake.

The meeting closed at 5:15pm.

AGENDA

COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-
COMMITTEE
25/02/2021

Item: 06

Subject: **NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT
FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN (FRMSP)**

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Coast, Estuary and Floodplain Advisory Sub-Committee:

- 1. Endorse the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan.**
- 2. Recommend that the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan be reported to Council and be placed on public exhibition.**

Project Update

Since early 2017, Port Macquarie-Hastings Council has been working with specialist consultants, Jacobs Group Australia (Jacob's) to undertake the North Brother Local Catchments Flood Study, the Floodplain Risk Management Study and the Floodplain Risk Management Plan project.

Objectives of this project include:

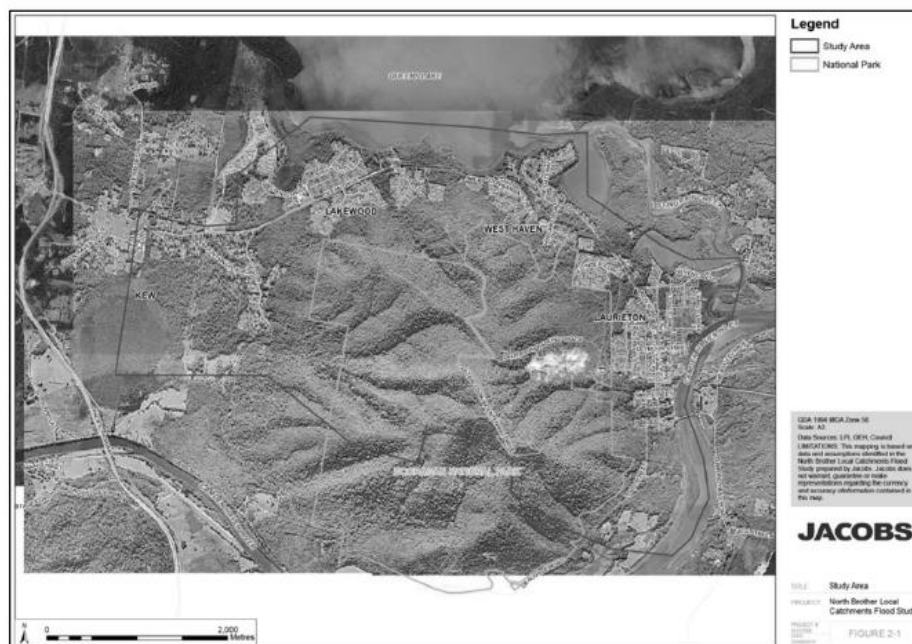
- Develop and calibrate hydrologic and hydraulic models to estimate flooding conditions for a range of design events and for a climate change scenario;
- Identify flood problem priority areas and identify and assess structural and non-structural mitigation measures to manage flood risk;
- Review existing planning, policy and emergency management plans for gaps and inconsistencies relating to floodplain planning, then develop proposed amendments to address residual flood risk;
- Prioritise the works and measures, including economic and multi criteria appraisal of options;
- Develop an implementation program for recommended works and measures including timing, responsibility and sources of funding;
- Conduct consultation with the community and key stakeholders throughout the study to obtain information and intelligence for input into the study;
- Gauge the perceptions of the community on flooding matters;
- Obtain feedback on the findings and recommendations of the study;
- Understand the behaviour of local catchment flash flooding from North Brother Mountain and the flood risk that it poses to the community; and,
- Identify and develop measures to manage the impact of flooding and guide strategic planning for future development of the area.

The study covers the villages of Laurieton, West Haven, Lakewood, Kew and Deauville at the Base of the North Brother Mountain, as shown below:

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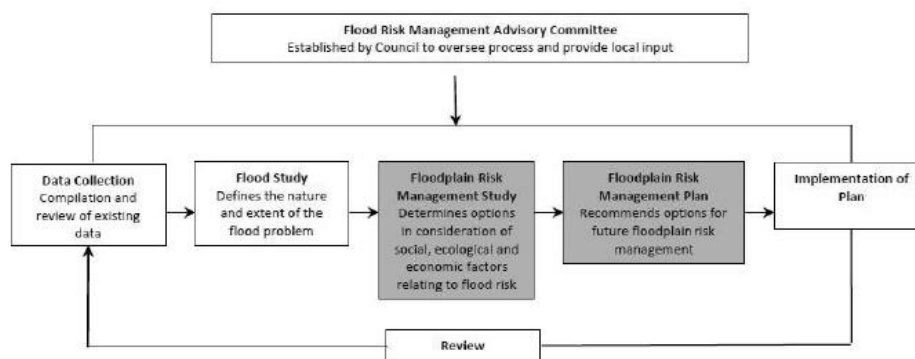
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Following the adoption of the North Brother Local Catchments Flood Study by Council at the 17 July 2019 Ordinary Council Meeting, Council entered Phase 2 of this ongoing project, which is the completion of the Floodplain Risk Management Study (FRMS) and the Floodplain Risk Management Plan (FRMP).

For reference, the development of Floodplain Management Plans follow guidelines established in the NSW Government's Floodplain Development Manual (2005). The manual outlines the steps involved in the process, and the activities required to develop a Floodplain Management Plan in flood affected areas.

The Floodplain Risk Management process involves the following stages (current stage is highlighted green):



Phase 2 of the project has the following aims.

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- Identify, assess and evaluate management options for the floodplain in respect of both existing and proposed developments (FRMS), and
- Adopt a plan of management for the flood risks identified (FRMP).

As part of the early investigations for the preparation of a draft Floodplain Risk Management Study and Plan (FRMSP), during early 2020, The *North Brother Local Catchments Flood Study Working Draft Options Assessment Report* was submitted outlining:

- The scale of above floor level flooding likely to be experienced within the catchment;
- Identification of sensitive properties and critical infrastructure;
- Initial identification of flood hazard categories and risk classifications;
- Prioritisation of risks and high risk locations;
- Likely costs of flood damage within the catchment; and
- An initial range of both structural and non-structural flood mitigation options including;
 - Development of remedial works concept plans and hydraulic modelling options for high risk locations;
 - Voluntary purchase of high hazard properties;
 - 10.7 Zoning Certificates to include notation regarding flood hazard identified by the Flood Study phase of this project;
 - Update Council's LEP to include the North Brother Local Catchments Flood Mapping;
 - Update Council's Flood Policy to both refer to the North Brother Local Catchments Flood Study and update the policy to include provisions relating to overland flooding;
 - Implementation of Flood Depth Signage within the Catchment;
 - Development of a Flood Education Program for the Catchment;
 - Consultation with high flood risk facilities and occupants of dwellings subject to high flood hazard regarding management of flood risk on the site.

At the January 2020 Coast, Estuary and Floodplain Advisory Committee meeting, the *North Brother Local Catchments Flood Study Working Draft Options Report* was presented for consideration and endorsement by the Committee prior to proceeding to planned community consultation.

At that time, the Committee resolved to defer a review of the report and its contents until a further Committee meeting was held. This meeting was held on 20 February 2020, with the recommendations as follows:

CONSENSUS:

That the Committee:

1. *Endorse the North Brother Local Catchments Flood Study Working Draft Options Report.*
2. *Recommend that those options assessed as high priority plus the Tunis Street options (Option 6), as defined in table 3-5 of the Working Draft Options Report, be shortlisted for further detailed assessment and modelling by Jacobs.*
3. *That a Sub-Committee meeting be held upon receipt of the detailed modelling required under item 2.*

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At the 20 February 2020 Committee meeting, the options outlined in the Working Draft Options Report were discussed and the high priority options structural mitigation works outlined in that report were recommended for further testing, in addition to testing of options associated with mitigation measures in Tunis Street.

Council coordinated with Jacobs regarding the configuration of options for further detailed assessment in accordance with that recommendation.

A revised *Working Draft Options Report* was subsequently received and reported to Council on 1 July 2020, achieving endorsement by the Council for the report to be placed on public exhibition. The report was subsequently placed on public exhibition from 13 July to 9 August 2020 (28 days),

Following conclusion of the public exhibition period, public submissions were collated and (twenty two (22) submissions received) and a further report was presented to Council at the 23 September 2020 Ordinary Council Meeting summarising the engagement activities undertaken and response from the community. Council subsequently adopted the below resolution:

RESOLVED: Intemann/Griffiths

That Council:

- 1. Acknowledge the submissions made during the exhibition period and thank those landowners for this input into this ongoing project.*
- 2. Advise those landowners who made submissions of the outcome of Council's consideration of this matter,*
- 3. Endorse the North Brother Local Catchments Flood Study Draft Options Assessment Report, and*
- 4. Incorporate the community feedback obtained via the abovementioned exhibition process into the Floodplain Risk Management Study and Plan phase of the project.*

The attached document " *Ordinary Council Report and Attachments - Wednesday 23 September 2020 - Report for endorsement of Draft Options report*" outlines the results of that public exhibition process.

Utilising the results of the community exhibition process, Jacobs have subsequently prepared the attached *North Brother Local Catchments Flood Study Draft Floodplain Risk Management Study and Plan* (FRMSP) document, presented to this sub-committee for review and endorsement.

The North Brother Local Catchments Flood Study Draft Floodplain Risk Management Study and Plan (FRMSP)

The attached FRMSP document formally identifies, assess and evaluates management options to address the risks identified by the Flood Study Phase and ultimately aims to adopt a plan of management for those flood risks based on rigorous options assessment, triple bottom line considerations and prioritisation.

Building on the *Working Draft Options Report*, the FRMSP assesses a range of both structural and non-structural flood risk management measures for suitability. Non-structural measures considered include property modification measures such as voluntary house purchases and voluntary house raising in addition to **Council redevelopment of high hazard properties**. These are flagged as a potential options

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for further consideration by Council. **Flood proofing and flood compatible design** of properties is also being promoted.

Amendments to planning instruments and controls (LEP, existing Flood Policy) have also been investigated and recommendations including the provision of Flood Planning Level Mapping have been made regarding these measures.

A new Overland Flood Policy is recommended to be developed to allow greater flexibility for Council in administering appropriate development controls which are better aligned with overland flooding. This future policy should be developed having regard to all known stormwater 'hotspot' areas and not just the North Brother catchment.

Response modification measures are recommended included **flood depth signage** on roads, **updates to emergency management and planning** and **flood education and awareness**.

Development of a flash flood warning system for the study area was also considered but is not recommended.

In addition to those non-structural measures, the following short-list of six combinations of structural mitigation options previously selected by Council and the Coast Estuary and Floodplain Sub-committee have been further analysed for the 0.2 Exceedances per Year (EY), 5%, 2% and 1% Annual Exceedance Probability (AEP) events and the 1% AEP with climate change event to assess the improvements to flooding conditions.

- Kirmington Terrace to Pelican Court, West Haven - Option 4B
 - Provision of new additional trunk drainage line consisting of 2 x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, running across Ocean Drive and under The Gateway.
 - Reprofile grassed verge of access road stub to increase surface outflow capacity from Pelican Court sag
- Tunis Street Overland Flow Path, Laurieton - Option 6A
 - Construct/raise berm between the natural flow path and the diversion channel above Blackbutt Crescent to reduce overflows into the diversion channel
- Tunis Street Overland Flow Path, Laurieton - Options 6B, C, D & E
 - Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation
 - Construct new diversion channel behind Peach Grove properties north of Tunis Street
 - Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m in length).
 - Upgrade and extend drainage in Gow Place to consist of 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line.
- Lake Street at Seymour Street, Laurieton - Option 8B
 - Install debris control structure at existing or proposed upgraded culvert inlet
- St Joseph's School, Laurieton - Option 9B

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- Install 2x 3m x 1.2m box culvert in the middle flow path, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required

The assessed options are described, and their modelled performance is summarised within the draft report.

The Draft Floodplain Risk Management Plan provides input into the strategic and statutory planning roles of Councils. It provides a steering document to enable Council to effectively manage flood liable land moving forward. It also suggests an implementation plan based on priorities of floodplain risk management measures and availability of funding.

The Draft Plan, assessed the merit of each of the abovementioned proposed floodplain risk management measures utilising a multi-criteria analysis assessing each option against the following criteria:

- Impact on Flood behaviours
- Number of benefitted properties
- Technical feasibility
- Benefit/Cost ratio
- Financial Feasibility
- Environmental and Economic Benefits
- Impact on Risk To Life
- Impact on the NSW State Emergency Service (SES)
- Long term performance
- Legislative permissibility
- Social impacts

Further details on the criteria and scoring are shown in Table 9-1 of the attached FRMSP.

Each structural and non structural mitigation measure has subsequently been assigned a priority for consideration by the Committee, Council and the Community as shown in the table below:

ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
FM 1	Option 9B St Joseph's School, Laurieton	Council. Possible co-funding contribution from School	\$2,781,000	Council maintenance costs	• Install 2x 3m x 1.2m box culvert in the middle flow path through the School, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required	High
FM 2	Option 4B Koonwarra Street to Pelican Court, West Haven	Council	\$2,787,000	Council maintenance costs	• New additional trunk drainage line 2x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial	High

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
					Drive villas, cross Ocean Drive and run under The Gateway. Inlet debris trap basin required. • Reprofile grassed verge of access road stub to increase surface outflow capacity from Pelican Court sag	
FM 3	Option 6B – 6E Tunis Street Overland Flow Path, Laurieton	Council	\$12,043,000	Council maintenance costs	<ul style="list-style-type: none"> • Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation • Construct new diversion channel behind Peach Grove properties north of Tunis Street • Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m). Inlet debris trap basin required. • Upgrade and extend drainage in Gow Place to 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line. • Feasibility study is recommended to investigate constructability, constraints and opportunities in greater detail. 	Medium
FM 4	Option 8B Lake Street at Seymour Street, Laurieton	Council	\$21,000	Council maintenance costs	<ul style="list-style-type: none"> • Install debris control structure at existing or proposed upgraded culvert inlet 	Medium
PM 1	LEP amendments	Council	Staff costs	N/A	<ul style="list-style-type: none"> • Amendment of LEP 2011 to include the North 	High

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
					<p>Brother local catchments flood mapping on the LEP Flood Planning Map. The current flood prone land mapping and flood planning area mapping does not include this study area.</p> <ul style="list-style-type: none"> The Section 10.7 certificates are recommended to provide flood information for properties such as flood levels and flood planning levels across the lot, in addition to the flood hazard and hydraulic categories present on each lot. 	
PM 2	Flood Policy Amendments and new Overland Flood Policy	Council	Staff costs	N/A	<ul style="list-style-type: none"> A new Overland Flood Policy is recommended to be developed to provide greater flexibility for Council to administer development controls which are better tailored for areas affected by overland flooding only. The Overland Flood Policy would apply to areas where an overland flood study has been adopted, and any other areas deemed applicable by Council. The flood mapping prepared in this North Brother Local Catchments Flood Study including Overland Hydraulic Categories mapping and FPL1 – FPL4 mapping, including <ul style="list-style-type: none"> should be referenced by the Overland Flood Policy as appropriate. 	High

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
					<ul style="list-style-type: none"> The Flood Policy should be updated to reference the Overland Flood Policy. Both flood policies should state that both the mainstream and overland flooding conditions need to be considered for development and re-development of properties. Design flood events are referred to in the Flood Policy in terms of Average Recurrence Interval (ARI) which is not in line with current floodplain management best practice of referring to events by Annual Exceedance Probability (AEP). Update to the Flood Policy should include reference to AEP terminology and/or definitions on conversion in its glossary (i.e. 5% AEP = 20 year ARI, and 1% AEP = 100 year ARI). Consider incorporation of the ARR 2019 flood hazard categorisation system into the Flood Policy to reflect the current best 	

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
					<p>practice in defining flood hazard conditions.</p> <ul style="list-style-type: none"> • "High flood hazard" could be considered as H3 or higher hazard (ARR 2019 hazard categories). The lower threshold for H3 hazard is similar or slightly lower than the high and transitional hazard categories in the Floodplain Development Manual method. 	
PM 3	Scoping study on a voluntary redevelopment scheme for high flood hazard properties	Council	Staff costs	\$0K	<ul style="list-style-type: none"> • Further investigation on feasibility of a voluntary redevelopment scheme for high flood hazard properties, as an alternative to voluntary purchase • Council to investigate and develop resolution of the identified policy and probity issues related to such a scheme. • Scheme is to recommend engineering and economic assessments be undertaken for flood-durable development designs to determine feasibility. • Include development controls such as provision of floor levels above PMF level and flood-free emergency access for such developments. • Being a voluntary scheme, current 	Low

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
					residents may not be in favour of participating.	
RM 1	Develop flood management plan for selected sensitive properties	Council (advocacy only), property operator (funding and implementation), SES (advice)	Cost to be borne by property operator	N/A	<ul style="list-style-type: none"> • Council should consider consultation with operators of sensitive properties (schools, pre-schools and retirement villages) affected by high hazard flooding regarding management of flood risk on the site. Development of a flood management plan for the sites should be considered. • The plans should contain procedures for monitoring weather and warnings and evacuation of occupants to flood-safe spaces within the property if possible. • Emergency and evacuation procedures shall include a flood risk management procedure. 	High
RM 2	Update of Local Flood Plan	SES	Staff costs	N/A	<ul style="list-style-type: none"> • It is recommended that Port Macquarie Hastings EMPLAN be updated based on the findings of this study, including intelligence on flood behaviour, impacted and sensitive properties, affected roads etc. 	High
RM 3	Development of flood education and awareness program	Council, SES	\$20K	Staff costs	<ul style="list-style-type: none"> • It is recommended that Council develops a flood education program to promote flood awareness and readiness in the community. Measures may include: <ul style="list-style-type: none"> • Promotion of FloodSafe brochures to 	Medium

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
					<p>help residents understand the flood risk and prepare their property and personal plans for a flooding event.</p> <ul style="list-style-type: none"> Promotion of flood proofing measures should also be included in flood education and awareness programs Section 10.7 certificates to inform property owners about flood risk to their properties Provide flood mapping on an interactive mapping portal on Council's website for easier viewing Promotion and support for SES information events Enhanced messaging on flood risk on Council's floodplain management webpage. The program should be reviewed on a regular (e.g. 5 yearly) basis or after each major flood event. 	
RM 4	Road flood depth signage	Council	\$5K per location, five locations	\$0K	<ul style="list-style-type: none"> Install new flood depth signage at selected locations: <ul style="list-style-type: none"> Ocean Drive 70m east of Sirius Drive Ocean Drive 380m east of Fairwinds Avenue Ocean Drive 30m east of The Gateway 	High

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
					<ul style="list-style-type: none"> Bold Street sag between Laurie Street and Mill Street Bold Street sag between Mill Street and Hanley Street. 	

Consultation with the community, Council and the Coast, Estuary and Floodplain Sub-Committee is now sought in order to ultimately adopt a Floodplain Risk Management plan that aims to both manage and mitigate the risks of flooding to the community.

Council staff intend to place the *North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan* on public exhibition for the community to have its say. A detailed community consultation strategy being developed in consultation with Council's Engagement and Communication teams and Jacobs Group.

Prior to commencing this process, Council seeks the following from the Committee:

- Provision of any feedback on the content of the Draft FRMSP
- Committee endorsement of the Draft FRMSP to be reported to Council and placed on Public Exhibition.

Note the Draft Floodplain Risk Management Plan remains as "Draft" status until such time that it is adopted by Council.

Attachments

1. North Brother Local Catchments Draft Floodplain Risk Management Study and Plan
2. Ordinary Council Report and Attachments - Wednesday 23 September 2020
- Report for endorsement of Draft Options report
3. Minutes of Ordinary Council - Wednesday 23 September 2020



North Brother Local Catchments Flood Study

Port Macquarie Hastings Council

Draft Floodplain Risk Management Study and Plan

Revision B

12 February 2020

IA157500



Draft Floodplain Risk Management Study and Plan**North Brother Local Catchments Flood Study**

Project no: IA157500
 Document title: Draft Floodplain Risk Management Study and Plan
 Document No.: 1
 Revision: A
 Date: 12 February 2020
 Client name: Port Macquarie Hastings Council
 Project manager: Lih Chong
 Author: Lih Chong
 File name: J:\IE\Projects\04_Eastern\IA157500\21
 Deliverables\R06_DraftFRMS\IA157500_R06_NorthBrother_DraftFRMSP_B.docx

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Document history and status

Revision	Date	Description	By	Review	Approved
A	1/02/2021	Draft Floodplain Risk Management Study and Plan	L Chong	A Hossain	A Hossain
B	12/02/2021	Draft FRMSP with Council comments	L Chong	A Hossain	A Hossain

Draft Floodplain Risk Management Study and Plan



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Foreword

The primary objective of the New South Wales Government's Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods, wherever possible. Under the Policy, the management of flood prone land remains the responsibility of local government.

The policy provides for a floodplain management system comprising the following five sequential stages:

- 1. Data Collection** Involves compilation of existing data and collection of additional data
- 2. Flood Study** Determines the nature and extent of the flood problem
- 3. Floodplain Risk Management Study** Evaluates management options in consideration of social, ecological and economic factors relating to flood risk with respect to both existing and future development
- 4. Floodplain Risk Management Plan** Involves formal adoption by Council of a plan of management for the floodplain
- 5. Implementation of the Plan** Implementation of flood, response and property modification measures (including mitigation works, planning controls, flood warnings, flood preparedness, environmental rehabilitation, ongoing data collection and monitoring by Council)

Port Macquarie Hastings Council is undertaking this study for the North Brother Local Catchments study area to investigate the existing and future flood risks in accordance with the NSW Government's *Floodplain Development Manual*. The study identifies and assesses potential flood mitigation options and guides land use planning and future development on the floodplain in the study area.

This study represents stages 1 to 4 of the management process and has been prepared for Council by Jacobs. This report is the Draft Floodplain Risk Management Study and Plan Report.

Draft Floodplain Risk Management Study and Plan



Executive Summary

Introduction

Jacobs was engaged by Port Macquarie Hastings Council (Council) to undertake a flood study and floodplain risk management study of the North Brother Local Catchments area. The study area is located on the Mid North Coast of NSW, and includes parts of the villages of Kew, Lakewood, West Haven, Laurieton and Deauville which are situated at the foot of North Brother Mountain. Development in the area has occurred in sometimes unsuitable locations as a result of poor drainage planning, leading to localised nuisance flooding on residential properties at a number of locations on a regular basis. Numerous gullies and watercourses drain from the North Brother Mountain through the developed areas, which over time have been piped, filled, crossed by road embankments or redirected, contributing to the existing flooding problems. Localised flooding in some areas may interact with and be exacerbated by mainstream flooding in Queens Lake, Stingray Creek and Camden Haven River.

This report is the Floodplain Risk Management Study and Plan (FRMSP) which defines the flooding behaviour and its impact on the community, identifies and appraises potential management measures to reduce existing and future flood risk. Based on the study findings, a list of prioritised measures for consideration and implementation by Council has been prepared. Note that this study focusses on overland flooding resulting from runoff from North Brother Mountain and surrounding areas. Riverine flooding is addressed separately in the Camden Haven and Lakes System Flood Study (Worley Parsons, 2013), prepared for Council.

Objectives of the study include:

- Develop and calibrate hydrologic and hydraulic models to estimate flooding conditions for a range of design events and for a climate change scenario.
- Identify flood problem priority areas and identify and assess structural and non-structural mitigation measures to manage flood risk.
- Review existing planning, policy and emergency management for gaps and inconsistencies relating to floodplain planning, then develop proposed amendments to address residual flood risk.
- Prioritise the works and measures, including economic and multi criteria appraisal of options.
- Develop an implementation program for recommended works and measures including timing, responsibility and sources of funding.
- Conduct consultation with the community and key stakeholders throughout the study to obtain information and intelligence for input into the study. Gauge the perceptions of the community on flooding matters. Obtain feedback on the findings and recommendations of the study.

Flood Behaviour

Overland flooding in the steeper parts of the study area, generally upstream of Ocean Drive and Bold Street, is typically a result of runoff from North Brother Mountain concentrating in natural gullies which discharge towards receiving waterways including Queens Lake, Stingray Creek, Camden Haven River and Watsons Taylor Lake. Issues arise when the gullies and flows encounter existing development, which in some instances at the larger gullies have considered the drainage conditions and provided substantial set-back from the gullies such that there is minimal interaction between floodwaters and development.

At most of the smaller gullies and flow paths, attempts have been made to manage the overland flows by use of diversion drains and underground drainage. The natural flow paths have mainly been filled in for development although shallow flow paths may have been retained. The diversion drains and drainage network have limited capacity so begin to surcharge and overflow in relatively frequent flooding events, causing flooding through properties and into buildings with substantial damage. In a number of locations the existing roads form the main flow path for floodwaters.

Most of the overland flow paths cross Ocean Drive and Bold Street, which traverse the foot of the Mountain. The cross drainage culverts are also limited in capacity and prone to blockage by flood debris including rocks

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and vegetation, causing overflows over the road. These are two main roads in the study area and traffic is significantly impeded or roads become cut-off during floods. The roads are raised which results in ponding upstream of the road crossings.

The areas downstream of Ocean Drive and Bold Street are mainly low-lying and relatively flat. Development patterns have resulted in a number of low points being formed in roads and through properties, causing overland flows to pond to significant depths. In some areas attempts have been made to provide a continuous overland flow path to the receiving waterways, however, their capacity is also limited which causes hazardous flooding through roads and on properties. Underground and open channel drainage systems are present but are often exceeded. Drainage in these low-lying areas may also be impeded by high water levels in the receiving waters due to floods or storm surge, and mainstream flooding may also affect these areas. These issues are expected to worsen with climate change and sea level rise.

Historic Flooding

Overland flooding was experienced in numerous times in recent history, with events occurring in 2002, 2004, 2008, 2011, 2013, 2015 and 2016, among others. Dates of the reported events are listed below.

- 18 October 2004. 127mm recorded daily depth.
- 25 February 2008. 112mm recorded daily depth.
- 24 April 2008 (10% AEP event). 49mm in 45 minutes; 65mm in 60 minutes; 136mm in 24 hours.
- 14 June 2011. 96mm recorded 2-day depth.
- 2 March 2013 (0.2EY) 61mm in 1.5 hours; 152mm in 24 hours.
- 5 January 2016 (20 – 50% AEP) 54mm in 1.5 hours.

Notable flooding reports are from locations including:

- Black Swan Terrace and Waterview Drive. Watercourse is piped through properties. The existing pipe inlet is undersized and the inlet debris screen regularly blocks. Overflows pass through residential yards, with paling fences washed away in previous floods.
- St Joseph's School, Laurieton. Video footage taken of significant flows along walkways between school buildings in the March 2013 event, which was a relatively frequent flood event.
- Ocean Drive. Flooding in numerous locations where a number of flow paths draining off North Brother Mountain cross this main road through the study area. Significant amount of cobblestones and other debris washed from watercourses and deposited on road.
- Flooding to depths of up to 1m in low points in roads at a number of locations in the study area. This was reported at Lilli Pilli Close, Sirius Drive, Mahogany Close and Honeysuckle Avenue, Lakewood; and Pelican Court, West Haven, among others.
- Flooding through Laurieton town centre including Bold Street, Lake Street and Tunis Street.

Flooding at a number of other locations has also been observed in the past.

Assessment of Existing Flooding

Flooding behaviour was defined based on numerical modelling of hydrology and hydraulics, estimating catchment flood flows and the flooding patterns and behaviour. Modelling was undertaken in DRAINS software (hydrology) and TUFLOW software (hydraulics), as documented in the North Brother Local Catchments Flood Study – Final Flood Study Report (Jacobs, 2020).

Overland flow depths on properties are typically up to 0.3m in up to the 1% AEP event. Depths exceed 0.5m in a number of locations in frequent floods such as the 0.2EY event, and exceed 1m in the 5% and 1% AEP events. Areas of deeper flows include main flow paths and drainage low points in a number of roads.

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During the PMF event, property and road flooding exceeding 0.5m depth is widespread, with property and road flooding of 1m depth also common. Depths of flooding exceeding 2m occur on approximately 20 properties in the study area.

Overland flooding in the study area is generally a result of intense short-duration rainfall events. As a result, the duration of inundation of roads and built areas is typically short, limited to 1 – 2 hours in up to the 0.5% AEP event. Storage areas such as road sag points in Sirius Drive and Lilli Pilli Close in Lakewood may be inundated for longer durations of up to 3 hours due to constrained capacity of stormwater drainage servicing these areas. Durations of inundation are likely to be up to 4 hours in the PMF event particularly in some flood storage locations, affecting roads including Botanic Drive and Ocean Drive west of Lakewood shopping centre.

A river flooding event may occur shortly after overland flooding in the study area, in which case the low-lying areas of the study area may experience more extensive durations of flooding. River flooding was not assessed in this study.

Flood hazard mapping has been prepared based on the flood modelling outputs to outline safe and unsafe flooding conditions for pedestrians, vehicles and buildings. Flood hydraulic category mapping has also been prepared to describe areas of floodway flows and flood storages, and which will be used to administer development controls by Council depending on the flood behaviour at properties.

Impacts to the Community

The number of buildings affected by above-floor flooding is summarised in Table 1.

Table 1 Number of buildings with above-floor flooding

Event	Residential	Commercial/Non-Residential
0.2EY	161	10
5% AEP	222	16
2% AEP	380	27
1% AEP	492	31
PMF	1,616	83

Above-floor flooding is expected to incur significantly greater flood damages to the building and contents compared to yard (i.e. below floor level) flooding. Figure 5-2 indicates the spatial distribution of properties with above-floor flooding and their relative vulnerability, with properties affected in frequent events such as the 0.2EY event being more vulnerable than those affected only in rarer events such as the 1% AEP event.

A count of properties with very high hazard flooding conditions at the dwelling was undertaken based on the flood hazard mapping, with the review identifying 19 residential properties with a very high flood hazard rating in the 1% AEP event, whereby damage to the building may result due to floodwaters.

Sensitive properties and critical infrastructure have been identified in the catchment. Certain types of properties may require specific evacuation considerations due to the vulnerability of their occupants, such as schools and pre-schools, and aged care facilities. Critical infrastructure impacted by flooding may have effects on the recovery and functioning of the community following a flood event. A number of these properties are affected by high hazard and floodway areas in the 1% AEP event.

Flood damages in the study area is primarily attributed to residential dwellings that are impacted by overland flooding. The flood damages estimates were based on properties selected based on their impact from main areas of flooding, and excludes those affected by localised minor ponding. The residential AAD for the study area is \$17.6 million. The non-residential AAD is \$1.9 million.

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There are 523 residential and non-residential properties that are estimated to experience above floor flooding (not protection level) for the 1% AEP event. In the PMF, 1,699 properties are estimated to experience above floor flooding.

Review of Existing Emergency Planning

The existing local emergency planning arrangements in the study area were reviewed. There is currently no specific flood warning system for flash flooding in the study area. Emergency response and evacuation considerations were reviewed.

Flooding in the study area may generally be considered to be flash flooding in nature with rapid rates of rise, fast catchment hydrologic response, no warning time and short durations of flooding. The study area is interspersed with flow paths which pass through properties and run along roads. Access in and out of flooded properties via these roads during a flood event may be hazardous and pose a risk to residents if they attempt to evacuate to offsite flood-free refuges.

Local evacuation, whereby residents observe flooding and respond by moving to higher ground, may be feasible although it requires awareness of the flooding conditions and flood-free zones. There is also risk of a flood occurring during night time during which the residents may not be awake to observe and respond to flooding.

Given the minor and generally short duration of flooding in the study area in most cases it would be appropriate for residents to shelter in place in the dwelling, although it needs to be recognised that a number of properties may not be suitable in the PMF event due to very high flood hazard.

Assessment of Flood Risk Management Measures

A range of non-structural flood risk management measures were assessed for suitability. Property modification measures reviewed included voluntary house purchase and voluntary house raising but were not considered suitable. Council redevelopment of high hazard properties, as an alternative to voluntary house purchase, has been flagged as a potential option for further consideration by Council. Flood proofing and flood compatible design of properties should be promoted.

Amendments to planning instruments and controls (LEP, existing Flood Policy) were also investigated and recommendations made regarding these measures. A new Overland Flood Policy is recommended to be developed to allow greater flexibility for Council in administering appropriate development controls which are better aligned with overland flooding. Response modification measures which are recommended included flood depth signage on roads, updates to emergency management and planning and flood education and awareness. Development of a flash flood warning system for the study area was considered but is not recommended. Assisting flood-affected sensitive properties with developing a flood management plan is recommended to improve planning and management procedures for flood events.

A number of flood modification options were initially identified from the TUFLOW model results and short-listed in consultation with Council with consideration of the likely improvements to flood behaviour, site constraints, environmental and community benefits and impacts, opportunities for multi-functionality and constructability. The short-listed options include:

- Option 4B – Koonwarra Street to Pelican Court, West Haven drainage upgrades
- Options 6A – Tunis Street flow path flow diversion
- Options 6B-6E – Tunis Street flow path new trunk drainage
- Option 8B – Lake Street culvert crossing debris control structure
- Options 9B – St Joseph's School trunk drainage.

Option 4B and 9B are recommended as High priority options. Option 6B-6E and Option 8B are rated as Medium priority. Option 6A, while providing significant flooding improvements, resulting in worsening of flooding in other

Draft Floodplain Risk Management Study and Plan

problem areas, and with consideration of likely difficulties in approvals and implementation, was excluded as a recommended option.

Draft Floodplain Risk Management Plan

The Draft Floodplain Risk Management Plan, which outlines an implementation program for the proposed measures, is provided in Table 2. The Plan can be progressively implemented with an anticipated timeframe of 3-5 years for high priority options and 5-10 years for medium priority options. Estimated costs and responsibilities for implementation are indicated. The timing of the proposed works will be dependent on Council's overall budgetary commitments and the availability of funding from external sources. The status remains "Draft" until adoption by Council.

Council and the Flood Risk Management Committee are to provide feedback on the Draft Plan, prior to update and community consultation on the Draft Plan and subsequent adoption of the Draft Plan by Council. Community consultation including public exhibition is to be undertaken on the Draft FRMSP prior to adoption of the Final Plan by Council.

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Table 2 Draft Floodplain Risk Management Plan

ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
FM1	Option 9B St Joseph's School, Laurieton	Council. Possible co-funding contribution from School	\$2,781,000	Council maintenance costs	<ul style="list-style-type: none"> Install 2x 3m x 1.2m box culvert in the middle flow path through the School, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required 	High
FM2	Option 4B Koonwarra Street to Pelican Court, West Haven	Council	\$2,787,000	Council maintenance costs	<ul style="list-style-type: none"> New additional trunk drainage line 2x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, cross Ocean Drive and run under The Gateway. Inlet debris trap basin required. Reprofile grassed verge of access road stub to increase surface outflow capacity from Pelican Court sag 	High
FM3	Option 6B – 6E Tunis Street Overland Flow Path, Laurieton	Council	\$12,043,000	Council maintenance costs	<ul style="list-style-type: none"> Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation Construct new diversion channel behind Peach Grove properties north of Tunis Street Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m). Inlet debris trap basin required. Upgrade and extend drainage in Gow Place to 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line. Feasibility study is recommended to investigate constructability, constraints and opportunities in greater detail. 	Medium

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
FM4	Option 8B Lake Street at Seymour Street, Laurieton	Council	\$21,000	Council maintenance costs	<ul style="list-style-type: none"> Install debris control structure at existing or proposed upgraded culvert inlet 	Medium
PM1	LEP amendments	Council	Staff costs	N/A	<ul style="list-style-type: none"> Amendment of LEP 2011 to include the North Brother local catchments flood mapping on the LEP Flood Planning Map. The current flood prone land mapping and flood planning area mapping does not include this study area. Further review and refinement of the Overland Flood Planning Mapping may be undertaken by Council prior to adoption and implementation. The Section 10.7 certificates are recommended to provide flood information for properties such as flood levels and flood planning levels across the lot, in addition to the flood hazard and hydraulic categories present on each lot. 	High
PM2	Flood Policy Amendments and new Overland Flood Policy	Council	Staff costs	N/A	<ul style="list-style-type: none"> A new Overland Flood Policy is recommended to be developed to provide greater flexibility for Council to administer development controls which are better tailored for areas affected by overland flooding only. The Overland Flood Policy would apply to areas where an overland flood study has been adopted, and any other areas deemed applicable by Council. The flood mapping prepared in this North Brother Local Catchments Flood Study including Overland Hydraulic Categories mapping and FPL1 – FPL4 mapping, including should be referenced by the Overland Flood Policy as appropriate. 	High

Draft Floodplain Risk Management Study and Plan



ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
					<ul style="list-style-type: none"> The Flood Policy should be updated to reference the Overland Flood Policy. Both flood policies should state that both the mainstream and overland flooding conditions need to be considered for development and re-development of properties. Design flood events are referred to in the Flood Policy in terms of Average Recurrence Interval (ARI) which is not in line with current floodplain management best practice of referring to events by Annual Exceedance Probability (AEP). Update to the Flood Policy should include reference to AEP terminology and/or definitions on conversion in its glossary (i.e. 5% AEP = 20 year ARI, and 1% AEP = 100 year ARI). Consider incorporation of the ARR 2019 flood hazard categorisation system into the Flood Policy to reflect the current best practice in defining flood hazard conditions. "High flood hazard" could be considered as H3 or higher hazard (ARR 2019 hazard categories). The lower threshold for H3 hazard is similar or slightly lower than the high and transitional hazard categories in the Floodplain Development Manual method. 	

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
PM3	Scoping study on a voluntary house purchase/ voluntary redevelopment scheme for very high flood hazard properties	Council	Staff costs	\$0K	<ul style="list-style-type: none"> Further investigation on feasibility of a voluntary purchase / voluntary redevelopment scheme for very high flood hazard (H5 rating and higher) properties. The scoping study should investigate community interest (affected residents), opportunities and constraints (funding, technical, administrative etc) Council to investigate and develop resolution of the identified policy and probity issues related to a voluntary redevelopment scheme. Voluntary redevelopment scheme is to recommend engineering and economic assessments be undertaken for flood-durable development designs to determine feasibility. Include development controls such as provision of floor levels above PMF level and flood-free emergency access for such developments. Being a voluntary scheme, current residents may not be in favour of participating. 	Low
RM1	Develop flood management plan for selected sensitive properties	Council (advocacy only), property operator (funding and implementation)	Cost to be borne by property operator	N/A	<ul style="list-style-type: none"> Council should consider consultation with operators of sensitive properties (schools, pre-schools and retirement villages) affected by high hazard flooding regarding management of flood risk on the site. Development of a flood management plan for the sites should be considered. The plans should contain procedures for monitoring weather and warnings and evacuation of occupants to flood-safe spaces within the property if possible. Emergency and evacuation procedures shall include a flood risk management procedure. 	High

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
RM2	Update of Local Flood Plan	SES	Staff costs	N/A	<ul style="list-style-type: none"> It is recommended that Port Macquarie Hastings EMPLAN be updated based on the findings of this study, including intelligence on flood behaviour, impacted and sensitive properties, affected roads etc. 	High
RM3	Development of flood education and awareness program	Council, SES	\$20K	Staff costs	<p>It is recommended that Council develops a flood education program to promote flood awareness and readiness in the community. Measures may include:</p> <ul style="list-style-type: none"> Promotion of FloodSafe brochures to help residents understand the flood risk and prepare their property and personal plans for a flooding event. Promotion of flood proofing measures should also be included in flood education and awareness programs Section 10.7 certificates to inform property owners about flood risk to their properties Provide flood mapping on an interactive mapping portal on Council's website for easier viewing Promotion and support for SES information events Enhanced messaging on flood risk on Council's floodplain management webpage. <p>The program should be reviewed on a regular (e.g. 5 yearly) basis or after each major flood event.</p>	Medium

Draft Floodplain Risk Management Study and Plan



ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
RM4	Road flood depth signage	Council	\$5K per location, five locations	\$0K	Install new flood depth signage at selected locations: <ul style="list-style-type: none"> • Ocean Drive 70m east of Sirius Drive • Ocean Drive 380m east of Fairwinds Avenue • Ocean Drive 30m east of The Gateway • Bold Street sag between Laurie Street and Mill Street • Bold Street sag between Mill Street and Hanley Street. 	High

Draft Floodplain Risk Management Study and Plan**Important note about this report**

The sole purpose of this report and the associated services performed by Jacobs is to undertake a flood study and prepare a floodplain risk management study and plan for the North Brother Local Catchments study area located in New South Wales in accordance with the scope of services set out in the contract between Jacobs and Port Macquarie Hastings Council (the Client). That scope of services, as described in this report, was developed with the Client.

In preparing this report, Jacobs has relied upon, and presumed accurate, any information (or confirmation of the absence thereof) provided by the Client and/or from other sources. Except as otherwise stated in the report, Jacobs has not attempted to verify the accuracy or completeness of any such information. If the information is subsequently determined to be false, inaccurate or incomplete then it is possible that our observations and conclusions as expressed in this report may change.

Jacobs derived the data in this report from information sourced from the Client, third parties, and/or available in the public domain at the time or times outlined in this report. The passage of time, manifestation of latent conditions or impacts of future events may require further examination of the project and subsequent data analysis, and re-evaluation of the data, findings, observations and conclusions expressed in this report. Jacobs has prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures and practices at the date of issue of this report. For the reasons outlined above, however, no other warranty or guarantee, whether expressed or implied, is made as to the data, observations and findings expressed in this report, to the extent permitted by law.

This report should be read in full and no excerpts are to be taken as representative of the findings. No responsibility is accepted by Jacobs for use of any part of this report in any other context.

Topographic data used in this study included that sourced from a LiDAR survey and ground survey which were undertaken by third parties. Undertaking independent checks on the accuracy of the data was outside Jacobs's scope of work for this study.

This report has been prepared on behalf of, and for the exclusive use of, Jacobs's Client, and is subject to, and issued in accordance with, the provisions of the contract between Jacobs and the Client. Jacobs accepts no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this report by any third party.

Draft Floodplain Risk Management Study and Plan



1. Introduction

1.1 General

Jacobs was engaged by Port Macquarie Hastings Council (Council) to undertake a flood study and floodplain risk management study of the North Brother Local Catchments area. The study area is located on the Mid North Coast of NSW, and includes parts of the villages of Kew, Lakewood, West Haven, Laurieton and Deauville which are situated at the foot of North Brother Mountain. Development in the area has occurred in sometimes unsuitable locations as a result of poor drainage planning, leading to localised nuisance flooding on residential properties at a number of locations on a regular basis. Numerous gullies and watercourses drain from the North Brother Mountain through the developed areas, which over time have been piped, filled, crossed by road embankments or redirected, contributing to the existing flooding problems. Localised flooding in some areas may interact with and be exacerbated by mainstream flooding in Queens Lake, Stingray Creek and Camden Haven River.

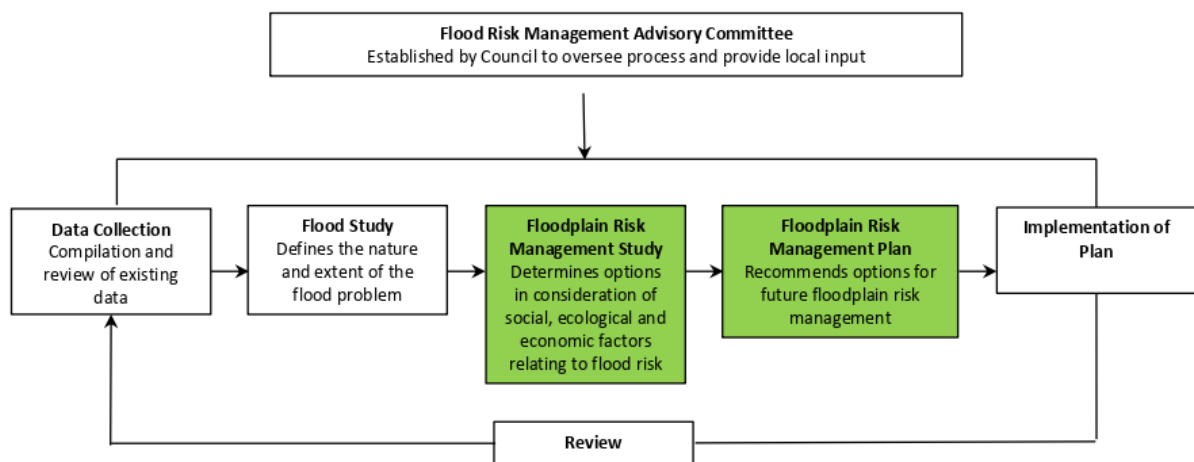
This report is the Floodplain Risk Management Study and Plan (FRMSP) which defines the flooding behaviour and its impact on the community, identifies and appraises potential management measures to reduce existing and future flood risk. Based on the study findings, a list of prioritised measures for consideration and implementation by Council has been prepared. Note that this study focusses on overland flooding resulting from runoff from North Brother Mountain and surrounding areas. Riverine flooding is addressed separately in the Camden Haven and Lakes System Flood Study (Worley Parsons, 2013), prepared for Council.

1.2 Floodplain Risk Management

Council is responsible for managing the existing, continuing and future flood risk for its Local Government Area (LGA). The floodplain risk management planning process, as set out in the *Floodplain Development Manual* (NSW Government, 2005) has a number of steps which are illustrated in Figure 1-1.

The Floodplain Risk Management Advisory Committee for Council was established in 2018 and includes a number of Council Representatives, staff from the Department of Planning Industry and Environment (DPIE, formerly Office of Environment and Heritage), the NSW State Emergency Services (SES), in addition to local stakeholders including community representatives.

Figure 1-1 Floodplain Risk Management Process



Draft Floodplain Risk Management Study and Plan

1.3 Purpose of this Study

Objectives of the study include:

- Develop and calibrate hydrologic and hydraulic models to estimate flooding conditions for a range of design events and for a climate change scenario.
- Identify flood problem priority areas and identify and assess structural and non-structural mitigation measures to manage flood risk.
- Review existing planning, policy and emergency management for gaps and inconsistencies relating to floodplain planning, then develop proposed amendments to address residual flood risk.
- Prioritise the works and measures, including economic and multi criteria appraisal of options.
- Develop an implementation program for recommended works and measures including timing, responsibility and sources of funding.
- Conduct consultation with the community and key stakeholders throughout the study to obtain information and intelligence for input into the study. Gauges the perceptions of the community on flooding matters. Obtain feedback on the findings and recommendations of the study.

1.4 Structure of this Report

This Draft Floodplain Risk Management Study and Plan (FRMSP) report is structured accordingly:

- Section 2 Study Area – Summary of the physical setting, history of flooding and social, environmental and heritage aspects of the catchment.
- Section 3 Flood Policies and Planning Controls – Summary of relevant State and local government policies and planning framework.
- Section 4 Community Consultation – Summary of consultation activities undertaken for the study.
- Section 5 Existing Flood Environment – Describes flood behaviour and flood hazard. Impacts of flooding on the community including identified flooding locations and high hazard properties, sensitive properties, flood damages.
- Section 6 Local Emergency Planning Context – Overview of existing flood emergency planning, flood warning systems, evacuation and emergency access considerations.
- Section 7 Floodplain Risk Management Measures – Overview of general types of management measures. Identifies, reviews and assesses structural flood mitigation options including hydraulic performance, cost-benefit and multi-criteria analysis.
- Section 8 Non-Structural Measures – Identifies, reviews and assesses non-structural management measures including property, planning and response modification measures.
- Section 9 Draft Floodplain Risk Management Plan – A proposed plan of implementation for recommended floodplain risk management measures.
- Section 10 References – Literature cited in this report.
- Section 11 Glossary – Definition of terms used in this report.

2. Study Area

2.1 Catchment Description

The study area is shown on Figure 2-1 and generally comprises the northern and eastern faces of the North Brother Mountain and the associated urban areas between the foot of the mountain and the adjoining receiving waters.

The study area has an approximate area of 1,852ha, with the North Brother Mountain extending to a height of 490m AHD, dominating the landscape. The terrain is shown on Figure 2-2. The upper reaches of the study area is predominantly the Dooragan National Park, containing the North Brother Mountain itself, below which is situated the Laurieton CBD, various vegetated natural gullies and flow path as well as significant established low and medium density residential, caravan parks and holiday accommodation precincts.

From the North Brother Mountain, stems a number of small, steep and unnamed local catchments which discharge to one of the many waterways surrounding the mountain:

- On the north side of North Brother Mountain is Queens Lake,
- On the east is the Pacific Ocean,
- To the south is Watson Taylors Lake (through which Camden Haven River flows), and
- On the west is the Camden Haven River

The topography within the catchment varies significantly with the upper parts of the catchment being very steep in nature (grades of up to 50%), the mid zone is moderately graded (slopes in the order of 10-15%), and lower areas adjoining the Camden Haven River floodplain being reasonably flat (grades averaging 5%).

Ground cover within the study area also varies considerably and is generally varied in accordance with slope changes. The upper portions of the catchment are heavily forested, with the mid and lower areas consisting of lawns, residential gardens, pavements and roof areas. The relatively short flow path lengths between the foot of the North Brother Mountain and the adjoining downstream receiving waters mean that stormwater flows are characteristically high energy and fast flowing.

The study area experiences overland flooding originating from North Brother Mountain runoff, while areas at lower elevations are also at risk from riverine flooding from the Camden Haven River and lakes system.

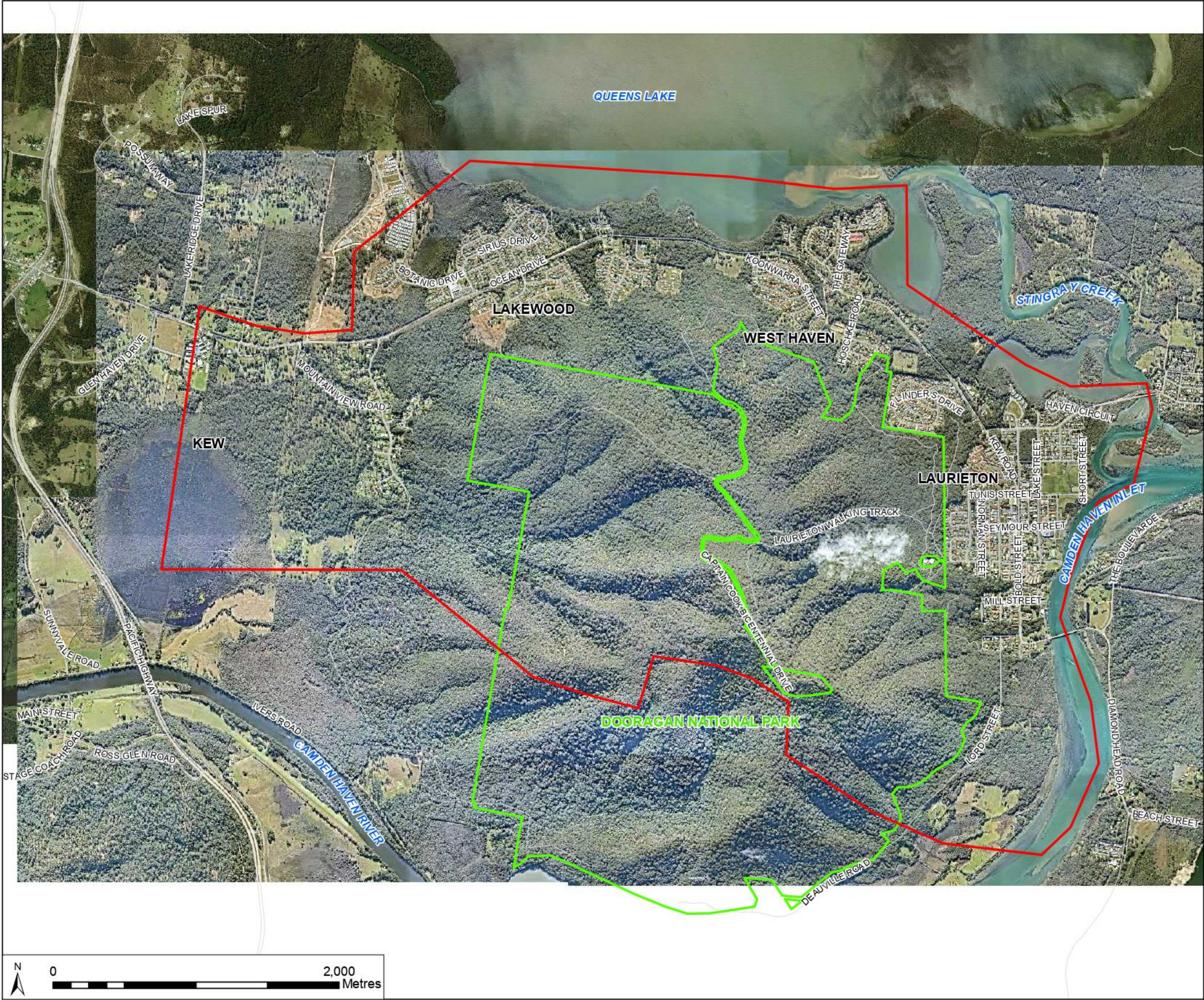
2.2 Existing Land Use and Development

Development of the study area has been occurring from the early 1900's through to the present day with the majority of development having occurred between 1970 - 2000. The construction of associated drainage infrastructure has also primarily dated from this time, with the result being that the majority of watercourses stemming from the North Brother Mountain have either been built over, filled, redirected, piped or crossed by road embankments, often resulting in urban development occurring in unsuitable locations.

Urban development at the foot of the North Brother Mountain is typically bounded by diversion drains and largely natural gullies which direct the large volumes of stormwater runoff generated safely around developed lands and into the downstream waterways. However as mentioned above, development has occurred in some location in close proximity to natural watercourses and man-made surface drainage and is at risk to flooding when the drainage capacity is exceeded.

Development in the study area is predominantly low-density residential, with some higher density developments located in West Haven and Laurieton, including retirement villages. Residential development is ongoing, notably in parts of Lakewood. Commercial areas are located in Lakewood and Laurieton.

Refer to the land use zoning map on Figure 2-3.



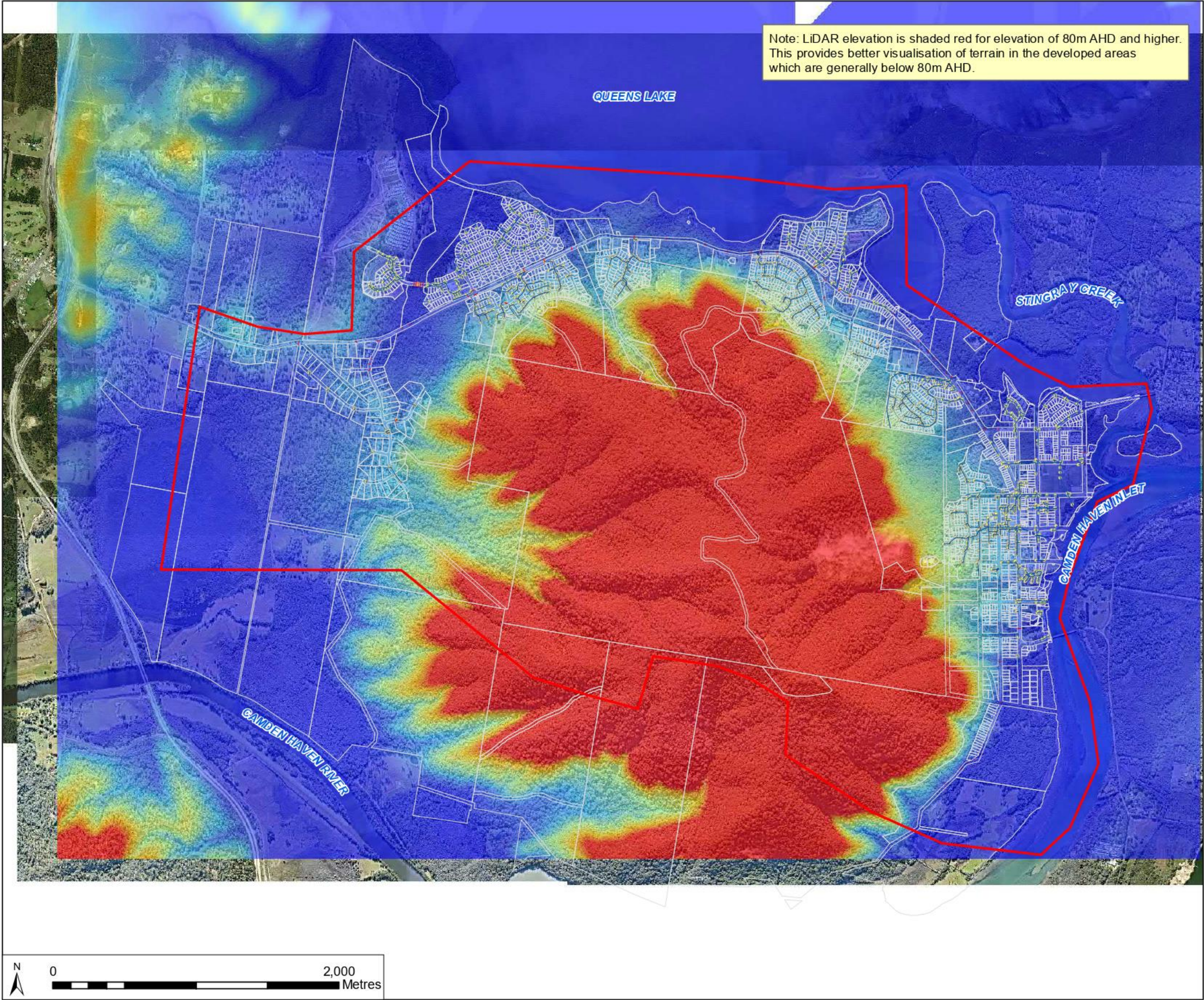
Legend

- Study Area
- National Park

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	Study Area
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157500 DATE 25/08/2017	FIGURE 2-1



Legend

LiDAR Elevation (m AHD)

High : 80

Low : 0

— Culverts

— StormwaterPipe

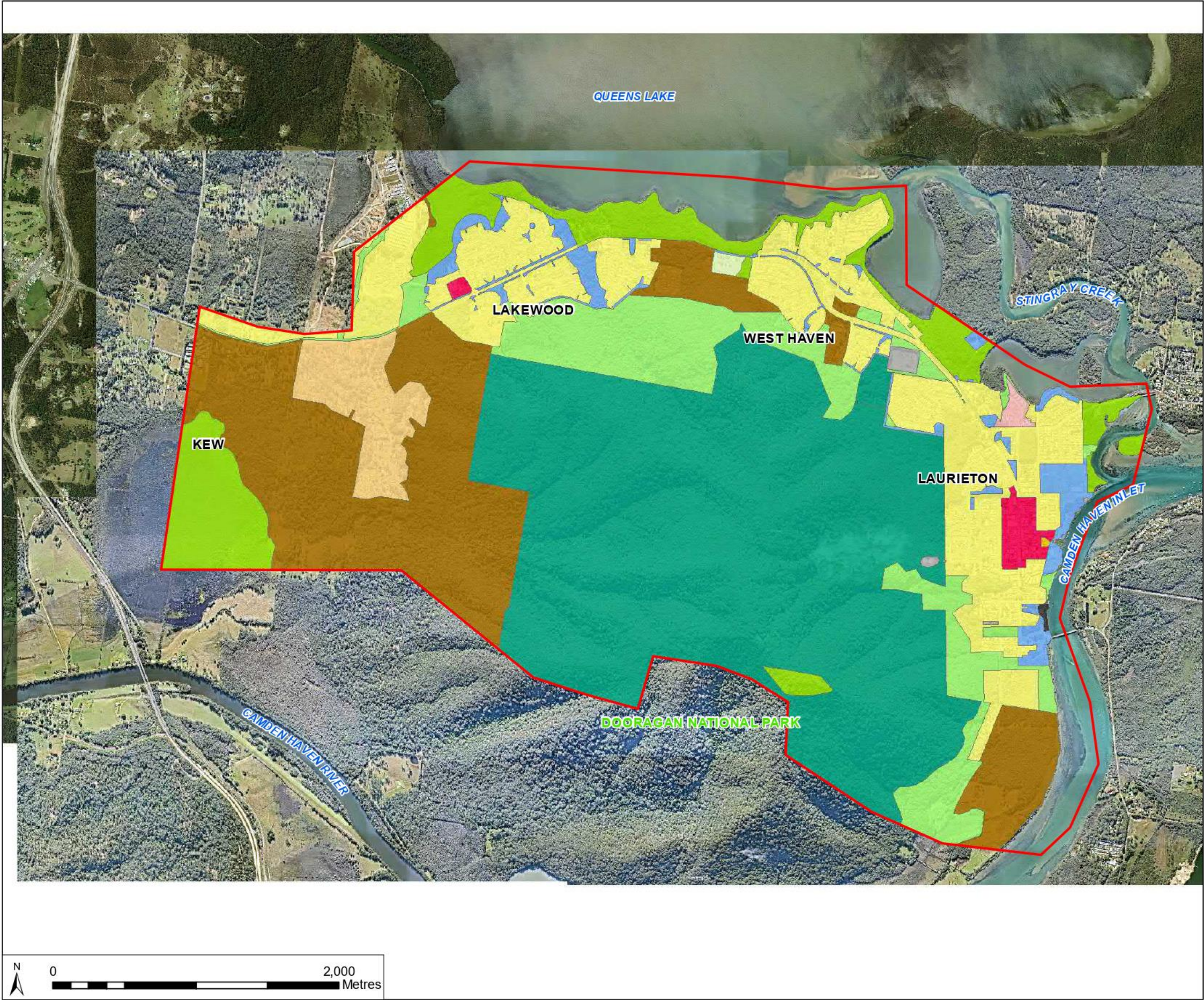
• StormwaterPit

Study Area

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	Terrain and Drainage
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157500 DATE 28/01/2021	FIGURE 2-2



Legend

- Study Area
- Land Use Zone
 - B2 - Local Centre
 - B4 - Mixed Use
 - E1 - National Parks and Reserves
 - E2 - Environmental Conservation
 - E3 - Environmental Management
 - E4 - Environmental Living
 - IN2 - Light industrial
 - IN4 - Working Waterfront
 - R1 - General Residential
 - R2 - Low Density Residential
 - RE1 - Public Recreation
 - RU1 - Primary Production
 - SP2 - Infrastructure

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	Land Use
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157500 DATE 13/01/2021	FIGURE 2-3

2.3 Flood Behaviour and Drainage

Overland flooding in the steeper parts of the study area, generally upstream of Ocean Drive and Bold Street, is typically a result of runoff from North Brother Mountain concentrating in natural gullies which discharge towards receiving waterways including Queens Lake, Stingray Creek, Camden Haven River and Watsons Taylor Lake. Issues arise when the gullies and flows encounter existing development, which in some instances at the larger gullies have considered the drainage conditions and provided substantial set-back from the gullies such that there is minimal interaction between floodwaters and development.

At most of the smaller gullies and flow paths, attempts have been made to manage the overland flows by use of diversion drains and underground drainage. The natural flow paths have mainly been filled in for development although shallow flow paths may have been retained. The diversion drains and drainage network have limited capacity so begin to surcharge and overflow in relatively frequent flooding events, causing flooding through properties and into buildings with substantial damage. In a number of locations the existing roads form the main flow path for floodwaters.

Most of the overland flow paths cross Ocean Drive and Bold Street, which traverse the foot of the Mountain. The cross drainage culverts are also limited in capacity and prone to blockage by flood debris including rocks and vegetation, causing overflows over the road. These are two main roads in the study area and traffic is significantly impeded or roads become cut-off during floods. The roads are raised which results in ponding upstream of the road crossings.

The areas downstream of Ocean Drive and Bold Street are mainly low-lying and relatively flat. Development patterns have resulted in a number of low points being formed in roads and through properties, causing overland flows to pond to significant depths. In some areas attempts have been made to provide a continuous overland flow path to the receiving waterways, however, their capacity is also limited which causes hazardous flooding through roads and on properties. Underground and open channel drainage systems are present but are often exceeded. Drainage in these low-lying areas may also be impeded by high water levels in the receiving waters due to floods or storm surge, and mainstream flooding may also affect these areas. These issues are expected to worsen with climate change and sea level rise. Culverts and the drainage network are shown on Figure 2-2.

2.4 Historic Flood Events

A number of trouble spots and significant drainage locations were identified by Council based on previous flooding and include:

- Black Swan Terrace, West Haven
- Ringtail Cl, Lakewood
- Lilli Pilli Cl, Lakewood
- Mission Terrace, Lakewood
- Kimington Terrace, and Pelican Ct, Westhaven
- Flinders Dr Estate, Laurieton
- Bold Street, Laurieton
- Quarry Way, Laurieton
- Lake Street, Laurieton
- St Joseph's School, Laurieton.

In several locations there are localised existing features such as open drains and diversion berms which are not currently performing properly. The heavily-vegetated upper catchments contribute significant volumes of flood debris which impacts on the capacity of the existing drainage and hydraulic structures.

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Overland flooding was experienced in numerous times in recent history, with events occurring in 2002, 2004, 2008, 2011, 2013, 2015 and 2016, among others. Council provided a number of photographs and written submissions from residents reporting drainage and flooding problems during historic storm events. Dates of the reported events are listed below. The Annual Exceedance Probability (AEP) of the 2013 and 2016 storm events were estimated by Jacobs from the Council pluviograph data from Camden Haven sewer pumping station.

- 18 October 2004. 127mm recorded daily depth.
- 25 February 2008. 112mm recorded daily depth.
- 24 April 2008 (10% AEP event). 49mm in 45 minutes; 65mm in 60 minutes; 136mm in 24 hours.
- 14 June 2011. 96mm recorded 2-day depth.
- 2 March 2013 (0.2EY) 61mm in 1.5 hours; 152mm in 24 hours.
- 5 January 2016 (20 – 50% AEP) 54mm in 1.5 hours.

Rainfall data was not available for the 2002 and 2015 events.

Notable flooding reports are from locations including:

- Black Swan Terrace and Waterview Drive. Watercourse is piped through properties. The existing pipe inlet is undersized and the inlet debris screen regularly blocks. Overflows pass through residential yards, with paling fences washed away in previous floods.
- St Josephs's School, Laurieton. Video footage taken of significant flows along walkways between school buildings in the March 2013 event, which was a relatively frequent flood event.
- Ocean Drive. Flooding in numerous locations where a number of flow paths draining off North Brother Mountain cross this main road through the study area. Significant amount of cobblestones and other debris washed from watercourses and deposited on road.
- Flooding to depths of up to 1m in low points in roads at a number of locations in the study area. This was reported at Lilli Pilli Close, Sirius Drive, Mahogany Close and Honeysuckle Avenue, Lakewood; and Pelican Court, West Haven, among others.
- Flooding through Laurieton town centre including Bold Street, Lake Street and Tunis Street.

It is noted that the storm events resulting in the reported flooding and drainage complaints and problems were relatively frequent and smaller magnitude events. Local flooding events of similar frequency and magnitude to planning flood events (i.e. the 1% AEP) or even moderate frequency (e.g. 5% AEP) are yet to be experienced in the study area in recent times.

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Figure 2-4 Residents unblocking culvert inlet upstream of Black Swan Terrace properties, April 2008.



Figure 2-5 Overland flows from creek across Ocean Drive, West Haven, April 2008



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Figure 2-6 Overland flows, Ocean Drive at Flinders Drive, April 2008



2.5 Social Profile

Social characteristics of the study area are a key consideration for the floodplain risk management study. The Australian Bureau of Statistics (ABS) census 2016 data summarised in Table 2-1 indicates the following information on the population in the study area. The study area constitutes a large portion of the Camden Haven Urban Centres and Localities statistical area, which is assumed to be representative of the study area population.

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Table 2-1 Census Data for Camden Haven Urban Centres and Localities (Source: ABS 2016)

Selected Person Characteristic		Dwelling Structure	
Total Persons	~4,500	Separate house	69%
Aged 14 years and under	10.4%	Semi-detached etc	16%
Aged 65 years and over	44.3%	Flat, unit, apartment	6%
Aboriginal/Torres Strait Islander	3.1%	Other dwelling	8.2
Born overseas	11.6%	Tenure Type by Dwelling Structure	
Speaks other language, and speaks English not well or not at all	0.2%	Fully owned	56%
Level of highest educational attainment (above 15 years old)		Mortgaged	15%
Above Year 12	36.9%	Rented	22%
Completed Year 11/12	12.0%	Houses – median sale price*	\$514K
Completed Year 10	18.0%	Household Composition	
Completed Year 9 or below	13.6%	Family households	62%
No educational attainment	0.2%	Single (or lone) person households	36%
Selected Medians & Averages		Group households	2%
Median age	62	Type of Internet Connection	
Median total household income (\$/weekly)	\$773	Internet not accessed from dwelling	27%
Mean mortgage repayment (\$/monthly)	\$1,400	Internet accessed from dwelling	69%
Mean rent (\$/weekly)	\$280	Number of motor vehicles per dwelling:	
Average household size	2.0	No motor vehicles	8%
Selected Labour Force and Education % of total labour force or % of persons aged 15 years and over		One motor vehicle	49%
Total unemployed	3%	Two motor vehicles	31%
Total labour force	32%	Three or more motor vehicles	11%

* Average of median house sale price for Lakewood, West Haven and Laurieton, January 2021. Source: <https://www.propertyvalue.com.au/>. Accessed 11 January 2021.

The census data indicates that:

- Very high rates of English being spoken at home and proficiency. This suggests that the use of English in flood warnings and messages, such as brochures and signage, is expected to be adequate.
- 69% of households accessed internet from the dwelling, and 27% with internet access other than from the dwelling, with 96% total households with internet access. It is reasonable to assume that virtually all households also have smartphones which have mobile access to the internet, likely making up the majority of the 27% where internet is not accessed from the dwelling. Therefore, there would be a high rate of accessibility to information on flooding on websites of Council and other agencies such as BOM and SES, including warnings and messages in the lead-up to and during storm events.
- 71% of dwellings are fully owned or mortgaged. Home ownership status may affect the willingness to participate in any proposed property modification measures.
- A relatively high portion of the population are aged 65 years, with a median age of 62 years. Flood emergency, evacuation and recovery needs of older members of the community need to be considered, with aspects including communication of key messages and mobility of individuals.

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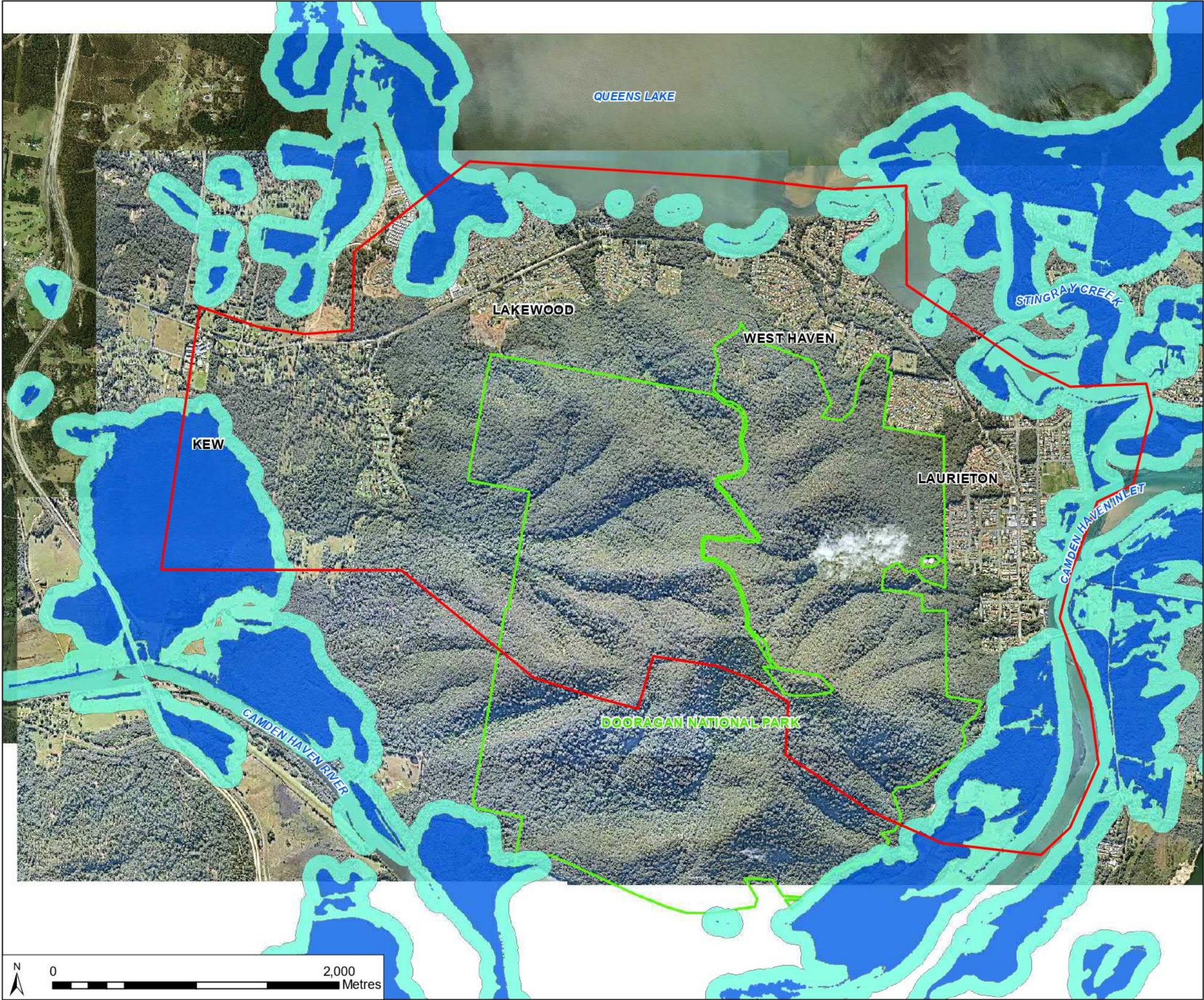


- The median total household income of \$773 per week is below the NSW average of \$877 (in 2016). Flood damages to building contents is likely to be similar or slightly lower than the state-wide average. There may be a reduced capacity to recover following a flood event in lieu of insurance.
- 32% of the population are in the labour force, likely reflecting the age demographic and retiree status of the population. Retirees may have a higher likelihood of being home during a storm event (as opposed to workers going to off-site places of employment) and hence may be able to respond immediately during a flood event to minimise property damage.
- About 14% of the population above 15 years old completed year 9 or below, or had no educational attainment. The approach to flood information messaging should be carefully considered, with emphasis on Plain English messages and avoiding reliance on technical information.

2.6 Natural Environment

There are widespread vegetated areas within the study area, both within and outside of Dooragan National Park. Common vegetation communities include wet and dry sclerophyll forests, forested wetlands, wetland swamps, freshwater wetlands and saline wetlands (including mangrove swamps and saltmarshes). These communities are characterised by dominant species including *Eucalyptus pilularis*, *Eucalyptus seeana*, *Eucalyptus bancrofti*, *Eucalyptus robusta*, *Eucalyptus pilularisgloboidea*, *Lepironia articulata*, *Casuarina glauca*, *Melaleuca linariifolia*, *Baumea* sp., *Avicennia marina*, *Sporobolus virginicus*, and others.

Vegetation constraint areas are mapped on Figure 2-7. In the study area, these include areas identified as Coastal Wetlands under the Coastal Management State Environmental Planning Policy 2018 (CM SEPP). CM SEPP was introduced to provide an integrated policy for coastal assets. Under the CM SEPP, areas of 'Coastal Wetlands' and 'Proximity Coastal Wetlands (100m buffer)' have been mapped across the state. The CM SEPP seeks to control development within Coastal Wetland areas for environmental and economic considerations and development consent is required prior to any works being undertaken in the vicinity of listed wetlands. Any development within or near listed wetlands must be considered for the impact it might have on the environment, and whether or not impacts of the proposal are avoidable, before consent is granted.



Legend

- Study Area
- National Park
- Coastal Management SEPP 2018
 - Coastal Wetlands
 - Coastal Wetlands Proximity Area

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

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TITLE Vegetation Constraint Areas
PROJECT North Brother Local Catchments Flood Study

PROJECT #
JA157500
DATE
28/01/2021

FIGURE 2-7

Draft Floodplain Risk Management Study and Plan



2.7 Heritage

An understanding of heritage issues is required in addressing floodplain risk management for the study area. Heritage items provide information on the social and cultural context of the floodplain and their location is an important consideration for floodplain mitigation measures. Any management measures proposed should not unduly impact heritage items or the cultural fabric of the study area, and the presence of heritage items has been considered in the identification and assessment of mitigation options.

A review of the State Heritage Register (SHR) and the Aboriginal Heritage Information Management System (AHIMS) was undertaken. A range of heritage items were identified within the study area including Aboriginal heritage items and a number of non-Aboriginal items. Refer to Table 2-2 and Table 2-3.

Development consent is required prior to altering heritage items; this includes demolishing or moving, altering the building by making structural changes, disturbing or excavating archaeological sites, disturbing or excavating an Aboriginal place of heritage significance, erecting a building on the land or subdividing the land where a heritage item is located.

Table 2-2 Aboriginal Heritage Items in Study Area

Unique ID	Description
30/06/0230	Laurieton 1 – Shells

Table 2-3 Non-Aboriginal Heritage Items in Study Area

Item name	Location	Suburb	Significance	Significance
Laurieton School of Arts	Cnr Laurie and Bold Sts	Laurieton	Port Macquarie-Hastings	State ID 00476
Artillery Piece	Castle Street (corner Bold Street and Kew Road)	Laurieton	Port Macquarie-Hastings	Local
Cemetery	Ocean Drive	Laurieton	Port Macquarie-Hastings	Local
Holy Trinity Church	56 Bold Street	Laurieton	Port Macquarie-Hastings	Local
Laurieton School of Arts Building	58 Bold Street (corner Laurie Street)	Laurieton	Port Macquarie-Hastings	Local
Post Office (Former) and Dwelling House Buildings	5 Laurie Street (corner Lake Street)	Laurieton	Port Macquarie-Hastings	Local

3. Flood Policies and Planning Controls

3.1 Background

This section provides an overview on the NSW flood risk management framework, and existing policies and planning controls applicable to the study area and recommends additional controls to be considered for the study area.

3.2 NSW Flood Risk Management Framework

3.2.1 Objectives and Approach

The primary objective of the NSW Flood Risk Management (FRM) framework, as expressed within the NSW Flood Prone Land Policy (Floodplain Development Manual (FDM) 2005, page 1), is as follows:

“To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.”

Within the scope of this report, the relevance of the above objective is primarily to ensure that future redevelopment within the study area does not lead to increased flood risk to property and persons, and that the planning controls proposed to achieve this outcome form part of a consistent and coordinated strategy to reduce flood risk.

3.2.2 NSW FRM Policy and Guidelines

The NSW Flood Prone Land Policy, as identified within Section 1.1 of the FDM, places the primary responsibility for flood risk management on local councils. This provides the opportunity for FRM to be integrated within council's normal planning processes.

The NSW Flood Prone Land Policy and the FDM provide a platform for the management of floodplains following a risk management approach. The FDM provides guidance on how to implement the NSW Flood Prone Land Policy. The FDM requires the level of flood risk acceptable to the community to be determined through a process overseen by a committee comprised of local elected representatives, community members and state and local Government officials (including the SES). This process is shown in Figure 1-1.

The ultimate outcome is the preparation of a Floodplain Risk Management Plan (FRMP), which is a plan formally adopted by a local council in accordance with the NSW Flood Prone Land Policy. FRMPs should have an integrated mix of management measures that address existing, future and continuing risk.

3.2.3 2007 flood planning guideline

On January 31, 2007 the NSW Planning Minister announced a new guideline for development control on floodplains (the “Flood Planning Guideline”). An overview of the new Guideline and associated changes to the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2000* (Regulation) was issued by the Department of Planning in a Circular (PS 07-003) dated 31 January 2007. The Flood Planning Guideline issued by the Minister relates to this package of directions and changes to the EPA Act, Regulation and FDM.

This Flood Planning Guideline provides an amendment to the Floodplain Development Manual (2005). The Guideline confirms that unless there are “exceptional circumstances”, Councils are to adopt the 1% AEP plus freeboard as the flood planning level (FPL) for residential development, with the exception of some sensitive forms of residential development such as seniors living housing. The Guideline does provide that controls on residential development above the 1% AEP plus freeboard may be subject to an “exceptional circumstance” justification being agreed to by the Department of Planning, Industry and Environment and the Department of Planning Industry and Environment prior to the exhibition of a Draft LEP or Draft DCP.

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The "Guideline on Development Controls on Low Flood Risk Areas – Floodplain Development Manual" defines Standards for Flood Controls for Residential Development. Whilst the flood used to define the residential FPL is a decision of Council, FDM highlights that FPLs for typical residential development would be based around the 1% AEP plus an appropriate freeboard (typically 0.5m).

3.2.4 2020 Draft Updates to Flood Prone Land Package

Significant flood events, like those in Brisbane in 2011 and those more recently in NSW show the importance of managing flood risk up to and beyond the 1% AEP event and considering flood risks up to the probable maximum flood level. This will build resilience in communities located on floodplains and reduce the extent of property damage and potential loss of life from severe to extreme flooding throughout NSW.

The NSW Department of Planning Industry and Environment has been working to update the Flood Prone Land Package (including the 2007 flood planning guideline – refer to Section 3.2.3) which provides advice to councils on considering flooding in land use planning and consists of:

- A proposed amendment to schedule 4, section 7A of the Environmental Planning and Assessment Regulation 2000
- A revised planning circular
- A revised local planning direction regarding flooding issued under section 9.1 of the Environmental Planning and Assessment Act 1979
- Revised Local Environmental Plan flood clauses
- A new guideline: Considering Flooding in Land Use Planning (2020)
- Revoking the Guideline on Development Controls on Low Flood Risk Areas (2007).

The proposed updates promote the effective consideration of flood risk in land use planning, which involves developing an understanding of the full range of flood behaviour up to the Probable Maximum Flood (PMF) and considering this in management of flood risk.

The proposed local planning direction has been revised to remove the need to obtain exceptional circumstances to apply flood-related residential development controls above the 1% AEP flood event.

The proposed updates support the principles of the Floodplain Development Manual and provide advice to local councils on land use planning within flood-prone land. It provides councils greater flexibility in defining the areas to which flood-related development controls apply, with consideration of both defined flood events (used to set flood planning levels) and low probability/high-consequence flooding. In addition, it allows for land requiring controls related to regional evacuation consideration to be identified. The Floodplain Development Manual states that a defined flood event (DFE) of the 1% AEP, or a historic flood of similar scale, plus a freeboard should generally be used as the minimum recommended level for setting residential FPLs. Councils proposing a different FPL are required to demonstrate the merits of this approach through the FRM process.

The consultation period for the updated Flood Prone Land Package concluded on 25 June 2020. Further information is expected from the NSW Department of Planning, Industry and Environment in due course.

3.2.5 Relationship with EP&A Act

The plan-making processes under the EP&A Act, such as for the preparation of Local Environmental Plans (LEPs) and Development Control Plans (DCPs), operate independently of the preparation of FRMPs under the FDM. While these two processes could be overlapped, it has been the usual practice to undertake the processes separately. Ultimately the planning recommendations of the FRMP will need to be reflected in planning instruments and policies brought into force in accordance with the EP&A Act.

Any flood mitigation works recommended as a part of the FRMP may also need to be undertaken in accordance with the EP&A Act, such as obtaining development consent for proposed works in Coastal Wetlands as identified under the Coastal Management SEPP (2018).

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3.3 Existing Policies and Planning Controls

The imposition of planning controls can be an effective means of managing flood risks associated with future development (including redevelopment). Such controls might vary from prohibiting certain land uses to specifying development controls such as minimum floor levels and building materials.

In principle, the degree of restriction that is imposed on development due to flooding relates to the level of risk that the community is prepared to accept after balancing economic, environmental and social considerations. In practice, the planning controls that may ultimately be imposed are influenced by a complex array of considerations including state-imposed planning policy and directions, existing local planning strategies and policies and ultimately the acceptability of conditions that could be imposed through the development application process.

The following provides an outline of policy that is potentially relevant because it either directs the FRM planning controls that could be adopted or affects the way flood risk is identified in the planning controls.

3.3.1 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are planning policies which deal with Statewide matters of environmental planning significance. They are prepared in accordance with the EP&A Act by the NSW Department of Planning and Environment and approved by the Minister. Clause 1.19 of the Exempt and Complying Development Codes SEPP has been amended so that land identified as 'flood control lot' is no longer excluded from the application of the General Housing Code. Instead, specified development and development standards have been added to the General Housing Code in Clause 3.36 of the Exempt and Complying Development Codes SEPP (2008) for development on flood control lots. The development standards have been designed to ensure that complying development is not allowed on those parts of flood control lots which are defined as being floodways, flood storage areas, a flow path, a high flood hazard area or high flood risk area.

Hydraulic hazard and hydraulic categories across the study area are identified in this study. A number of existing properties are surrounded by floodway and/or high flood hazard areas and during future development assessment and planning the hazard and hydraulic categories maps should be consulted to ensure that developments are not approved on high hazard or floodway areas. Refer to Appendix C for 1% AEP with climate change event flood hazard and hydraulic category mapping, including floodways and flood storages.

Recommendation

The flood hazard and hydraulic categories mapping is to be considered by Council in the planning and approval of proposed developments for flood-affected lots. Proposed developments are not to be approved on high hazard or floodway areas.

3.3.2 Section 9.1(2) Directions

Ministerial directions pursuant to section 9.1(2) of the EPA Act specify matters which local councils must take into consideration in the preparation of LEPs. Direction 4.3, as currently applies, deals specifically with flood prone land and has the following two objectives:

(a) To ensure that the development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual, 2005.

(b) To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The Direction applies to all councils that contain flood prone land when an LEP proposes to "create, remove or alter a zone or provision that affects flood prone land." In such cases, the Direction requires draft LEPs to ensure the following:

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1. *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*
2. *A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*
3. *A planning proposal must not contain provisions that apply to the flood planning areas which:*
 - a. *permit development in floodway areas,*
 - b. *permit development that will result in significant flood impacts to other properties,*
 - c. *permit a significant increase in the development of that land,*
 - d. *are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
 - e. *permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*
4. *A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*
5. *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

3.3.3 Port Macquarie-Hastings Local Environmental Plan 2011

The Port Macquarie-Hastings Local Environment Plan 2011 (LEP 2011) came in to effect on 23 February 2011. LEP 2011 adopts the Department of Planning, Industry and Environment's model flood planning clause as clause 7.3. The objectives of clause 7.3 Flood Planning are as follows:

- to minimise the flood risk to life and property associated with the use of land,
- to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- to avoid significant adverse impacts on flood behaviour and the environment.

This clause applies to—

- land that is shown as "Flood planning area" on the Flood Planning Map, and
- other land at or below the flood planning level.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- is compatible with the flood hazard of the land, and
- is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

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- incorporates appropriate measures to manage risk to life from flood, and
- is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

3.3.4 Port Macquarie Hastings Council Flood Policy (2015)

Overview

Council's Flood Policy (adopted 21 October 2015) outlines the considerations to be made by Council in exercising its environmental assessment and planning functions in relation to development in the Port Macquarie Hastings Local Government Area (LGA). It reflects the direction of flood risk management in NSW Government's *Flood Prone Land Policy* and draws on the guidance on this provided in the *Floodplain Development Manual* (2005).

The Flood Policy identifies the development controls to be applied to proposed developments to manage flood risk to occupants and minimise flood damages to the development and flood impacts to adjacent properties. Development controls include flood planning level categories and provisions for different types of development (permissible development types, minimum floor levels), considerations for filling, fencing, boundary adjustments, rezoning and subdivision in the different hydraulic zones in the floodplain. The flood policy draws on the design flood information borne from Council's existing flood studies

Prescriptive Controls

Prescriptive controls that apply to a particular Flood Risk include:

- Floor Level
- Flood Proofing
- Flood Impact on Other Properties
- Site Access and Flood Evacuation Requirements.

The Flood Policy provides requirements for different types of development in relation to these prescriptive controls. These requirements vary depending on the hydraulic classification and flood hazard conditions on the property.

Hydraulic Classifications

The flood policy provides definitions for the different hydraulic classifications of the floodplain, including floodway, flood storage and flood fringe areas. It outlines the type and nature of development which is allowed according to the hydraulic classifications on the property. Generally, new development is not allowed in floodway areas. There may be circumstances in which certain types of limited or Minor Development (including infill development, redevelopment, replacement development or minor extensions) could proceed, subject to a range of considerations.

Flood Hazard

The flood policy provides guidance on how proposed developments are to comply with the prescribed development controls and provisions. One of these is consideration of the flood hazard on the property. The flood hazard categorisation system adopted in the flood policy differs from the hazard categorisation system recommended in Australian Rainfall and Runoff 2019, which is based on recent research and which is presented in *Australian Disaster Resilience Handbook 7. Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia* (AIDR, 2017a) and *Guideline 7-3 Flood Hazard* (AIDR, 2017b). The flood hazard mapping prepared in this study for the North Brother Local Catchments follows the ARR 2019 system.

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Flood Planning Levels

The Flood Policy defines the adopted flood planning levels for various types of proposed development. Council has adopted a 0.5m freeboard across the whole LGA, including both mainstream and overland flood areas. The different flood planning level categories define the minimum levels for floor levels, flood proofing, flood impacts to other properties and site access (e.g. roads) and evacuation routes for different types of development.

Table 3-1 Flood Planning Level (FPL) Categories

Category Proposed	FPL Category Description
FPL1	20 year ARI (i.e. 5% AEP) Flood level (No allowance for Climate Change, No Freeboard)
FPL2	100 year ARI (i.e. 1% AEP) Flood level + Climate Change Allowance (No Freeboard)
FPL3	100 year ARI (i.e. 1% AEP) Flood level + Climate Change Allowance + 500mm Freeboard
FPL4	Probable Maximum Flood (PMF)

Compatibility with overland flooding

The flood studies which have been completed and adopted by Port Macquarie-Hastings Council are focussed on mainstream and riverine flooding since this is the main flood threat to the Port Macquarie-Hastings LGA. Hence, Council's Flood Policy has been developed to be geared towards mainstream flooding. A number of aspects and development controls within the Flood Policy may be incompatible with the nature of overland flooding and it may be difficult for proposed developments to comply with the existing development controls. These aspects include:

- Reliable site access for new residential developments: The Flood Policy states that Council will only support development where *"Effective Warning Time and reliable access is available for evacuation. Developments will be required to demonstrate that evacuation through low hazard conditions during the early warning period of a Flood is achievable. A minimum 8 hours Effective Warning Time must be available to a particular site"*, and *"Safe Reliable Evacuation must be provided from the site to land above the PMF, preferably to an approved Flood Evacuation Centre"*. For overland flooding such warning time is not available (usually the warning time is less than 1 hour and often it is effectively nil). Therefore, it is recommended to update the Flood Policy to provide exemptions or modified conditions for development of properties subject to overland flooding. Further, due to the dispersed nature of overland flows, evacuation routes which are flood-free in the PMF may not be available.
- Area above FPL2 for property boundary adjustments: *"As far as practical each lot must have a minimum area of 400m² (residential/large lot residential/urban) or 1,000m² (rural) at or above FPL2"*. This may not be possible on numerous properties, which are otherwise sited away from main flow paths and watercourses, due to often dispersed and shallow nature of overland flows.

Amendments to the Flood Policy which allow improved compatibility with overland flooding should be considered and are discussed in Section 8.1.3.3.

Draft Floodplain Risk Management Study and Plan**3.3.5 Section 10.7 Certificates**

When property is sold in NSW, the vendor must attach to the sale contract a copy of a planning certificate for the property issued by the local council under section 10.7(2) of the EP&A Act. When the Council has secured an FRMP, information will be included on the planning certificate. Section 10.7(2) Certificates advise whether development on the land or part of the land is subject to the Council's flood related development controls, which apply to land below the FPL. Certificates should not be understood to advise that land above the adopted FPL is flood free, as land above the FPL can flood in rare flood events.

4. Community Consultation

4.1 Initial Consultation

Community consultation was undertaken throughout this study, including distribution of newsletters and media releases and the hosting of a website on Council's webpage to announce the commencement and provide background on the study.

4.2 Community Survey

A community survey was mailed out to residents with the study newsletter during the flood study stage in October 2017, asking residents for information on previous flooding events that they experienced in the study area, refer to Appendix A for the survey. A total of 302 responses were received. The responses assisted the project team in identifying the most significant flooding events in recent history which would be suitable for model calibration and verification. Observations including noted flood depths, flow patterns and durations of flooding were reported. Residents also submitted photographs and videos of flooding during the events. Views on flood management measures were also collected and considered.

4.3 Public Exhibition

The Draft Flood Study Report was placed on public exhibition during May – June 2019 following review and comment from the Port Macquarie Hastings Council Coast, Estuary & Floodplain Advisory Sub-committee. Written submissions from the community on the flood study were addressed by Council and Jacobs.

This Draft Floodplain Risk Management Study and Plan report will be placed on public exhibition during the first half of 2021, following endorsement by the floodplain risk management advisory sub-committee.

4.4 Community Information Sessions

Two community information sessions were held at Laurieton Library in August 2018 during the model development and calibration stage. Residents were invited to view flood mapping for the model calibration and provide feedback on the results and other general concerns relating to flooding in the study area. Approximately 40 residents attended over the two sessions. The modelling was updated based on several resident comments for the final model calibration runs and design flood estimation.

An additional two community information sessions were held at Laurieton Library in June 2019 during the public exhibition of the Draft Flood Study Report. Feedback and queries from the community were responded to on the flood study outcomes. Approximately 50 residents attended over the two sessions.

Further community information sessions during the floodplain risk management study phase of the project did not proceed due to COVID-19 travel and gathering restrictions and general COVID-19 risk management considerations by the Council's project team. Instead, Council undertook targeted consultation with key stakeholders and landowners during this project stage in relation to flood management options.

4.5 Floodplain Risk Management Advisory Committee

The Port Macquarie Hastings Council Coast, Estuary & Floodplain Advisory Sub-committee is comprised of councillors, council officers, key stakeholders including SES and community representatives. The committee has provided feedback on key aspects and outcomes of this study, including on the flood study, selection of flood management options for detailed assessment and this Draft Floodplain Risk Management Study and Plan report.

5. Existing Flood Environment

5.1 Description of Flooding Conditions

5.1.1 Flood Depth

Flooding behaviour was defined based on numerical modelling of hydrology and hydraulics, estimating catchment flood flows and the flooding patterns and behaviour. Modelling was undertaken in DRAINS software (hydrology) and TUFLOW software (hydraulics), as documented in the North Brother Local Catchments Flood Study – Final Flood Study Report (Jacobs, 2020). Flood depth mapping based on the modelling results is presented in Appendix B for the 1% AEP, 1% AEP with climate change and PMF events. Refer to the flood study report for mapping of other flood events.

Overland flow depths on properties are typically up to 0.3m in up to the 1% AEP event. Flood depths exceed 0.5m in a number of locations in frequent floods such as the 0.2EY event, and exceed 1m in the 5% and 1% AEP events. Areas of deeper flows include main flow paths and drainage low points in a number of roads.

During the PMF event, property and road flooding exceeding 0.5m depth is widespread, with property and road flooding of 1m depth also common. Depths of flooding exceeding 2m occur on approximately 20 properties in the study area.

The flood depth mapping shows relatively high depths of ponding on the upstream sides of many buildings. In most cases this is due to the model terrain not allowing free drainage of water around the buildings. In real life, the ground surface around buildings is usually graded to allow water to drain off and not form trapped points. There may also be property stormwater drainage present which is not included in the model. Some care therefore needs to be taken in the review of the flood depth mapping.

5.1.2 Duration of Flooding

Overland flooding in the study area is generally a result of intense short-duration rainfall events. As a result, the duration of inundation of roads and built areas is typically short, limited to 1 – 2 hours in up to the 0.5% AEP event. Storage areas such as road sag points in Sirius Drive and Lilli Pilli Close in Lakewood may be inundated for longer durations of up to 3 hours due to constrained capacity of stormwater drainage servicing these areas.

Durations of inundation are likely to be up to 4 hours in the PMF event particularly in some flood storage locations, affecting roads including Botanic Drive and Ocean Drive west of Lakewood shopping centre.

Note that the duration of flooding for depths greater than 0.3m, at which stage floodwaters become impassable for most passenger vehicles, is generally limited to approximately 1 hour duration in most roads.

A river flooding event may occur shortly after overland flooding in the study area, in which case the lower-lying areas of the study area may experience more extensive durations of flooding. River flooding was not assessed in this study.

5.1.3 Flood Hazard

Flood hazard mapping was prepared for the 1% AEP event for current climate conditions and for the 1% AEP event under the adopted climate change scenario (increased rainfall intensity by 10% and with 0.9m sea level rise). Recent research has been undertaken into the hazard that flooding poses and the vulnerability of the public and assets when interacting with floodwaters. A combined flood hazard classification is presented in *Australian Disaster Resilience Handbook 7. Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia* (AIDR, 2017a) and *Guideline 7-3 Flood Hazard* (AIDR, 2017b) based on this research, and is illustrated in Figure 5-1. The flood hazard categories according to the AIDR definition are:

- H1 – Generally safe for people, vehicles and buildings;
- H2 – Unsafe for small vehicles;

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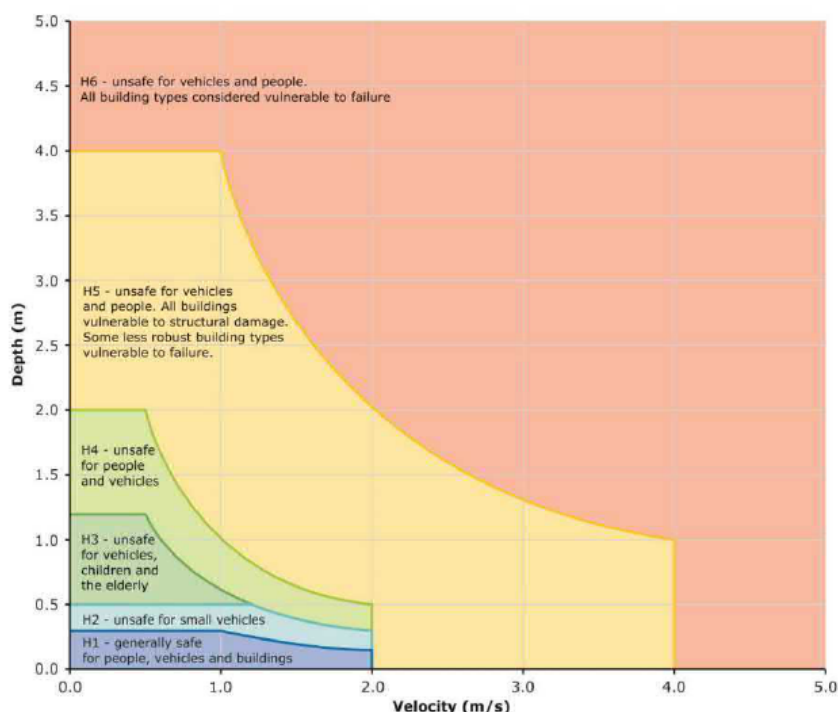
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- H3 - Unsafe for vehicles, children and the elderly;
- H4 - Unsafe for people and vehicles;
- H5 - Unsafe for people and vehicles. Buildings require special engineering design and construction; and
- H6 – Unsafe for people or vehicles. All buildings types considered vulnerable to failure.

The flood hazard classification is more discrete and provides guidance on flood hazard thresholds to different members of the community (e.g. children and elderly) and different assets (small versus larger vehicles, standard versus specialised engineered buildings). The AIDR flood hazard definition potentially provides a more suitable guideline for assessing flood hazard on the floodplain from an emergency management perspective.

Flood hazard mapping is presented in Appendix B for the 1% AEP with climate change event.

Figure 5-1 General flood hazard vulnerability curves, Australian Institute for Disaster Resilience (AIDR) definition. Reproduced from Figure 6 in *Guideline 7-3: Flood Hazard* (AIDR, 2017b)



5.1.4 Provisional Hydraulic Categories Mapping

Three flood hydraulic categories identified in the *Floodplain Development Manual* (NSW Government, 2005). These are also defined in Council's Flood Policy (2015):

- Floodway, where significant discharge of water occurs during floods and blockage could cause redirection of flows. Generally characterised by relatively high flow rates; depths and velocities;
- Flood storage, characterised by relatively deep areas of floodwater and low flow velocities. Floodplain filling of these areas can cause adverse impacts to flood levels in adjacent areas; and
- Flood fringe, areas of the floodplain characterised by shallow flows at low velocity.

There is no firm guidance on hydraulic parameter values for defining these hydraulic categories, and appropriate parameter values may differ from catchment to catchment. For example, the minimum threshold flows and depths which might define a floodway in an overland flow catchment may be markedly lower than those for a large lowland river due to the different scale of flooding. The category definition adopted in the

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Hastings River Flood Study (PBP, 2006) and Hastings River Floodplain Risk Management Study (Worley Parsons, 2012) was initially considered for this study. For the Hastings River the floodways were defined as areas in the 1% AEP flood with flows greater than 2m, velocities greater than 0.5m/s and velocity x depth greater than 1m²/s. This does not agree with the flooding conditions in the North Brother study area, where 1% AEP flows are generally less than 1.5m deep. Hence, an alternative hydraulic category system is required.

Howells et. al. (2003) suggest that consideration of flow depths, velocities and velocity x depth of flood flows can be used to help define the hydraulic category areas. Various combinations of flow, depth and velocity were trialled for appropriate threshold values for the hydraulic categories. For the purposes of this study, the hydraulic categories were defined as per the criteria in Table 5-1, which were selected following trials of different criteria values and categorisation methods. These criteria are consistent with those adopted by a number of other councils in NSW for overland flooding. Note that the hydraulic category areas have been prefixed with "Overland Flow", to distinguish them from the mainstream flooding hydraulic category mapping.

Table 5-1 Hydraulic Categories Criteria – Overland Flow

Hydraulic Category	Criteria
Overland Flow Floodway	<p>Area within the flood extent where:</p> <ul style="list-style-type: none"> • Velocity x Depth > 0.3m²/s AND • Velocity > 0.5m/s AND • Depth > 0.15m. <p>Overland Flow Floodway areas have generally been retained for main overland flow path areas. Localised areas initially classed as "floodway" have generally been downgraded to "Flood Storage".</p>
Overland Flow Flood Storage	Remaining area within overland flow 1% AEP flood extent where Depth > 0.15m
Overland Flow Flood Fringe	Remaining area within overland flow 1% AEP flood extent where Depth > 0.05m, outside the Overland Flow Floodway and Flood Storage areas.

The provisional hydraulic categories mapping is presented in Appendix C for the 1% AEP event with climate change, with the climate change scenario mapping used in Council's Flood Policy to identify areas where various flood planning controls are applicable. Preparation of the mapping considered maintaining a continuous floodway strip (where appropriate) and removing/reclassifying isolated areas which currently meet the floodway criteria to either flood storage or flood fringe categories. This was achieved by manual inspection and adjustment of the mapped hydraulic category areas. Similarly, filtering out of small patches of flood storage and flood fringe from the mapping was undertaken.

Floodway areas are generally located within the natural watercourses and flow paths, although there are a number of roads which contain floodways throughout the study area. Floodways pass through properties on Black Swan Terrace, Koonwarra Street, Pelican Court, Elouera Place, Flinders Drive, St Joseph's School, Peach Grove, Gow Place, Kew Road and in Laurieton between Quarry Place and Bold Street, among others. There are 273 lot parcels with floodway areas on the lot. These include national park, open space and other public spaces which have not been filtered from the lot count.

Note that the flood hydraulic categories extents are generally similar between the 1% AEP event with climate change mapping (as presented in Appendix C) and the hydraulic categories mapping for the 1% AEP event with existing climate, due to a relatively modest (10%) difference in rainfall intensity and overland flows for most parts of the study area. There are differences in extent in low-lying areas due to the inclusion of 0.9m sea level rise in the tailwater conditions, whereby the 1% AEP plus climate change mapping outlines are more extensive.

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5.2 Summary of Flood Problem Areas

Flooding hot spots are identified in the flood study, confirming problem areas previously identified by Council. The hot spots are summarised in Table 5-2 below. Critical areas with consideration of high flood depths, velocities or hazard are highlighted with orange cell or text shading. In summary, the identified critical locations include:

- Black Swan Terrace, West Haven.
- Kimington Terrace, Koonwarra Street, Captain Cook Bicentennial Drive villas and Ocean Street property and Pelican Court, West Haven.
- Bold Street, Laurieton
 - Laurieton Hotel and adjoining areas
 - Harbourside Crescent villas.
- Lake Street property, Laurieton. Corner Seymour Street.
- St Joseph's School, Laurieton.
- Lilli Pilli Close, Lakewood (road flooding).
- Sirius Drive, Honeysuckle Avenue and Mahogany Close, Lakewood (road flooding).
- Ocean Drive between Fairwinds Avenue and Mission Terrace (road flooding).
- Pelican Court, West Haven (road flooding).
- Waterview Crescent, Kimington Terrace and Koonwarra Drive, West Haven (road flooding).
- Bold Street between Laurie Street and Mill Street (road flooding).
- Lord Street at Seymour Street, Laurieton (road flooding).

Table 5-2 Description of Flooding Hot Spots

Location	Description
Property flooding	
Black Swan Terrace, West Haven	Flow depths on properties up to 0.5m in the 0.2EY event and up to 0.7m in the 1% AEP event. Swift flows of 2m/s. Flood hazard up to H5 rating in the 1% AEP event.
Ringtail Cl, Lakewood	Overflows from open channel onto properties with flooding in backyards to depths 0.2 – 0.3m in the 1% AEP event. Relatively low flooding impact.
Lilli Pilli Cl, Lakewood	Flooding in backyards to depths of 0.3 – 0.5m in the 1% AEP event from open drain overflows. Flooding in cul-de-sac to depths up to 0.8m. Also significant flooding of car park around Lakewood shopping centre.
Mission Terrace, Lakewood	Overflows with depths of 0.1 – 0.3m in the 1% AEP event from cul-de-sac onto downhill property. Overflows from the overland flow path running through properties on the uphill side of the road with depths up to 0.2m.
Kimington Terrace to Pelican Court, West Haven	Flows through properties on low side of Koonwarra Street of 0.3m in the 0.2EY event and exceeding 0.5m in the 1% AEP event. Velocities up to 2m/s in the 1% AEP event. Flood hazard up to H4 (some localised H5) rating in the 1% AEP event.

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	<p>Flow depths 0.5m in the 0.2EY event and up to 0.8m in the 1% AEP event on Captain Cook Bicentennial Drive villas and Ocean Drive property, at dwellings. Flood hazard up to H4 rating in the 1% AEP event.</p> <p>Flood depths of 0.6 – 0.8m in the 0.2EY event within Pelican Court roadway and pedestrian walkway. Depths up to 0.6m at dwellings in 1% AEP event. Flood hazard up to H4 rating on properties and H5 on roadway in the 1% AEP event.</p> <p>Groundwater springs occur in this area but are not directly related to the surface water flood risk. These springs appear to be a spatially random occurrence.</p>
Flinders Dr Estate, Laurieton	<p>Overflows from drainage easement swale onto properties with depths to 0.3m in the 0.2EY event and 0.5m in the 1% AEP event.</p> <p>Overflows from Reliance Crescent sag point onto properties to depths of 0.2m in the 0.2EY event and 0.4m in the 1% AEP event.</p>
Bold Street area, Laurieton	<p>Significant flows through Laurieton Hotel with H4 hazard rating.</p> <p>Trapped drainage point on western side of commercial properties with significant depths, though local drainage may be present which would mitigate the flood depths.</p> <p>Overflows down fire trail at Norman Street/ Mill Street affecting properties with depths up to 0.3m in the 1% AEP.</p> <p>Overflows onto units on Harbourside Crescent from trunk drainage channel to depths exceeding 0.5m in the 1% AEP event, with H5 hazard rating.</p>
Quarry Way, Laurieton	<p>Overflows from flow diversion drain to depths of 0.5m in the 1% AEP event on properties. The drain is reported to be affected by significant debris blockage.</p>
Lake Street, Laurieton	<p>Flood depths up to 1m in the 1% AEP event affecting dwelling on the corner of Lake Street and Seymour Street.</p> <p>Overflows from Lake Street onto properties between Ocean Drive and Castle Street to depths of 0.3m in the 1% AEP.</p>
St Joseph's School, Laurieton.	<p>Swift flows in overland flow paths to depths of 0.8m and velocities exceeding 2m/s in the 1% AEP event.</p> <p>Flows between buildings are 0.4m in the 0.2EY event and 0.6m in the 1% AEP event, with velocities up to 2m/s. Flood hazard rating of H4 in pedestrian walkways and H5 in overland flow paths in the 1% AEP event.</p>
Properties adjacent to Stingray Creek and Camden Haven River, Laurieton	<p>Numerous properties on low-lying land at risk of oceanic inundation during storm surge events. Estimated depths on the flood mapping expected to be conservative due to likely attenuation of ocean inflows through the river mouth.</p>
Blackbutt Crescent and Peach Grove, Laurieton	<p>Overflows from flow diversion drain to depths of 0.5m in the 1% AEP event on properties. The drain cross-sectional profile and capacity significantly reduces near its discharge point onto Peach Grove at Tunis Street. Flows into the drain originate from natural watercourse further uphill, which is significantly affected by rubble and debris blockage.</p>
Elouera Place, West Haven	<p>Overflows from watercourse and diversion drain. Depths over 0.3m in the 0.2EY event and 0.5m in the 1% AEP event.</p>

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Sirius Drive, Honeysuckle Avenue and Mahogany Close, Lakewood	Flood depths on properties 0.3 – 0.5m in the 1% AEP event, built up from road ponding areas.
Sirius Drive and Oak Close, Lakewood	Depths 0.3 – 0.4m and velocities 1m/s in the 1% AEP event.
Sandpiper Close	Overflows from concrete channel along Ocean Drive. Depths 0.3 – 0.4m and velocities 1m/s in the 1% AEP event.
Properties on lower side of Ocean Drive, 200m east of Hoschke Road, West Haven	Road low point overflows onto properties with depths of 0.5m and velocities of 1m/s in the 1% AEP event.
Roads	
Ocean Drive west of Lakewood shopping centre	5% AEP event flood depths of 0.4m 1% AEP event flood depths of 0.5m, H3 hazard rating
Botanic Drive, Lakewood	1% AEP event flood depths of 0.4m, H2 hazard rating
Lilli Pilli Close, Lakewood	5% AEP event flood depths of 0.6m 1% AEP event flood depths of 0.7m, H3 hazard rating
Ocean Drive east of Lakewood shopping centre	5% AEP event flood depths of 0.3m 1% AEP event flood depths of 0.35m, >H4 hazard rating
Sirius Drive, Honeysuckle Avenue and Mahogany Close, Lakewood	0.2EY event flood depths of 0.6 – 0.7m 1% AEP flood depths 1m, H3 hazard rating
Ocean Drive between Fairwinds Avenue and Mission Terrace	0.2EY event flood depths of 0.5m 1% AEP event flood depths of 0.7m, >H4 hazard rating
Ocean Drive and Mission Terrace intersection	0.2EY event flood depths of 0.4m 1% AEP event flood depths of 0.6m, H3 hazard rating
Ocean Drive near Waterview Crescent	5% AEP event flood depths of 0.2 – 0.3m 1% AEP event flood depths of 0.3m, low hazard rating but long section of flooding
Ocean Drive near Pelican Court	5% AEP event flood depths of 0.3m 1% AEP event flood depths of 0.4m, H3 hazard rating
Pelican Court, West Haven	0.2EY event flood depths 0.6m 1% AEP event flood depths of 1m, H5 hazard rating
Waterview Crescent, Kirmington Terrace and Koonwarra Drive, West Haven	0.2EY event flood depths of 0.2m with 2m/s velocity; max 0.6m depths (low velocity) 1% AEP event flood depths up to 0.7m, H5 – H6 hazard rating
Ocean Drive east of Hoschke Road	0.2EY event flood depths of 0.4m 1% AEP event flood depths of 0.5m, H3 hazard rating
Ocean Drive east of Flinders Drive	5% AEP event flood depths of 0.3m 1% AEP event flood depths of 0.4m, H3 hazard rating
Kew Road/Bold Street near Tunis Street, Laurieton	1% AEP event flood depths of 0.5m, H2 hazard rating
Bold Street between Laurie Street and Mill Street	0.2EY event flood depths over 0.5m 1% AEP event flood depths 0.6 – 0.8m, H5 hazard rating

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Bold Street north of Hanley Street, Laurieton	0.2EY event flood depths of 0.3m with 1m/s velocity 1% AEP event flood depths up to 0.5m, H3 hazard rating
Lord Street at Seymour Street, Laurieton	0.2EY event flood depths of 0.5m 1% AEP event flood depths up to 0.7m, H3 hazard rating
Flinders Drive, Laurieton Tunis Street, Laurieton Rosewood Court and Mission Terrace, Lakewood Diamantina Way, Lakewood	H5 hazard rating on steep sections of road (1% AEP event)

5.3 Above-Floor Property Flooding

A floor level survey was undertaken in October 2019 for selected properties in the study area, which were identified based on presence of high hazard flooding at the dwelling in the 1% AEP event. The minimum habitable floor level was surveyed at a total of approximately 270 buildings. Floor levels for the remaining 2,000 (approximately) properties in the study area were estimated based on an assumed 0.2m height above the maximum ground level at the dwelling.

Above-floor flooding in the 0.2EY, 5%, 2% and 1% AEP and PMF flood events is mapped on Figure 5-2. The buildings shown on the map were selected as those affected by main flow paths and bodies of flooding, and exclude those affected by minor ponding. This selection process was done for each flood AEP and was also used in the flood damages assessment (see Section 5.7). The numbers of buildings affected in each flood event are summarised in Table 5-3.

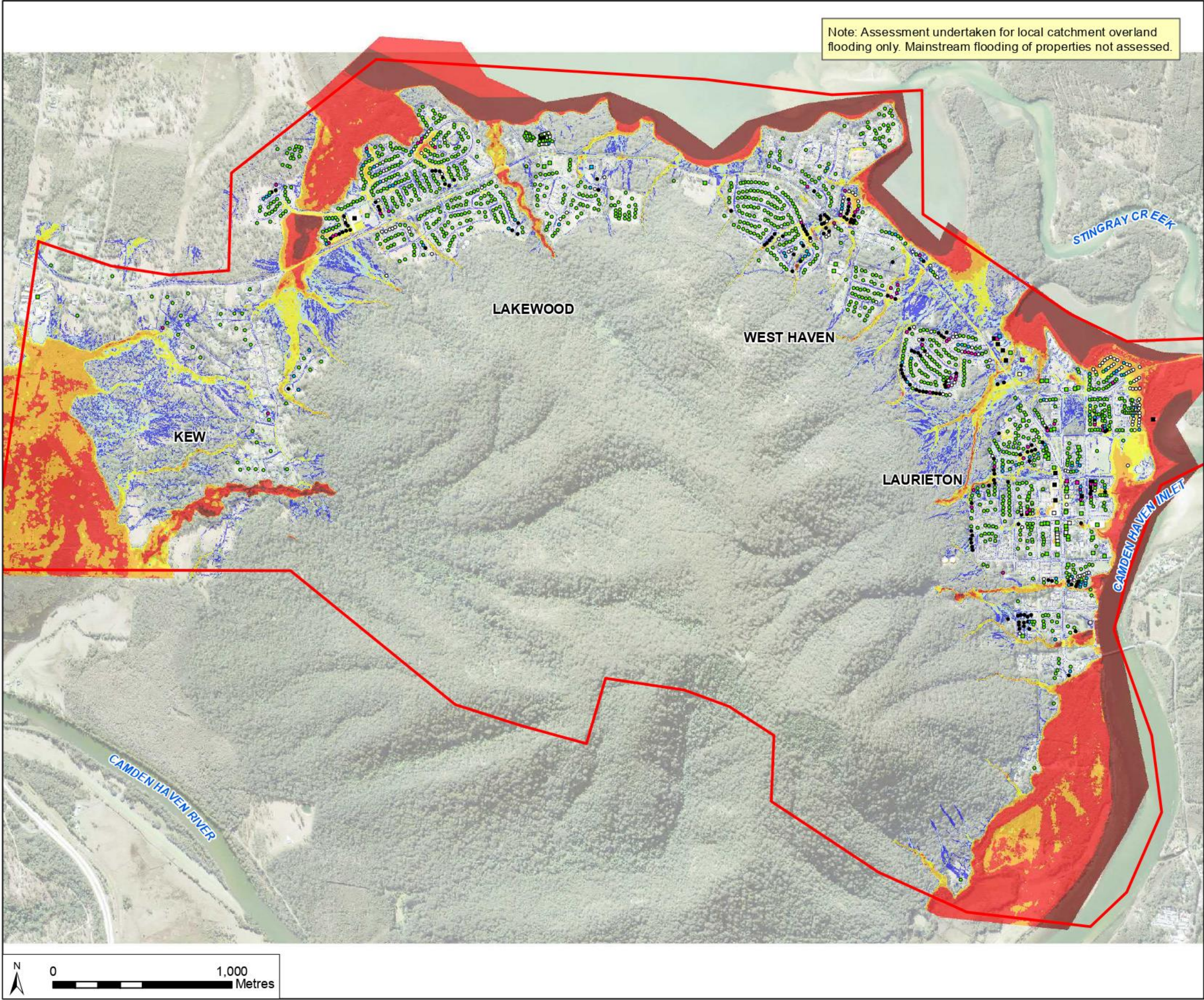
Table 5-3 Number of buildings with above-floor flooding

Event	Residential	Commercial/Non-Residential
0.2EY	161	10
5% AEP	222	16
2% AEP	380	27
1% AEP	492	31
PMF	1,616	83

Above-floor flooding is expected to incur significantly greater flood damages to the building and contents compared to yard (i.e. below floor level) flooding. The map indicates the spatial distribution of properties with above-floor flooding and their relative vulnerability, with properties affected in frequent events such as the 0.2EY event being more vulnerable than those affected only in rarer events such as the 1% AEP event.

5.4 Very High Hazard Residential Properties

A count of properties with very high hazard flooding conditions at the dwelling was undertaken based on the flood hazard mapping in Appendix B, with the review identifying 19 residential properties with a flood hazard rating of H5 or H6 in the 1% AEP event, whereby damage to the building may result due to floodwaters. The properties are located within the flood problem areas as discussed in Section 5.2 and may be candidates for management measures including voluntary purchase and redevelopment by Council, as discussed further in Section 8.1.1 and Section 8.1.4, respectively.



Legend

Design Flood when Floor Becomes Inundated

- 0.2EY
- 5% AEP
- 2% AEP
- 1% AEP
- PMF

Property Type

- Residential
- Non-residential

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

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TITLE Above-Floor Flooding at Dwellings

PROJECT North Brother Local Catchments Flood Study

PROJECT #
IA1 57 500
DATE
3/12/2019

FIGURE 5-2

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5.5 Sensitive Properties and Critical Infrastructure

Sensitive properties and critical infrastructure have been identified in the catchment. Certain types of properties may require specific evacuation considerations due to the vulnerability of their occupants, such as schools and pre-schools, and aged care facilities. Critical infrastructure impacted by flooding may have effects on the recovery and functioning of the community following a flood event.

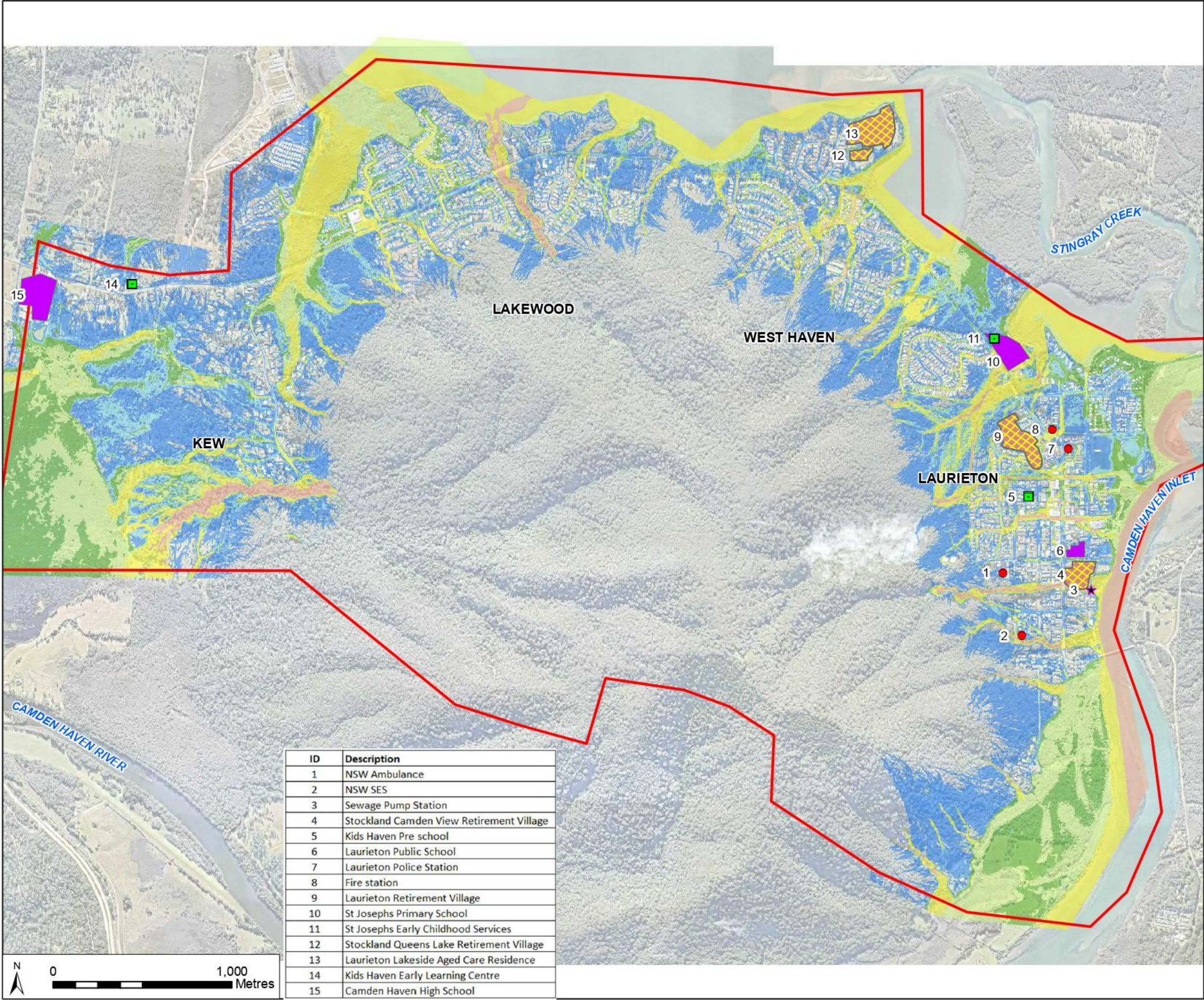
The sensitive properties and critical infrastructure are mapped on Figure 5-3. The flood hazard in the PMF event is mapped on the figure. Note that centrally-operated facilities are listed. Properties which include apartments, villa estates etc. have not been identified.

The sensitive properties and critical infrastructure identified as being directly affected by overland flooding are summarised in Table 5-4 with the flood hazard on each site indicated. Note that the list is based on the overland flood modelling in this study, and a number of sites are impacted by mainstream flooding which is not assessed.

Table 5-4 List of flood-affected sensitive properties and critical infrastructure

Name	Overland Flow Flood Hazard* (Existing case, no climate change)		Hydraulic Category (1% AEP, climate change)
	1% AEP	PMF	
Sensitive Properties			
Stockland Camden View Retirement Village	Mostly H1/H2 Up to H5	H6	Flood Fringe/Flood Storage/Floodway
Kids Haven Pre School	H1	H1	Flood Fringe
Laurieton Public School	H1	H4	Flood Fringe
Laurieton Retirement Village	Mostly H1 – H2 Localised H3	H6	Mostly Flood Fringe/Flood Storage. Some Floodway areas
St Joseph’s Primary School	Mostly H1/H2 Up to H5	H5-H6	Flood Fringe/Flood Storage/Floodway
St Joseph’s Early Childhood Services	Mostly H1/H2 Up to H4	H5	Flood Fringe/Flood Storage/Floodway
Stockland Queens Lake Retirement Village	Mostly H1/H2	H4	Mostly Flood Fringe. Some Flood Storage areas
Laurieton Lakeside Aged Care Residence	Mostly H1	Mostly H1- H3	Flood Fringe
Kids Haven Early Learning Centre	H1	H1	Flood Fringe
Camden Haven High School	Mostly H1	Mostly H1, up to H4 in low-lying southern part of school	Mostly Flood Fringe
Critical Facilities and Infrastructure			
NSW Ambulance Laurieton	H1	H3	Flood Fringe/Flood Storage
NSW SES Camden Haven unit	H1	H3	Flood Fringe
Laurieton Police Station	H1	H2	Flood Fringe
Fire station Laurieton	H3	H4	Flood Fringe/Flood Storage
Laurieton sewage pumping station	H4	H6	Flood Storage/Floodway

* Note, overland flood hazard indicated. Some properties are also affected by mainstream flooding.



Legend

- Child Care Centre
 - Critical Infrastructure
 - Emergency Services
 - School
 - Aged Care Facility
 - Study Area
- Flood Hazard Category**
- H1 - Generally safe for vehicles, people and buildings.
 - H2 - Unsafe for small vehicles.
 - H3 - Unsafe for all vehicles, children and the elderly.
 - H4 - Unsafe for all people and all vehicles.
 - H5 - Unsafe for all people and all vehicles. Buildings require special engineering design and construction.
 - H6 - Unsafe for Vehicles and people. All building types considered vulnerable to failure.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

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TITLE Sensitive Properties and Critical Infrastructure
PROJECT North Brother Local Catchments Flood Study

PROJECT # IA1 57 500
DATE 9/12/2019
FIGURE 5-3

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5.6 Provisional Overland Flood Planning Areas

Council's Flood Policy (refer Section 3.3.4) sets four different flood planning levels (FPLs) for applying different development controls on floor levels and minimum flood free areas, etc., depending on the flood hydraulic category of the land and the type of development. Overland flood planning areas have been mapped in accordance with the definitions in the Flood Policy.

Manual review and processing of the flood depth mapping (Appendix B) has been undertaken to infill areas in the flood mapping which are blank due to building footprints, and remove very shallow flows and isolated areas of ponding which would not be considered "flooding". This has been done to provide a sanitised set of mapping layers suitable for Council's town planning processes. The extents of the FPL1 – FPL3 areas are limited by the extent of the FPL4 area (which is based on the PMF). Flood related development controls would typically not be implemented for areas above and outside the PMF. The category definitions and mapping treatments are summarised in Table 5-5, and are mapped in Appendix C.

Since properties outside of the defined FPL areas are still susceptible to sheet flow runoff, it would be prudent to apply a minimum floor level height to all properties of 0.15m above the finished ground level. This is consistent with Building Code of Australia (ACBC, 1996) for drainage purposes for slab-on-ground dwellings.

Table 5-5 Overland Flood Planning Level (FPL) Categories

Category Proposed	Overland FPL Category Description	Mapping Treatments
Overland FPL1	20 year ARI (i.e. 5% AEP) Flood level (No allowance for Climate Change, No Freeboard)	<ul style="list-style-type: none"> Very shallow flooding and isolated ponding deleted Gaps in the mapping occupied by building footprints infilled as appropriate FPL3 level is limited in elevation by the PMF level (i.e. the PMF may be less than 500mm higher than the 1% AEP plus climate change flood level) All FPL areas limited in extent by FPL4 Mainstream flooding is considered to be dominant in low-lying areas. The Mainstream FPL3 is shown on the mapping to indicate that the mainstream Flood Policy and FPLs are applicable in those areas.
Overland FPL2	100 year ARI (i.e. 1% AEP) Flood level + Climate Change Allowance (No Freeboard)	
Overland FPL3	100 year ARI (i.e. 1% AEP) Flood level + Climate Change Allowance + 500mm Freeboard.	
Overland FPL4	Probable Maximum Flood (PMF)	

5.7 Flood Damages Assessment

5.7.1 Overview

Flood events may cause damage to property with significant costs to property owners and insurers. The damage may occur due to floodwaters affecting the building façade and interior (weatherboard exterior, gyprock interior walls, carpets), electrical wiring and building contents and other property outside the dwelling (vehicles, contents of sheds and garages, etc). Structural damage to the dwelling can also occur due to extreme flood hazard conditions.

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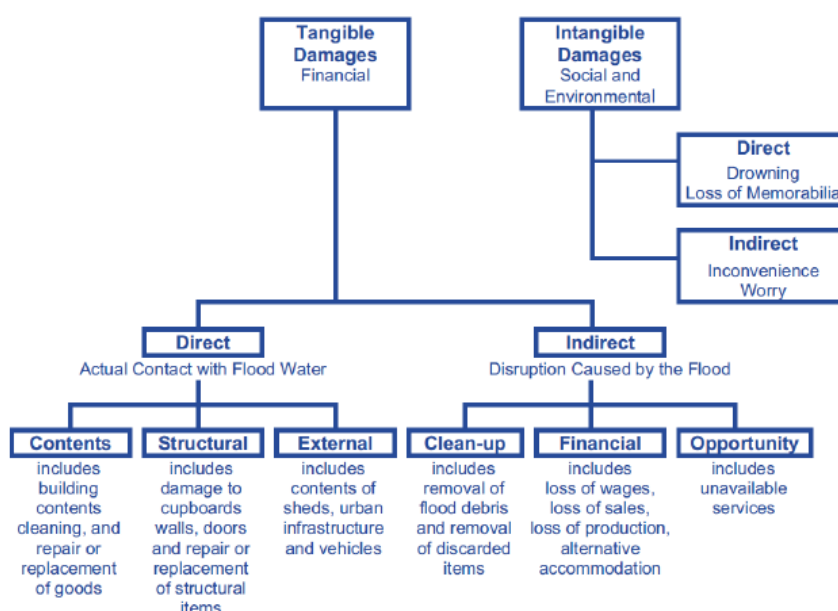
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The cost of flooding is estimated to identify the magnitude of the event to a community, and subsequently provide a benchmark for the viability of potential measures for mitigating the impacts of flooding. This section describes the estimation of flood damage costs in the study area, focussing on residential and commercial properties.

5.7.2 Flood Damages Categories

The type of damages associated with floods is shown in Figure 5-4 (*Floodplain Development Manual, NSW Government 2005*). The cost of damage caused by floods may include tangible and intangible components. Tangible damage costs include the direct material damage and rebuilding costs to existing homes, property and infrastructure, and also the indirect costs associated with the social disruption of the floods, such as: clean-up; lost income during and after the flood event; and the cost of alternative accommodation for people displaced by the floods. A monetary value can be readily placed on the direct damages, which are the focus of this assessment.

Figure 5-4 Types of Flood Damage



Other social and environmental damages to which a monetary value cannot readily be placed are intangible damages, which include emotional stress of the flood event, injury and loss of life. While these damages cannot readily be incorporated into an economic feasibility assessment of mitigation options, it is still important to consider the potential for these intangible damages, particularly if there is an elevated risk of loss of life.

5.7.3 Estimation of Direct Tangible Flood Damage Costs

5.7.3.1 Property Information

Residential and commercial properties were identified and characterised based on knowledge and site observations of the study area.

Residential house types in the study area are generally a mixture of one and two storey houses, in addition to a number of villa and apartment complexes. In floodplains with deep flooding (riverine floodplains) two storey houses would experience a second increment of flood damages as floodwaters rise and affect the second storey. While some properties in the low-lying areas adjacent to the rivers and lakes would be affected by

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riverine flooding, the focus of this study is on overland flows from the local catchments, affecting up to the first storey of the house only. For the purposes of this assessment all houses were assumed to be single storey.

Flood damages are estimated based on flood level in relation to building floor level, with the damages increasing as the flood levels increase. The floor levels of approximately 270 buildings, selected based on high hazard flooding in the 1% AEP event, were surveyed. The floor levels of remaining buildings were estimated based on LiDAR ground levels plus and assumed 0.2m above the highest ground level at the building.

Affected buildings for the flood damages assessment were selected based on interpretation of overland flood extents from the flood mapping, to include only those properties affected by main flow paths and significant ponding shown on the mapping so as not to overestimate the flood damages. The affected properties were selected for each event assessed in the flood damages estimation, i.e. the 0.2EY, 5%, 2% and 1% AEP and PMF events. This approach was taken so as not to overestimate the flood damages.

5.7.3.2 Residential Property Damages

Residential flood damages guidelines and a calculation spreadsheet was developed by the NSW Office of Environment and Heritage (OEH, 2016b). The calculation spreadsheet includes a representative stage-damage curve derived for typical house types in the study area to estimate structural, contents and external damage. The amount of damage is based on the flood inundation depth, for a suite of annual exceedance probability events ranging from the 20% AEP event up to the PMF. These values are then summed to provide a total damage for each flood event analysed. The AEP of the PMF in the study area is assumed to be 1 in 10,000,000.

The stage-damage curves assume some flood damages for flood levels below the floor level. A minimum damage value of \$12,060 (2019 dollars) is assumed to occur at a level 0.5m below the floor level. This approach accounts for flood damages to parts of the dwelling and property below the floor level and ensures that damages are not underestimated.

Various input parameters are used to define the flooding and location characteristics which derive a location specific damage curve. The parameters adopted for the study area are presented in Table 5-6. Unless otherwise stated, default parameters have been used (as recommended in the *Residential Flood Damage Guidelines* (OEH, 2016b)).

The DECCW stage-damage curves within the spreadsheet are derived for late 2001, and have been updated using an Average Weekly Earnings (AWE) factor to the current day values. AWE is used to update residential flood damage curves rather than the inflation rate measured by the Consumer Price Index (CPI). The most recent AWE value from the Australian Bureau of Statistics (ABS, 2019) at the time of the assessment was November 2018, however, this resulted in a multiplication factor on 2001 dollars of 2.37, which was significantly out of step from the factor value derived from November 2017 AWE of 1.76 and from previous recent years. On this basis, a factor of 1.9 was assumed for up to August 2019 to keep in trend with AWE increases for the years prior to November 2017.

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Table 5-6 Input parameters for damage calculations

Parameter	Value	Comment
Regional Cost Variation Factor	1.0	Appropriate value for a major city (Sydney) and surrounds. Similar value assumed for major regional city.
Post flood inflation factor	1.15	
Typical duration of immersion	1 hour	
Building damage repair limitation Factor	0.85	Represents short duration flood (<12 hours) where some materials can recover from short periods of flooding and may not need replacement
Typical free-standing house size	240m ²	
Contents damage repair limitation Factor	0.75	Guidelines suggest a value of 0.75 for short duration floods
Effective warning time (hrs)	0	Only marginal improvement in damages cost when effective warning time is increased to 1 hour as a sensitivity assessment
Level of flood awareness	Low	Flood warning times are nil, and it is assumed that residents are typically not aware of potential damage of flood waters and the measures to minimise damages (e.g. elevated storage of goods).

5.7.3.3 Commercial Property Damages

No information on commercial property flood damage costs in NSW was found during a literature search. The most relevant information obtained was published in the Queensland Government Natural Resources and Management Department's *Guidance on the Assessment of Tangible Flood Damages* (2002). This document contains flood damage curves for commercial properties over a range of property footprint areas and degrees of susceptibility to flooding and is based on information published in *ANUFLOOD: A Field Guide* (Centre for Resource and Environmental Studies (Australian National University), 1992). Different types of commercial and non-residential properties were assigned a susceptibility rating, as illustrated in Figure 5-5.

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Figure 5-5 Damage categories for commercial properties (reproduced from *Guidance on the Assessment of Tangible Flood Damages* (Qld. Government, 2002))



The stage-damage data were factored up by a value of 1.9 from late 2001 dollars to current values based on Average Weekly Earnings (AWE), similar to the approach adopted for the residential flood damages.

An additional multiplication factor of 1.6 was applied based on guidance in *Rapid-Appraisal Method (RAM) for Floodplain Management* (Victorian Government Natural Resources and Environment, 2000), which suggests that the ANUFLOOD values are underestimated and should be increased by 60%.

A total of 89 commercial and non-residential premises/buildings which are potentially flood-affected were identified. Detached buildings on non-residential properties were assessed individually e.g. on school grounds. Individual shops within an overall commercial building complex were also assessed separately where possible. The results of the commercial and non-residential property flood damages assessment are provided in Section 5.7.3.5.

5.7.3.4 Damages to Utilities and Infrastructure

Utilities and infrastructure in the study area which are susceptible to flooding may include roads and other public infrastructure such as sewage pumping stations, electrical transformer boxes, etc.

The potential cost of damage to roads is difficult to estimate for the study area, as the nature of flooding in a significant portion of study area is typically due to relatively shallow, short-duration flows, although road damage is possible for roads conveying higher velocity flows.

The roads damages guidance published in the references cited in this study are based on longer-duration mainstream flooding damages and hence are likely to overestimate the flood damages to roads in the study area. Hence these costs have not been included in this assessment.

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5.7.3.5 Damage Assessment Results

The most convenient way to express flood damage for a range of flood events is by calculating the Annual Average Damage (AAD). The AAD is equal to the total damage caused by all floods over a long period of time divided by the number of years in that period. The AAD for the existing case then provides a benchmark by which to assess the merit of flood management options.

The AAD value is determined by multiplying the damages that can occur in a given flood by the probability of that flood actually occurring in a given year and then summing across a range of floods. This method allows smaller floods, which occur more frequently to be given a greater weighting than the rarer catastrophic floods.

Table 5-7 summarises the residential damages and the commercial and non-residential damages. The residential and commercial property flood damages include direct damages to property such as structural, external and contents damage, and indirect damages such as clean up costs and accommodation/ loss of rent costs. Infrastructure damage, vehicular damage and intangible damages are not included.

The OEH (2016b) guidelines recommend that the adopted freeboard in the flood planning level (0.5m) be considered in the flood damages estimation. This gives the "Protection Level" which reduces the floor level relative to the flood levels in the calculations which are adopted as the damages estimates. Calculations of damages based on floor level (no freeboard adjustment applied) are also provided as a sensitivity check.

The flood damages here are "potential flood damages", which may be reduced with increased flood awareness and preparedness in the community. The Net Present Value of the flood damages assumes a 7% discount rate over a 50 year life, as per the OEH (2016b) guidelines. The damages are in 2019 dollar values

Table 5-7 Estimated Tangible Flood Damages due to Overland Flooding

Event	Based on Floor Level*		Based on Protection Level (Floor Levels minus Freeboard)*	
	Number of properties flooded above floor level	Estimated Flood Damage	Number of properties flooded above protection level	Estimated Flood Damage
Residential				
20% AEP	161	\$18.9M	344	\$40.3M
5% AEP	222	\$25.6M	429	\$50.8M
2% AEP	380	\$42.7M	679	\$80.6M
1% AEP	492	\$54.1M	839	\$100.0M
PMF	1,616	\$193.9M	2,062	\$274.5M
AAD		\$8.9M		\$17.6M
Commercial/Non-Residential				
20% AEP	10	\$1.0M	34	\$4.4M
5% AEP	16	\$1.5M	44	\$6.1M
2% AEP	27	\$2.3M	59	\$8.3M
1% AEP	31	\$2.5M	63	\$8.9M
PMF	83	\$12.9M	98	\$22.7M
AAD		\$0.5M		\$1.9M

* Damages estimate based on Protection Level is to be adopted. Estimate based on floor level used as a sensitivity check.

Draft Floodplain Risk Management Study and Plan**5.7.4 Summary**

Flood damages in the study area is primarily attributed to residential dwellings that are impacted by overland flooding. The estimates based on Protection Level are adopted. The flood damages estimates were based on properties selected based on their impact from main areas of flooding, and excludes those affected by localised minor ponding. The residential AAD for the study area is \$17.6 million. The non-residential AAD is \$1.9 million.

There are 523 residential and non-residential properties that are estimated to experience above floor flooding (not protection level) for the 1% AEP event. In the PMF, 1,699 properties are estimated to experience above floor flooding.

While flood damage estimates for the study area are indicative only, they are useful in the evaluation of flood management options, aimed at reducing flood damage estimates while being economically viable to implement.

6. Local Emergency Planning Context

6.1 Local Flood Plan

Having a local flood plan is important for the community and State Emergency Service (SES) and other emergency services to be prepared when there is a flood. The plan would outline preparedness measures and the response to flooding in the area. The strategies and personnel responsible for their implementation would be detailed along with the plan for recovery afterwards. A local flood plan may prove to be a valuable resource in times of flood in order to coordinate a strategy to reduce flood risks.

The Port Macquarie-Hastings Local Emergency Management Plan (EMPLAN) applies to the study area and identifies the range of hazards as having risk of causing loss of life, property, utilities, services and/or the community's ability to function within its normal capacity. The EMPLAN focusses on mainstream flooding as the primary source of flood risk in Port Macquarie-Hastings local government area, including the Laurieton Sector, which includes the study area. Impacts to properties and population, emergency response categorisation of the floodplain and evacuation arrangements (access routes, evacuation centres) are reported for mainstream flooding. Overland or flash flooding is not currently recognised in the EMPLAN for the study area.

6.2 Flood Warning Systems

There is currently no flood warning system relevant to overland flooding specific to the study area. Given the study area terrain, catchment response time to rainfall events is very short and overland flooding is expected to occur shortly after the start of a storm event with a short time to peak (generally much less than an hour, and potentially nearly immediate flash flood response). Hence, a catchment specific flood warning system is not considered an appropriate option for implementation.

General sources of real time information currently available during the event of a flood are:

- Bureau of Meteorology (BOM)
- State Emergency Service (SES).

BOM issues forecasts and warnings of possible flood events across Australia in the form of generalised flood warnings (Flood Watch) that flooding is occurring or is expected to occur in a particular region, including flash flooding and riverine flooding. Severe Thunderstorm Warnings and Severe Weather Warnings are also issued when significant weather is expected to occur in certain areas, and which may cause flash flooding. Detailed Severe Thunderstorm Warnings are issued for specific thunderstorms which are occurring in metropolitan areas including locations expected to be affected and the time of affectation. These warnings are relevant to the study area and are posted on BOM's website www.bom.gov.au/warnings/nsw. These warnings are also disseminated via social media by BOM and community groups, and announced on local radio stations. Some insurance companies also relay Severe Thunderstorm Warnings and Severe Weather Warnings by SMS to their customers located in the area affected.

BOM also issues Flood Warnings of minor, moderate or major flooding in areas where specialised warning systems have been implemented, including the Camden Haven system for mainstream flooding. These are not directly relevant to overland flooding in the North Brother study area, as a flash flooding event may occur preceding, or independently from a riverine flood event. Conversely, a riverine flood could also occur with no related flash flood event.

SES uses information provided by the BOM and assists in communication flood warnings and recommendation on what action communities should take before, during and after flood events.

6.3 Assessment of Community Flood Awareness

Responses from the community questionnaire indicated that about half of the respondents had previously experienced flooding of property/businesses or on roads, noting that recent historical flood events were frequent

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to moderate frequency (up to 10% AEP) events. About 75% respondents have an awareness of flooding in the study area.

There was awareness of potential damage to building contents and property from floodwaters, with a number of respondents reporting damage experienced during previous flood events, including significant damages exceeding \$50,000 at several properties. Awareness regarding potential flood hazard posed to people and property from rare to extreme flooding events was not gauged in the questionnaire. There were a few respondents who felt that their properties were not at risk of flooding.

6.4 Flood Evacuation and Emergency Access Considerations

Flooding in the study area may generally be considered to be flash flooding in nature with rapid rates of rise, fast catchment hydrologic response, no warning times and short durations of flooding. The study area is interspersed with flow paths which pass through properties and run along roads. Affected roads are summarised in Table 5-2. Some are affected by hazardous flow conditions in events as frequent as the 0.2EY event. Access in and out of flooded properties via these roads during a flood event may be hazardous and pose a risk to residents if they attempt to evacuate to offsite flood-free refuges.

The minimum response time for emergency services to coordinate and undertake a response is in the range of one hour, by which time the flood is likely to have passed due to the short duration and flashy nature of flooding. Hence coordinated evacuation to flood refuges is not a practical solution.

Local evacuation, whereby residents observe flooding and respond by moving to higher ground, may be feasible although it requires an awareness of the flooding conditions and flood-free zones. There is also risk of a flood occurring at night during which the residents may not be awake to observe and respond to flooding.

Given the minor and generally short duration of flooding in the study area, in most cases, it would be appropriate for residents to shelter in place in the dwelling, although it needs to be recognised that a number of properties may not be suitable in the PMF event due to very high flood hazard (refer to Section 5.4).

7. Floodplain Risk Management Measures

7.1 Overview

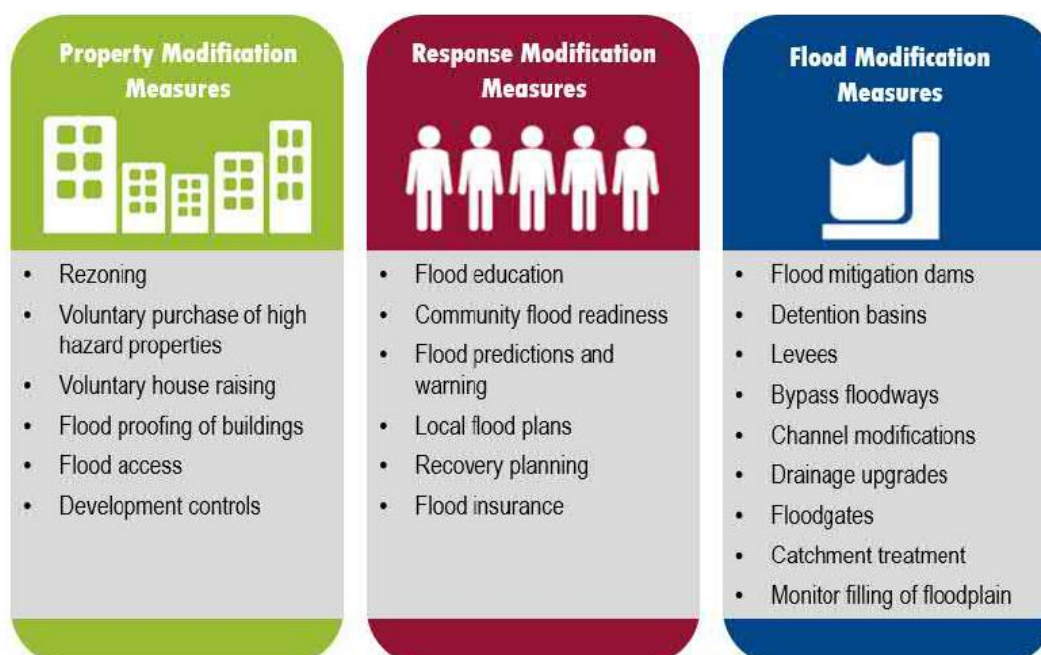
One of the objectives of this Floodplain Risk Management Study is to identify and compare various floodplain risk management options to deal with existing and future flood risk in the study area, considering and assessing their social, economic, ecological and cultural impacts and their ability to mitigate flood impacts.

The *Floodplain Development Manual* (NSW Government, 2005) describes floodplain risk management measures in three broad categories as described below:

- Property modification measures involve modifying existing properties (for example, house-raising) and/or imposing controls on new property and infrastructure development (for example, floor height restrictions);
- Response modification measures involve modifying the response of the population at risk to better cope with a flood event (for example improving community flood readiness); and
- Flood modification measures involve modifying the behaviour of the flood itself (for example, construction of a levee to exclude floodwaters from an area or flood retarding/detention basins to store floodwaters and reduce peak outflows).

Examples of measures falling under the three categories are outlined in Figure 7-1. Some of these measures may or may not be appropriate in a particular catchment, depending on factors such as the flooding behaviour and patterns of development.

Figure 7-1 Floodplain Risk Management Measures (Source: *Floodplain Development Manual*, 2005)



7.2 Considerations in Options Identification and Prioritisation

In determining the nature and priority of potential options for further detailed assessment, the following factors have been considered:

- The identified mitigation options are aimed at improving flooding conditions due to local catchment flooding. Riverine flood levels exceed the local catchment flood levels by a substantial amount particularly in the 1% AEP event and inundate low-lying areas of the study area. The local catchment flood mitigation options in these areas should be designed not to worsen the susceptibility of these areas to riverine flooding. For example, substantial lowering of berms may allow overtopping of river floodwaters in more frequent events.
- Design river tailwater conditions due to elevated ocean levels are up to 2.1m AHD in the 1% AEP event. Some low-lying areas on properties and roads have a ground level of approximately 2.6m AHD and would be difficult to drain via underground pipes.
- The effectiveness of mitigation options during future climate change scenario is to be considered. The design river tailwater conditions due to elevated ocean levels would increase to 3.0m AHD in the 1% AEP event in a climate change scenario, with 0.9m of sea level rise.
- The design riverine flood levels are 2.3 – 2.4m AHD in the 5% AEP event and 2.9 – 3.0m AHD in the 1% AEP event in the current climate. The flood levels in a climate change scenario are expected to increase by up to 0.8m in the 1% AEP event as a result of 0.9m sea level rise and 10% increase in rainfall (Patterson Britton and Partners, 2013).
- Given the low elevation of a number of identified sites for potential mitigation, it is expected that the effectiveness of the mitigation options would be reduced if local overland flooding coincided with a mainstream flood peak. Some contingency will be incorporated into the options modelling with adoption of elevated, but not peak, river tailwater levels.

7.3 Selection of Options for Detailed Assessment

A description and qualitative evaluation of identified works-based flood modification options at 16 locations was provided in the Working Draft Options Report, dated 9 December 2019. The identified options aim to mitigate flooding at the locations summarised in Table 5-2, in particular property flooding. A short-list of six combinations of options were selected by Council and the committee, and have been analysed in the TUFLOW model for the 0.2EY, 5%, 2% and 1% AEP events and the 1% AEP with climate change event to assess the improvements to flooding conditions. Existing underground utilities were considered in the configuration of the options based on Dial Before You Dig searches.

The assessed options are described, and their modelled performance is summarised for the 0.2EY, 5% and 1% AEP events in the following sections.

7.3.1 Black Swan Terrace, West Haven

Council commissioned, separately from this study, a design for an improved trunk drainage pipe inlet arrangement and high-flow diversion to the street. Additional works in the street including raising of the road verge and driveways are proposed. Details of the design were provided following completion of the final Flood Study Report (Jacobs, 2020), hence it has not been incorporated into the design flood modelling and mapping. Since the design development of mitigation works at this location are already well-advanced, further mitigation options are not proposed in this study.

The pre-developed conditions at Black Swan Terrace have been retained in the mitigation case modelling. Post-development hydraulic modelling for this option is being undertaken by others on behalf of Council. Flow conditions in Koonwarra Street, downstream of the works, are not expected to be significantly changed as a result of the proposed works, hence omission of the proposed works from the mitigation case modelling should not affect the assessment of other mitigation options.

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**7.3.2 Koonwarra Street to Pelican Court, West Haven**

This area is identified as a critical flood problem area with significant flooding of properties in Koonwarra Street, Captain Cook Bicentennial Drive villas, Ocean Drive and Pelican Court. The flood hazard is high to very high (H4, some H5) on properties and on roads in the 1% AEP event. The area is highly affected in frequent events such as the 0.2EY event.

Flooding originates from three separate overland flow paths, including one from Black Swan Terrace, a second near Kirmington Terrace and a third from near Hoschke Road. Flow paths 1 and 2 converge in Koonwarra Street and then flow path 3 converges at Pelican Court. Overland flows are about 15m³/s in flow paths 1 and 2 in total in the 1% AEP event downstream of Koonwarra Street, and 20m³/s in combined flow paths 1, 2 and 3 in Pelican Court. Existing pipe flows in Pelican Court are 3m³/s in the 1% AEP event in addition to the overland flows. The existing pipes in the network run full in the 0.2EY event. Flow paths 1 and 2 affect a number of properties throughout this area.

Flow path 3 directly affects two dwellings on Ocean Drive (numbers 384 and 386) near Hoschke Road in addition to contributing to flows in Pelican Court. It includes a 2m wide drainage channel through properties on the higher side of Ocean Drive, draining to a 2.4m x 0.9m box culvert under Ocean Drive, which is the main flow constraint. The culvert conveys 3.7m³/s in the 1% AEP while another 3.7m³/s overflows over Ocean Drive. It discharges to the formed swale on the low side of the road before the flows enter Pelican Court.

Floodwaters pond in Pelican Court and flow overland via an access road in addition to through properties to discharge to Queens Lake.

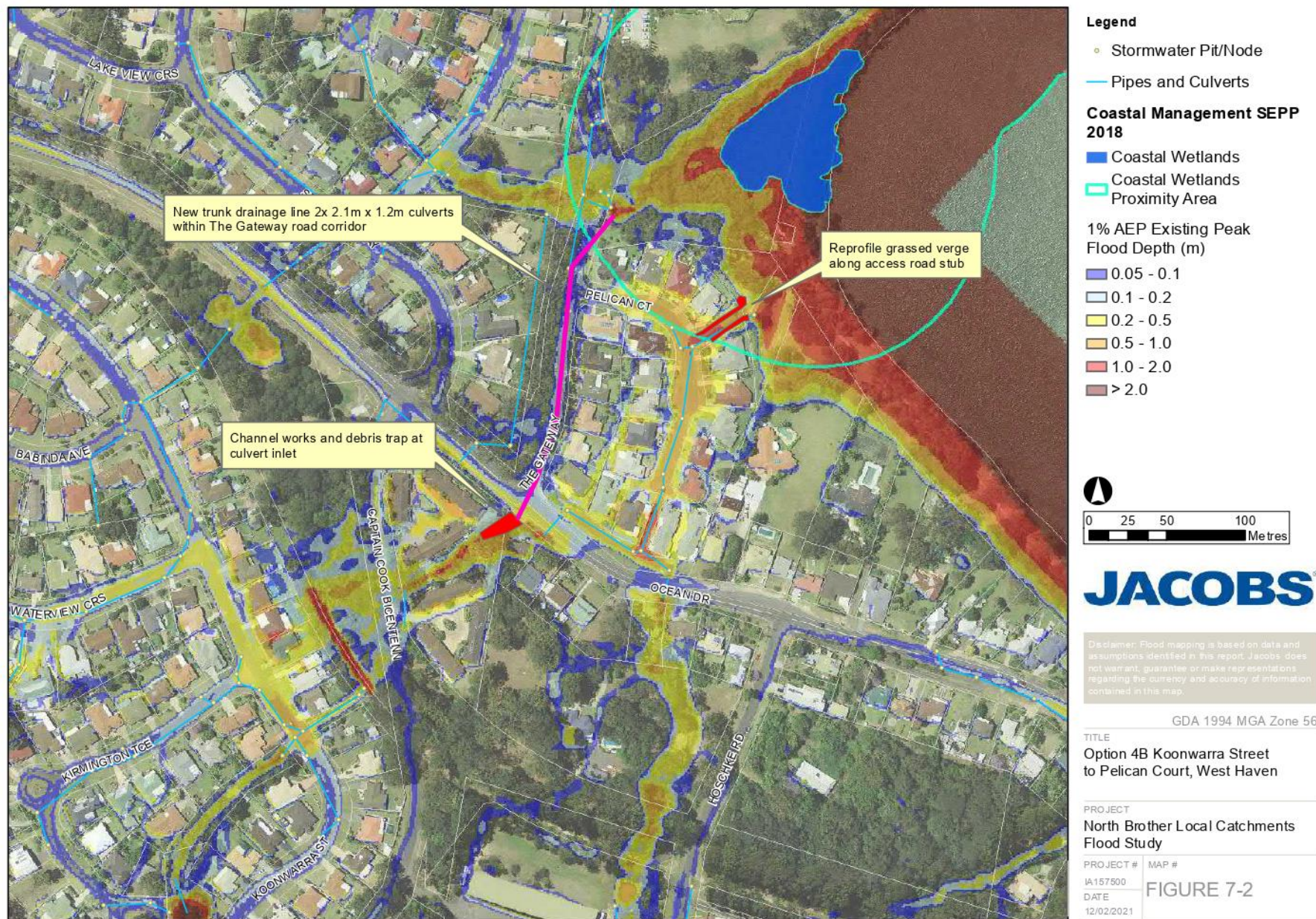
7.3.2.1 Option 4B**Description**

Option 4B consists of new additional trunk drainage line 2x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, cross Ocean Drive and run under The Gateway and discharge to receiving waterway to the north of Pelican Court. This proposed culvert capacity would be approximately 11m³/s which would reduce the total overland flow in Pelican Court by about 50% in the 1% AEP event. An inlet basin/rock debris trap similar to that proposed at Black Swan Terrace may be required. Additionally, reprofiling of the grassed verge along the access road stub between 7 and 9 Pelican Court to allow higher rate of outflow from the Pelican Court sag point would be undertaken. Refer to Figure 7-2 for illustration of the option.

Constraints assessment

- Existing underground utilities in Ocean Drive and The Gateway (Telstra, Optus, NBN, power, stormwater).
- Substantial number of trees in western verge of The Gateway, require removal if running new trunk drainage in the verge.
- Limited space to widen existing channel running through Captain Cook Bicentennial Drive villas.
- Existing power pole on Ocean Drive may require relocation.
- Minimal space for rock debris trap at new trunk drainage inlet structure. Requires more detailed site assessment for potential rock debris loads. There are a number of informal traps upstream (e.g. road crossings) and a discontinuous flow path running off the mountain, so rock debris loads may be low.
- Works would be in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development, subject to any provisions and exemptions to Council given that Council would be the proponent.

Based on the site constraints, it is assumed that the new trunk drainage line would run under the western side of The Gateway in order to minimise the number of underground services which need to be crossed or protected.



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**Hydraulic performance**

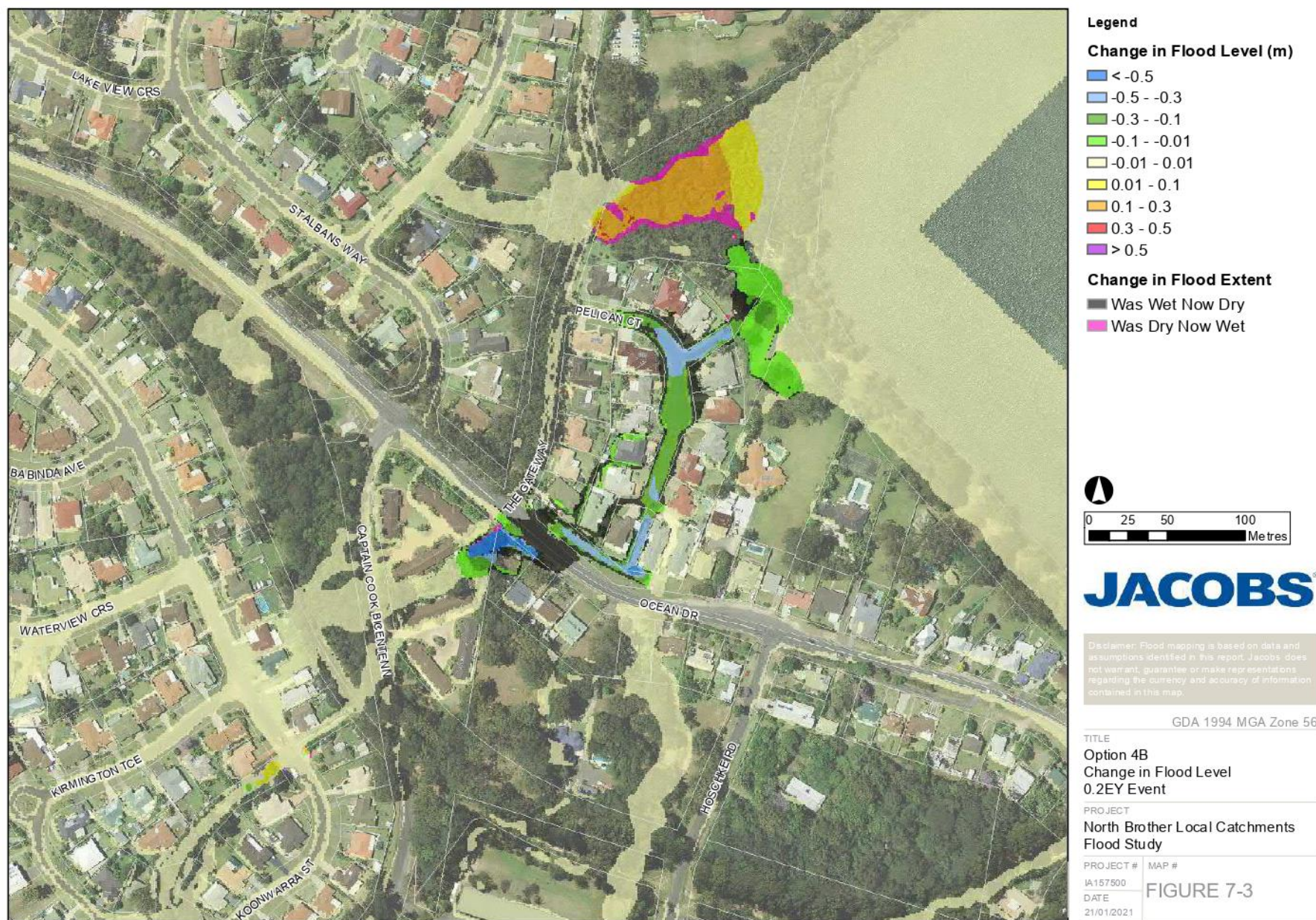
Flood impact maps, showing the change in flood levels, are presented in Figure 7-3 to Figure 7-5 for the 0.2EY, 5% and 1% AEP events, respectively. The hydraulic performance of Option 4B is summarised in Table 7-1.

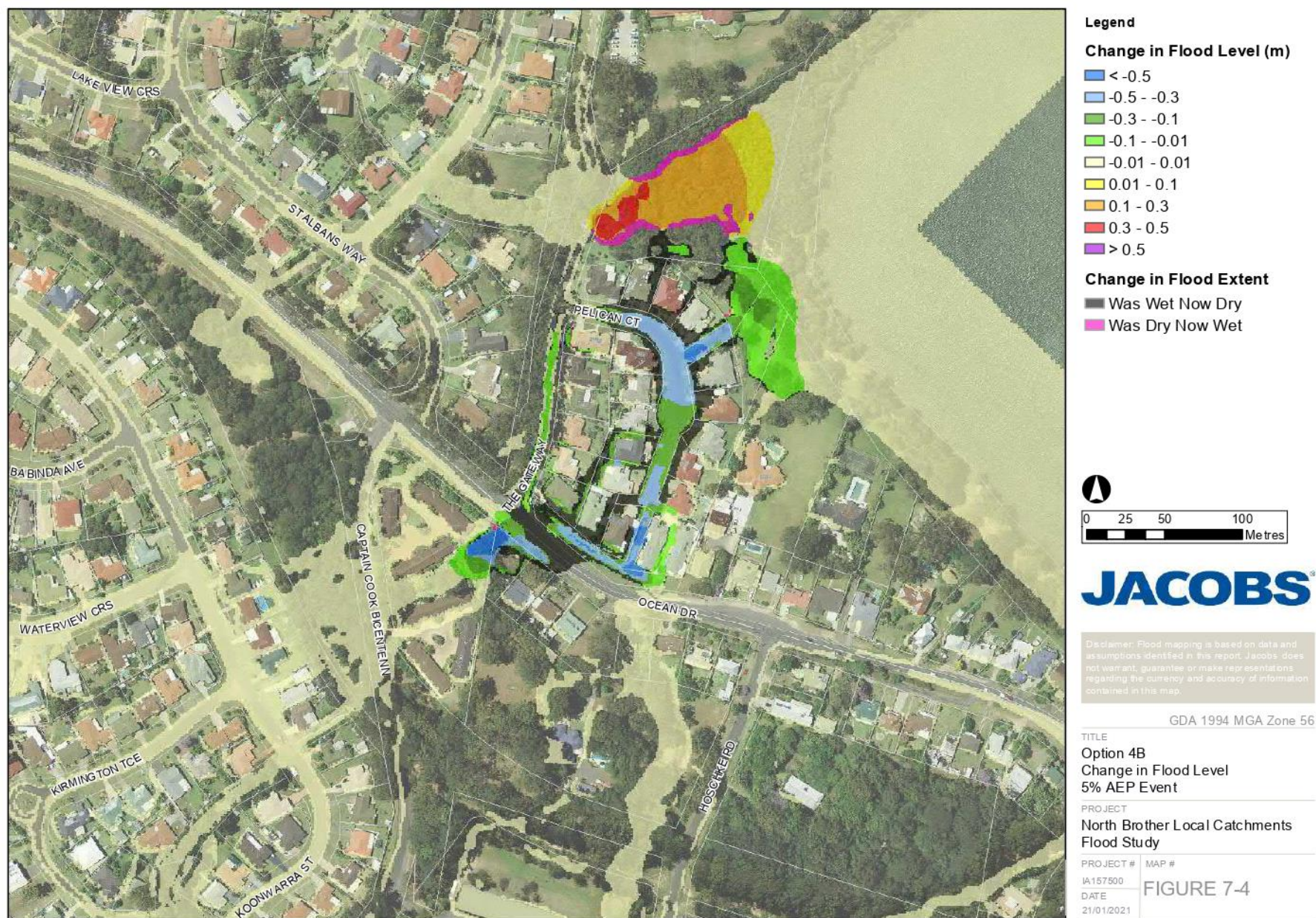
Table 7-1 Hydraulic performance of Option 4B

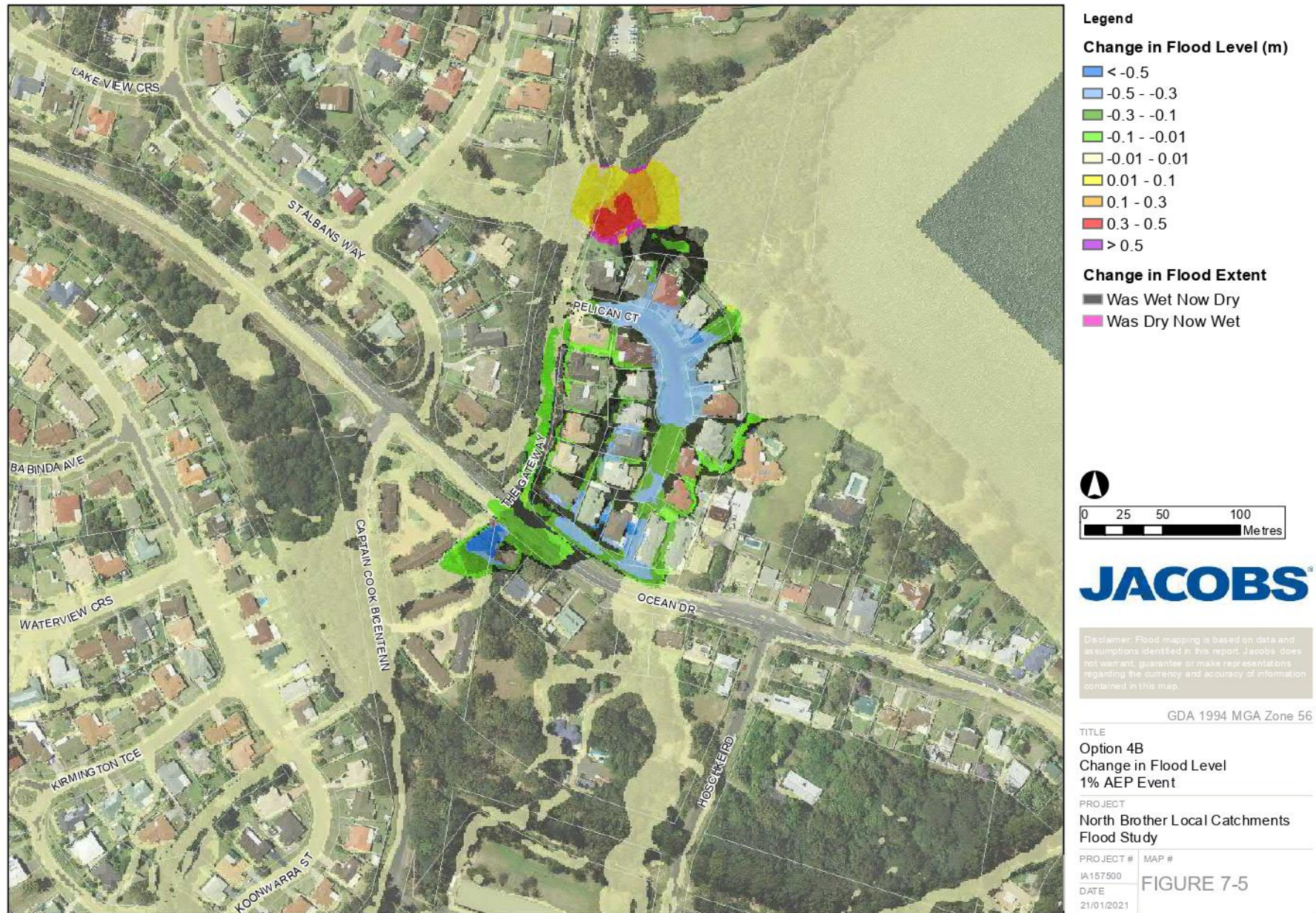
Event AEP	Changes in flood conditions
0.2EY	<ul style="list-style-type: none"> Pelican Court – flood levels reduced by -0.2 to -0.4m in roadway and alleyway. Localised reductions only on properties up to -0.1m. Ocean Drive property - flood levels reduced by -0.4m Reduced flood hazard from very high (H5) to mostly low (H1, H2) in Pelican Court, some moderate H3 in alleyway.
5% AEP	<ul style="list-style-type: none"> Pelican Court – flood levels reduced by -0.3 to -0.5m in roadway and alleyway. Reductions on properties typically to -0.1m, up to -0.3m on four properties. Ocean Drive property - flood levels reduced by -0.4m Reduced extent of very high flood hazard (H5) in Pelican Court.
1% AEP	<ul style="list-style-type: none"> Pelican Court – flood levels reduced by -0.4 to -0.5m in roadway and alleyway. Reductions of up to -0.4m on 12 properties. Ocean Drive property - flood levels reduced by -0.5m Reduced flood hazard on Ocean Drive from up to very high (H5) to low (H2). Note that road may be cut-off in other locations. Reduced extent of H3-H5 hazard in Pelican Court.
1% AEP plus climate change	Similar performance to 1% AEP event, in terms of reductions in flood levels in mitigated versus existing development case (with climate change). No reduction in performance due to sea level rise.

Summary

Options 4B is effective at reducing flood levels and flood hazard (magnitude and extent) on Ocean Drive and Pelican Court including up to 20 dwellings.







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7.3.3 Tunis Street Overland Flow Path, Laurieton

This overland flow path originates above Blackbutt Crescent and Peach Grove, where a natural gully overflows into a constructed diversion channel which skirts around properties on Blackbutt Crescent and conveys flows through an easement to Peach Grove at Tunis Street. There is an existing low capacity pipe (375mm diameter) draining the flows in the easement to the existing drainage system. Flows in excess of the overland flow path spill out onto properties on Peach Grove and contribute to flooding at the main complex at Laurieton retirement village, although flooding at this complex is exacerbated by partially-trapped drainage low points.

The main flow path splits around Gow Place and Norman Street/Tunis Street intersection, with the northern branch flowing through the Laurieton retirement village villas and exiting around Kew Road at Castle Street, and the southern branch draining to the sag point on Bold Street at Tunis Street, and then joining a separate flow path through commercial and residential properties on Bold Street to McLennan Street.

The main stormwater drainage line consists of up to 900mm diameter pipe in Tunis Street, draining to the river.

Peak overland flows in these flow paths are summarised in Table 7-2.

Table 7-2 Peak flood flows at Tunis Street overland flow path

Location	Event AEP		
	0.2EY	5% AEP	1% AEP
Upstream of Peach Grove	5.2	9.4	14.1
Tunis Street at Peach Grove	3.5	6.2	9.2
Gow Street branch	1.8	3.2	5.0
Tunis Street and natural gully at Lord Street	2.1	4.1	7.1

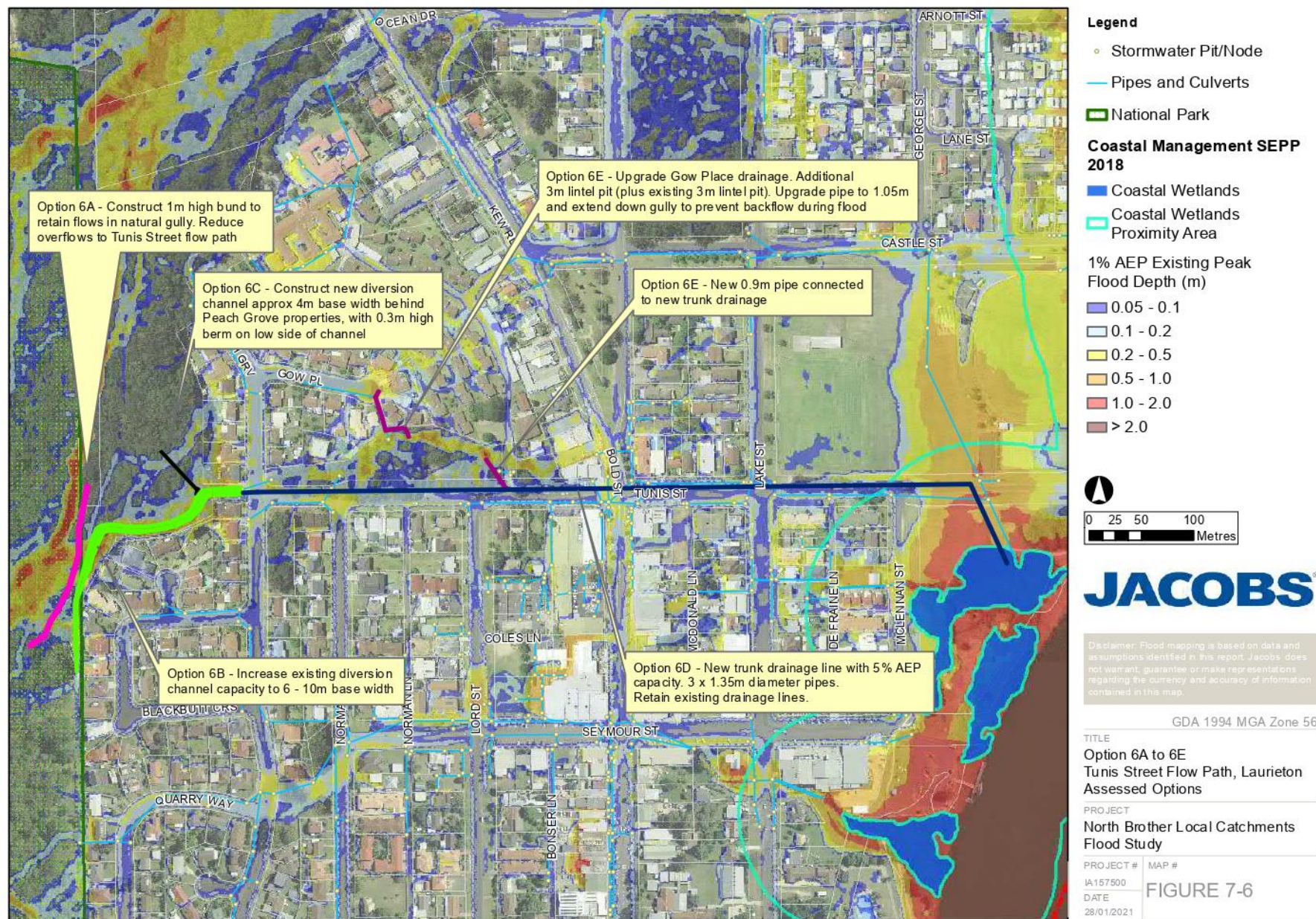
7.3.3.1 Option 6A

Description of Options

Option 6A was assessed individually:

- Option 6A – construct/raise a 160m long berm, up to 1m high above existing ground levels, between the natural flow path and the diversion channel above Blackbutt Crescent to reduce overflows into the diversion channel and hence reduce flows through the properties downstream. However, this option is expected to increase the flows being directed toward St Josephs School.

Refer to Figure 7-6 for illustration of Option 6A. The figure also describes Options 6B to 6E, refer to Section 7.3.3.2 for details.



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**Constraints assessment**

- Option 6A would need to be constructed within the national park area, likely requiring removal of a large number of trees for the proposed bund in addition to site access for construction plants.
- The option would be constructed on a natural berm which appears to be formed from flood-flow deposits of rock rubble and other material. Geotechnical conditions may be challenging.
- Periodic maintenance of the proposed bund would be required.

Hydraulic performance

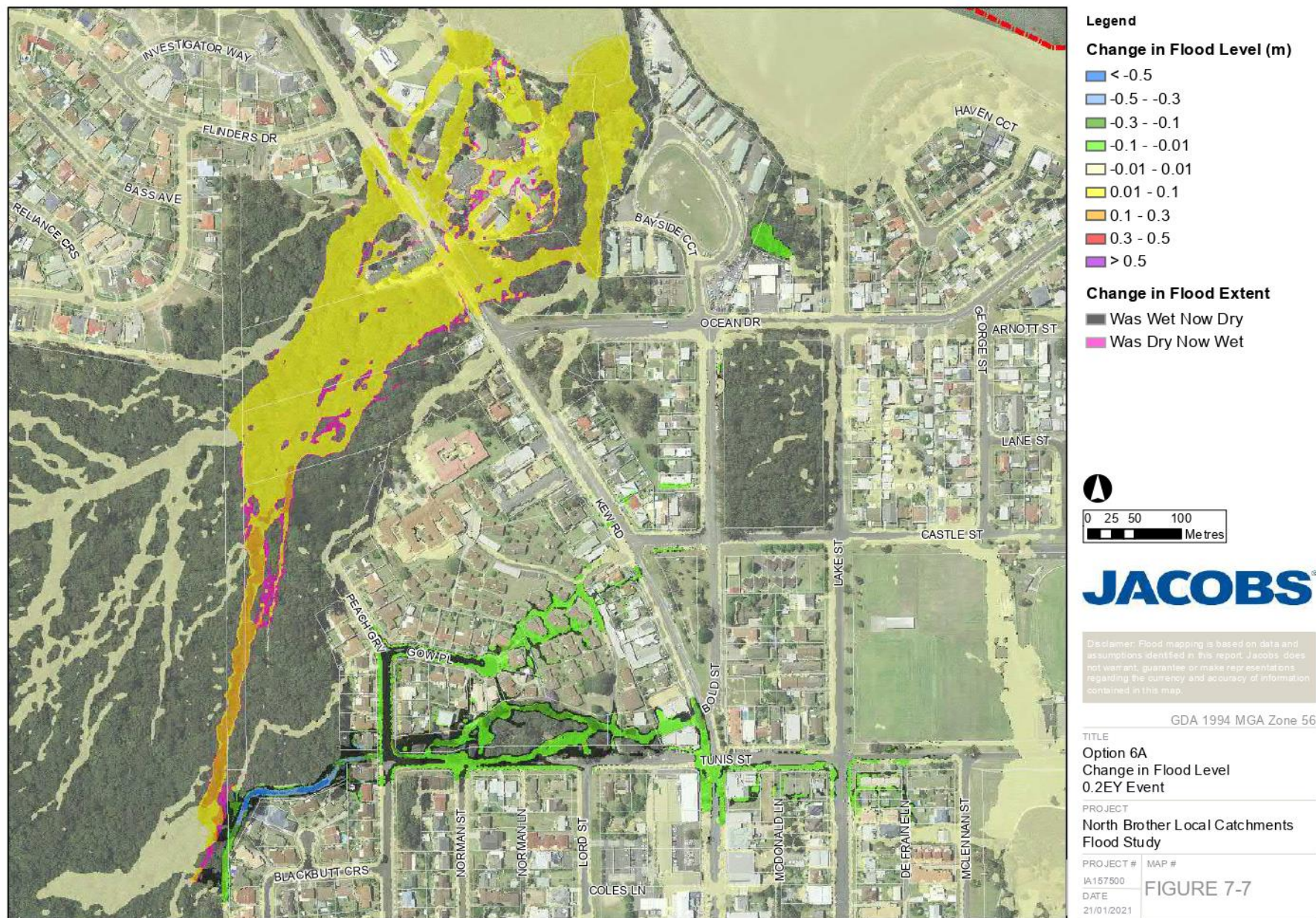
Flood impact maps, showing the change in flood levels, are presented in Figure 7-7 to Figure 7-9 for the 0.2EY, 5% and 1% AEP events, respectively. The hydraulic performance of Option 6A is summarised in Table 7-3.

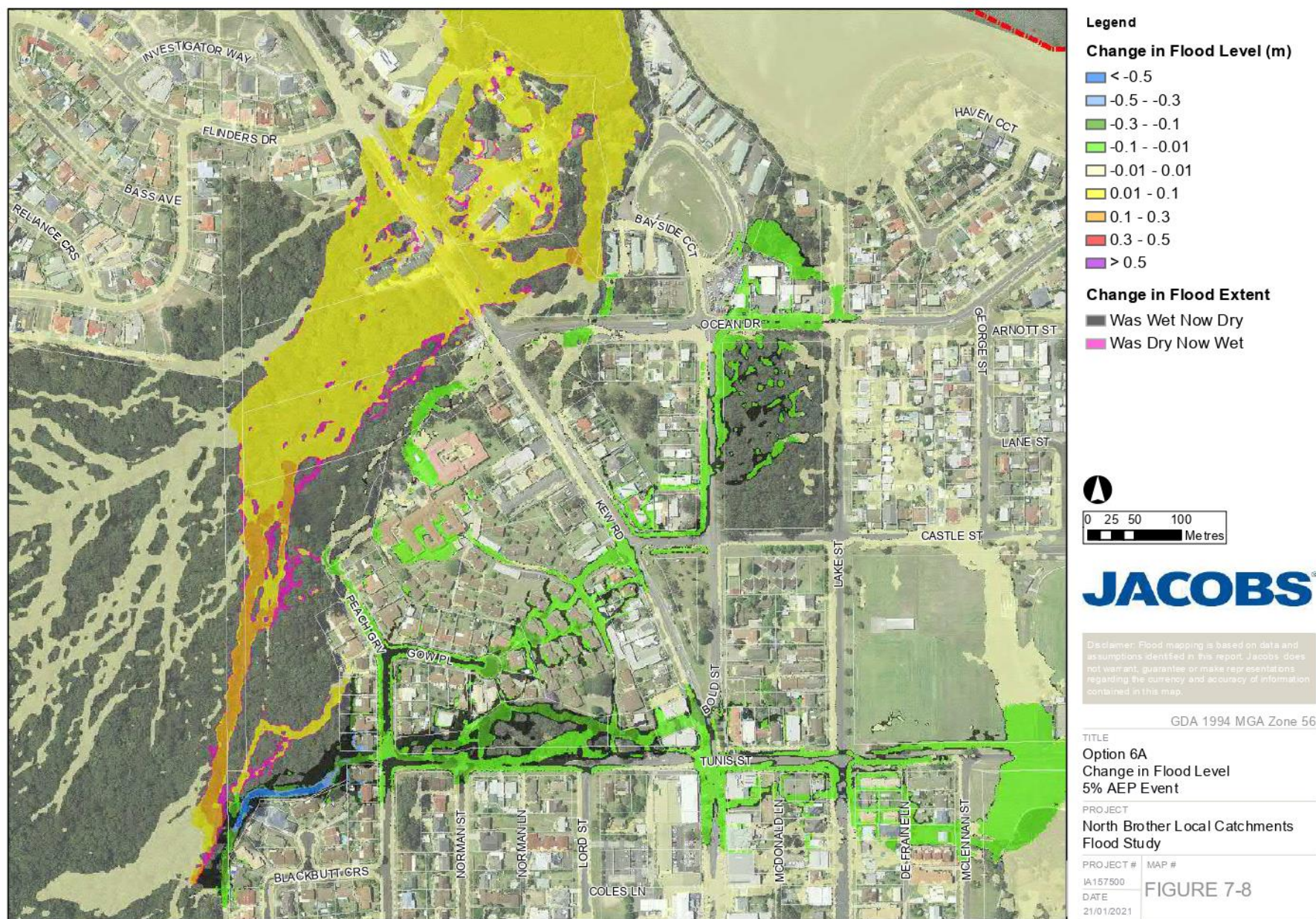
Table 7-3 Hydraulic performance of Options 6A

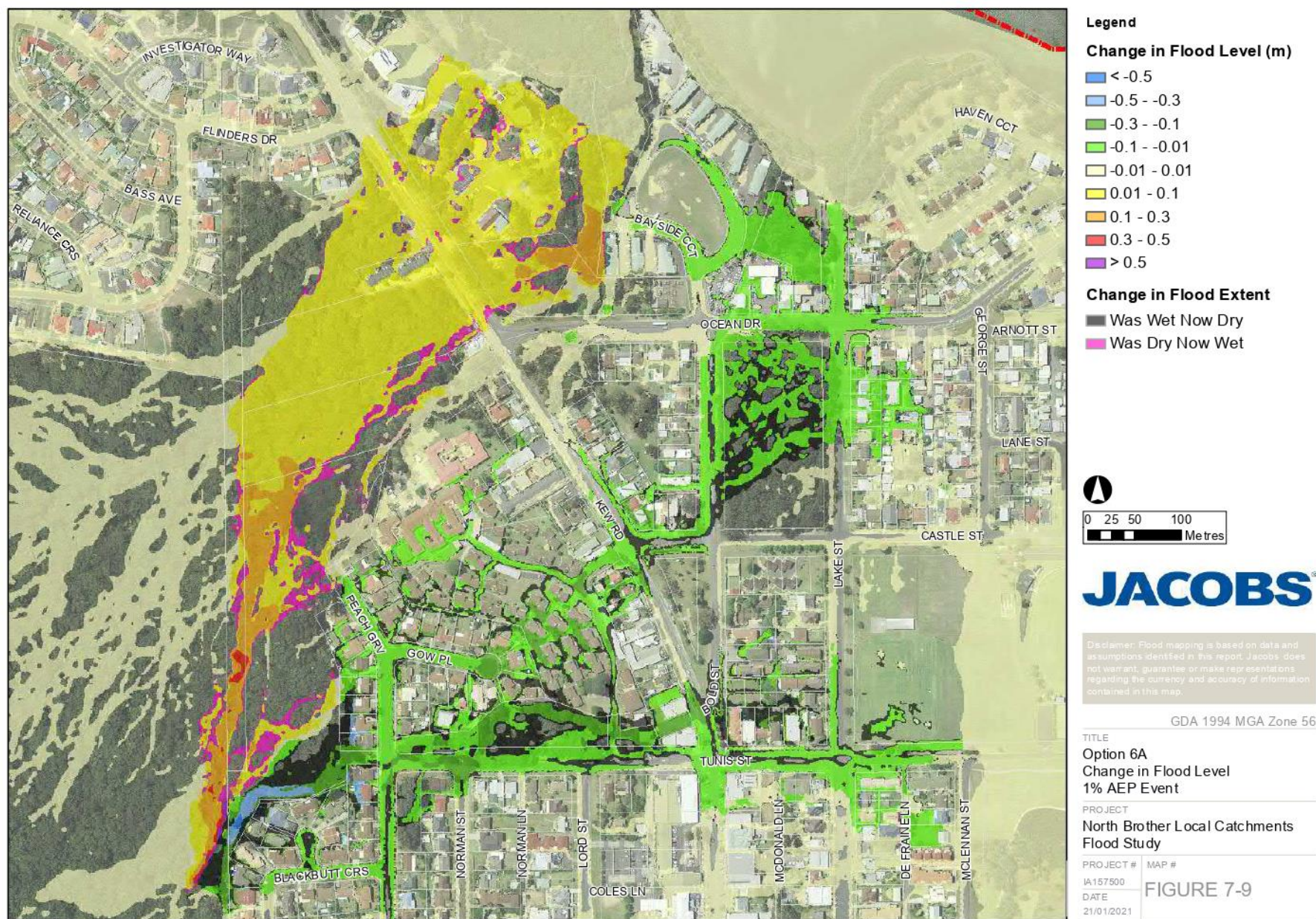
Event AEP	Changes in flood conditions
0.2EY	<ul style="list-style-type: none"> • Reductions in flood levels of -0.05 to -0.1m on Gow Place properties and Laurieton retirement village villas. • Localised reductions of up to -0.4m on Peach Grove properties. • Minor reductions of up to -0.05m on residential and commercial properties on and to the east of Ocean Drive. • Widespread minor increases of +0.02m on St Josephs School grounds.
5% AEP	<ul style="list-style-type: none"> • Reductions in flood levels of -0.05 to -0.2m on Gow Place properties and Laurieton retirement village villas, some localised areas greater than -0.02m. Reductions of -0.03m at Laurieton retirement village main facility. • Localised reductions of up to -0.4m on Peach Grove properties. One property experiences minor increases of less than +0.02m. • Minor reductions of up to -0.06m on residential and commercial properties on and to the east of Ocean Drive. • Widespread increases of +0.03 to +0.07m on St Josephs School grounds.
1% AEP	<ul style="list-style-type: none"> • Reductions in flood levels of -0.05 to -0.2m on Gow Place properties and Laurieton retirement village villas, some localised areas greater than -0.02m. Reductions of -0.1m at Laurieton retirement village main facility. • Localised reductions of up to -0.4m on Peach Grove properties. One property experiences minor increases of less than +0.02m. • Minor reductions of up to -0.06m on residential and commercial properties on and to the east of Ocean Drive. • Widespread increases of +0.03 to +0.07m on St Josephs School grounds.
1% AEP plus climate change	Similar performance to 1% AEP event, in terms of reductions in flood levels in mitigated versus existing development case (with climate change). No reduction in performance due to sea level rise.

Summary

While there are minor to modest (up to -0.2m) reductions in flood levels on a large number of residential properties, these are offset by minor increases (+0.03 to +0.07m) on St Joseph's School. An engineered berm in the national park is likely to result in vegetation impacts and requires consultation with NPWS. A permanent access track would be required for ongoing maintenance.







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7.3.3.2 Option 6B+6C+6D+6E

Description of Options

The following options were assessed in combination (Options 6B+6C+6D+6E):

- Option 6B – increase the existing diversion channel capacity behind Blackbutt Crescent properties to reduce overflows onto properties, achieved by a combination of widening the existing channel to a base width of 6 – 10m (current base width 3 – 5m, top width 5 – 8m), raising the banks (e.g. block retaining wall along the property boundaries) and clearing of vegetation in the channel.
- Option 6C – construct new diversion channel 3m base width and 1m deep behind Peach Grove properties north of Tunis Street to direct flows south to the easement at the end of Tunis Street. This is outside of the national park. Form a bund on the lower side of the channel to increase capacity.
- Option 6D – install new trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m). A new line consisting of 3 x 1.35m diameter pipes has been assessed, having a system capacity of approximately 5% AEP (about 9.5m³/s) and would reduce the 1% AEP overland flows through downstream properties by about 67%. A rock debris trap/basin would need to be constructed at the trunk drainage inlet to reduce the inlet blockage risk.
- Option 6E – upgrade drainage in Gow Place cul-de-sac to reduce overflows through properties and the retirement village villas. The existing drainage consists of a 450mm pipe which drains through an easement and discharges to open space between Gow Place and Tunis Street. There is an existing 3m lintel pit inlet plus smaller approximately 1m lintel inlets. Replacing one of these smaller inlets with a second 3m lintel is proposed. The existing 450mm pipe is proposed to be upgraded to 1.05m pipe and extended to discharge further down the gully to prevent backflow into the cul-de-sac. A 900mm pipe connection from the gully to the new trunk drainage line is proposed.

Constraints assessment

- Option 6B - Works would need to be undertaken on the edge of the national park land for a 100m section of the upgraded channel. The channel is assumed to be grassed and would need to be maintained to ensure limited vegetation growth.
- Option 6C - The channel is assumed to be grassed and would need to be maintained to ensure limited vegetation growth.
- Option 6D – There are numerous existing underground utilities (Telstra, Optus, NBN, power, stormwater) under Tunis Street and adjoining streets. Approximately 10 crossings of the utilities are identified and would need to be protected. It is assumed that the existing utilities are at sufficiently shallow depth to enable the new trunk drainage to be laid beneath. Trench construction methods are assumed for the whole alignment. Deep trenching (up to 3m) with temporary shoring is likely to be required for sections of the alignment. Pipe jacking installation could be considered in the section between Lord Street and Lake Street (about 200m) to allow the road access to remain open (e.g. Coles loading dock), although construction cost would be significantly greater. Design and construction will need to minimise traffic impacts including delivery truck access to Coles Supermarket loading dock. A rock debris trap/basin would need to be constructed at the trunk drainage inlet to reduce the inlet blockage risk.
- Works would be within and in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development, subject to any provisions and exemptions to Council given that Council would be the proponent.

A structural assessment was undertaken for Option 6D due to the space constraints related to this option. Relevant findings are summarised below:

- The existing buildings are single storey and are likely to have shallow foundations. The construction zone of construction access & excavation for the proposed 3x 1.35m diameter pipes would need to extend approx. 3m to 5m from the edge of the new pipes to limit effect to the existing buildings. For open cut sections this construction zone would take up most of the two lanes of Tunis Street and footpaths i.e. 11m to 15m wide. Appropriate traffic diversions would be required.

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- Vibration due to construction activities can be a concern and a detailed structural inspection of the existing buildings should be conducted to assess if some areas of the existing buildings are more susceptible to such vibration. The construction techniques can then be chosen to limit effects in these vibration sensitive zones.
- The soils in this location are likely to be high acid-sulphate. Trial pitting and geotechnical investigation and interpretation should be carried out by to confirm risks and mitigation measures.

Overall, it is considered feasible to construct 3x 1.35m diameter stormwater flood control pipes underground along Tunis Street. The width and depth of excavation for the pipes would be considerable taking up most of Tunis Street and footpaths. Controls would need to be put in place for environmental considerations and for the structural integrity of existing buildings during construction. Consideration could be given to the option for 2x larger pipes to limit the width of excavation and zone of construction activities. The other alternative would be for rectangular box culverts where open cut & cover excavation might be considered – this may offer some advantages in terms of width of excavation but would require a substantial structural cover slab to withstand the vehicular loadings.

Hydraulic performance

Flood impact maps, showing the change in flood levels, are presented on Figure 7-10 to Figure 7-12 for the 0.2EY, 5% and 1% AEP events, respectively. The hydraulic performance of Option 6B+6C+6D+6E is summarised in Table 7-4.

Table 7-4 Hydraulic performance of Options 6B+6C+6D+6E

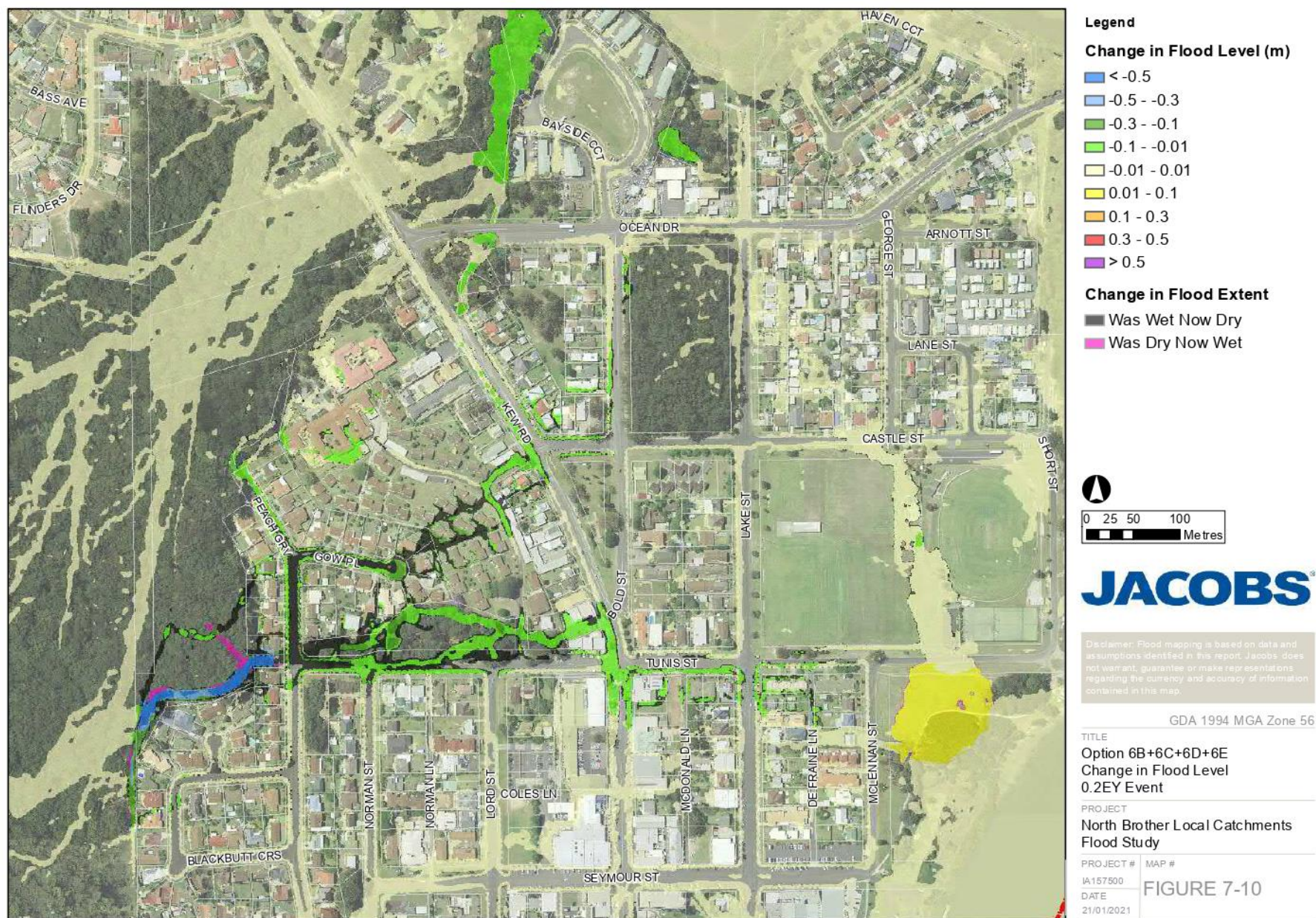
Event AEP	Changes in flood conditions
0.2EY	<ul style="list-style-type: none"> • Reductions in flood levels of up to -0.3m on Gow Place properties and Laurieton retirement village villas, including substantial reductions in flood extent. • Reductions in flood levels of up to -0.4m on Peach Grove properties including reductions in flood extent. • Minor reductions of up to -0.05m on residential and commercial properties on and to the east of Kew Road/Bold Street.
5% AEP	<ul style="list-style-type: none"> • Reductions in flood levels of up to -0.3m on Gow Place properties and Laurieton retirement village villas, including substantial reductions in flood extent. • Reductions in flood levels of up to -0.5m on Peach Grove properties including reductions in flood extent. • Reductions of -0.05 to -0.1m on residential and commercial properties on and to the east of Ocean Drive, with some localised reductions of -0.2m. • Removal of areas of very high hazard (up to H5) in road and on properties between Peach Grove and to the east of Kew Road/Bold Street.
1% AEP	<ul style="list-style-type: none"> • Reductions in flood levels of up to -0.4m on Gow Place properties and Laurieton retirement village villas, including some reductions in flood extent. • Reductions in flood levels of up to -0.5m on Peach Grove and Blackbutt Crescent properties including reductions in flood extent. Localised reductions of up to -0.7m. • Reductions of -0.1 to -0.2m on residential and commercial properties on and to the east of Ocean Drive. • Removal of areas of very high hazard (up to H5) in road and on properties between Blackbutt Crescent/Peach Grove and to the east of Kew Road/Bold Street.
1% AEP plus climate change	Generally similar performance to 1% AEP event, in terms of reductions in flood levels in mitigated versus existing development case (with climate change). Slight reduction in performance due to sea level rise in low elevation areas below 3m AHD, where the

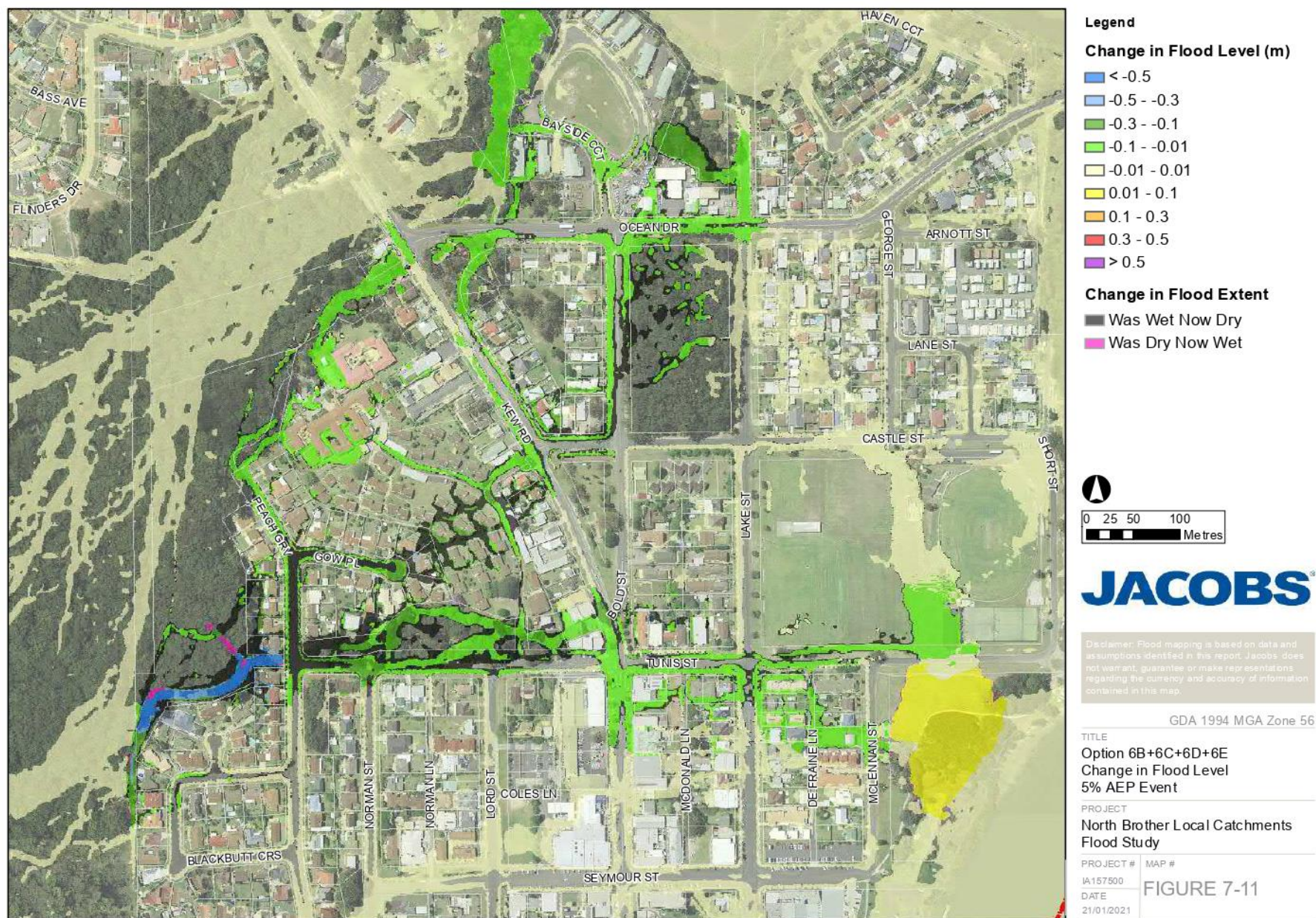
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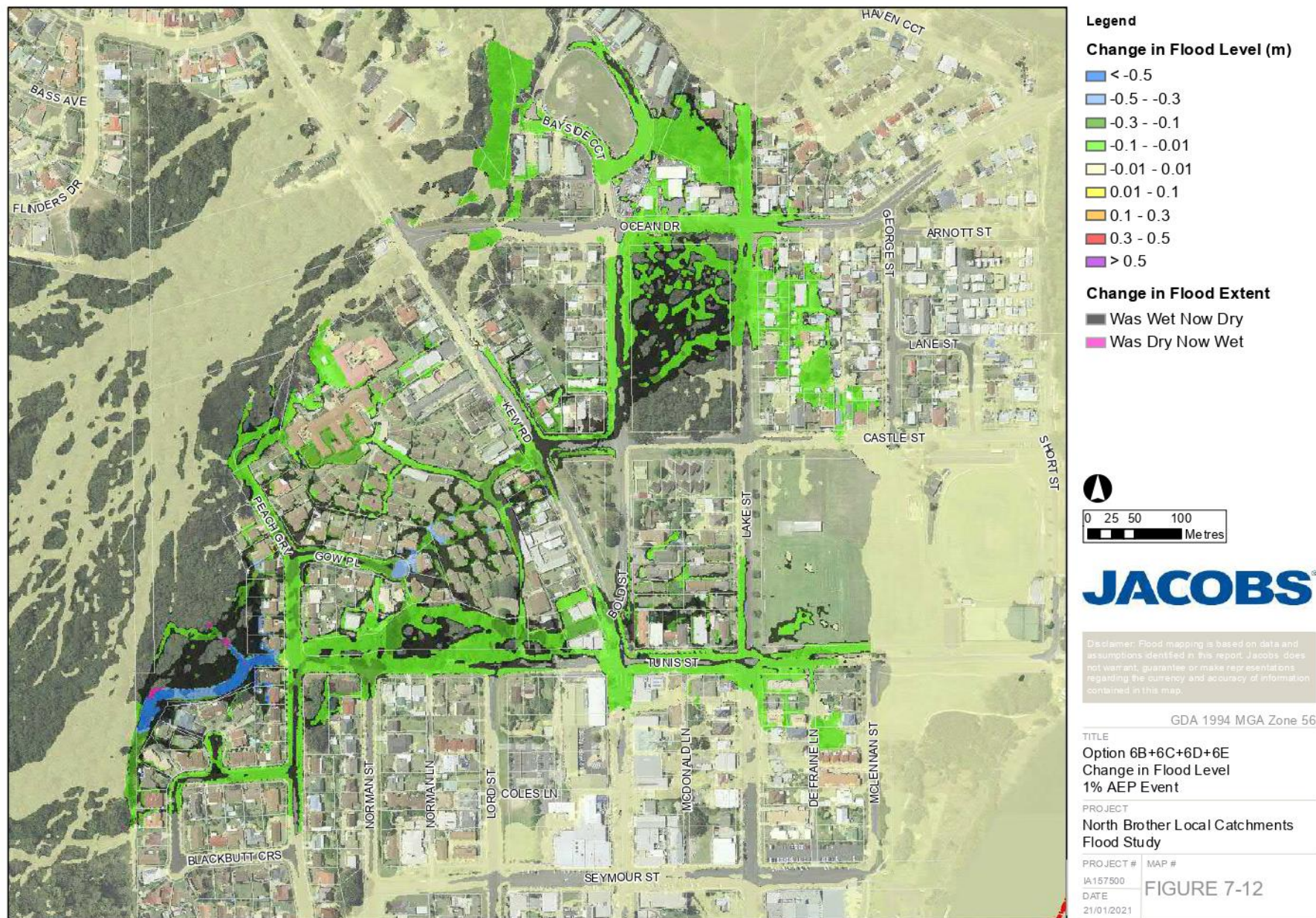
	reductions fall from -0.07m in the current climate case to -0.01m in the climate change scenario.
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Summary on performance

The combined option 6B+6C+6D+6E provides substantial reductions in flood levels, extents and hazard as a result of significant drainage capacity upgrades. There are minor reductions in flood levels in low-lying areas as a result of sea level rise in the climate change scenario.







Draft Floodplain Risk Management Study and Plan**7.3.4 Lake Street at Seymour Street, Laurieton**

The corner property at this location receives overland flows and trunk drainage flows from the Quarry Way flow path. There is an open channel and flow path through this property, where the dwelling is surrounded by high hazard flooding to depths of over 1m in the 1% AEP event. The floodwaters pond behind the raised road crest in Lake Street before overflowing over the road and around the southern side of the Laurieton United Services Club. It is identified as being affected by above-floor flooding.

The drainage at this location includes 2x 1.5m x 0.75m box culverts at the inlet at the downstream end of the channel through this property, turning into 2x 1200mm pipes crossing Lake Street, which then increase to 2x 1500mm pipes on the low side of the road and discharging to a channel on the southern side of the Services Club.

7.3.4.1 Option 8B**Description of Options**

Option 8B was selected for assessment. The culvert inlet is currently unscreened and has been modelled as 50% blocked due to likely debris blockage. A large-faced debris screen or other debris controls are proposed to retrofit the existing culvert inlet to reduce the risk of blockage. The debris screen is assumed to be effective and has been represented with a reduced blockage factor of 10%.

Refer to Figure 7-13 for illustration.

Constraints assessment

Works would be in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development, subject to any provisions and exemptions to Council given that Council would be the proponent.

Inspection and maintenance after significant storm events are required to increase reliability.

Hydraulic performance

Flood impact maps, showing the change in flood levels, are presented on Figure 7-14 to Figure 7-16 for the 0.2EY, 5% and 1% AEP events, respectively. The hydraulic performance of Option 8B is summarised in Table 7-5.

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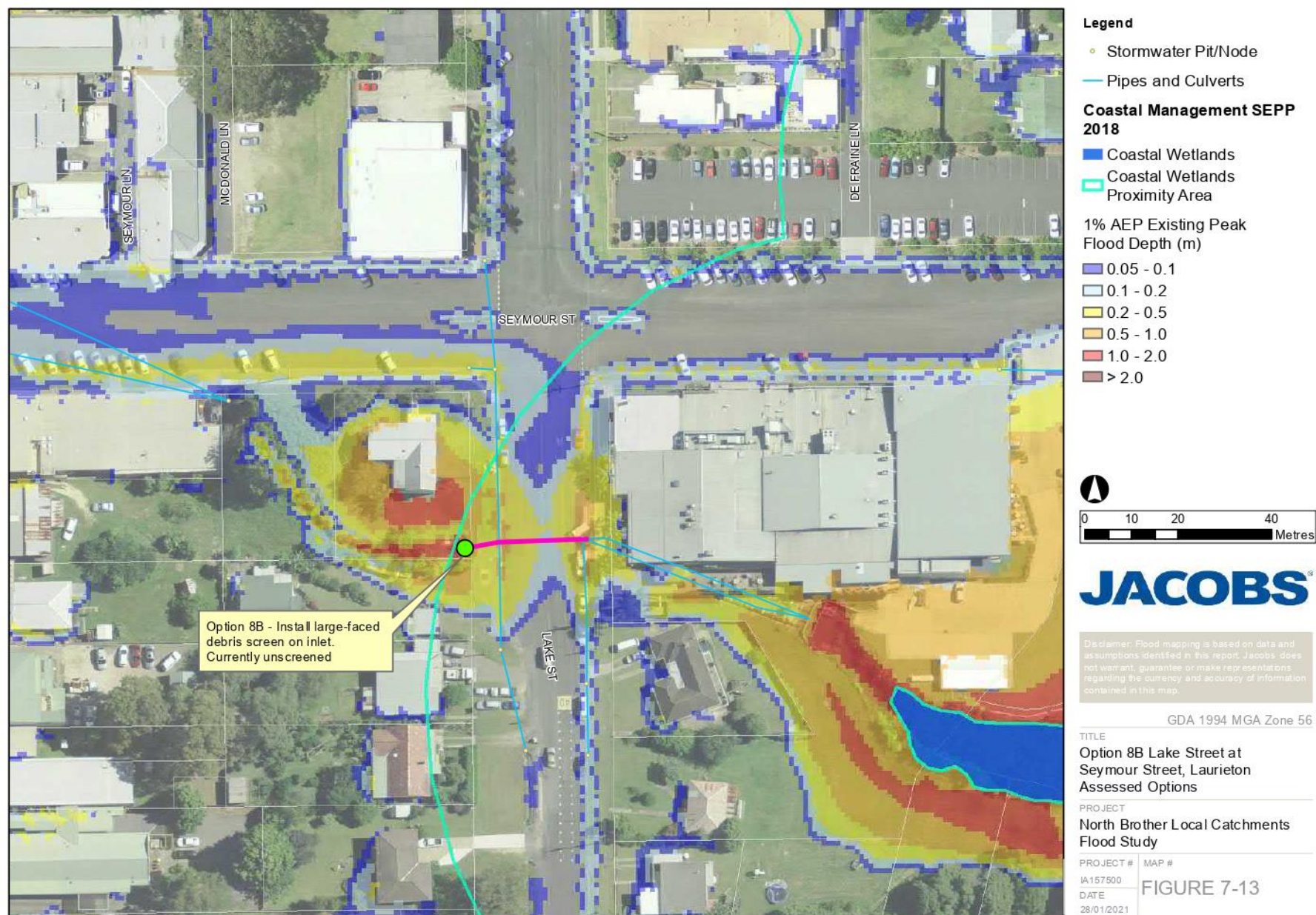
Table 7-5 Hydraulic performance of Options 8B

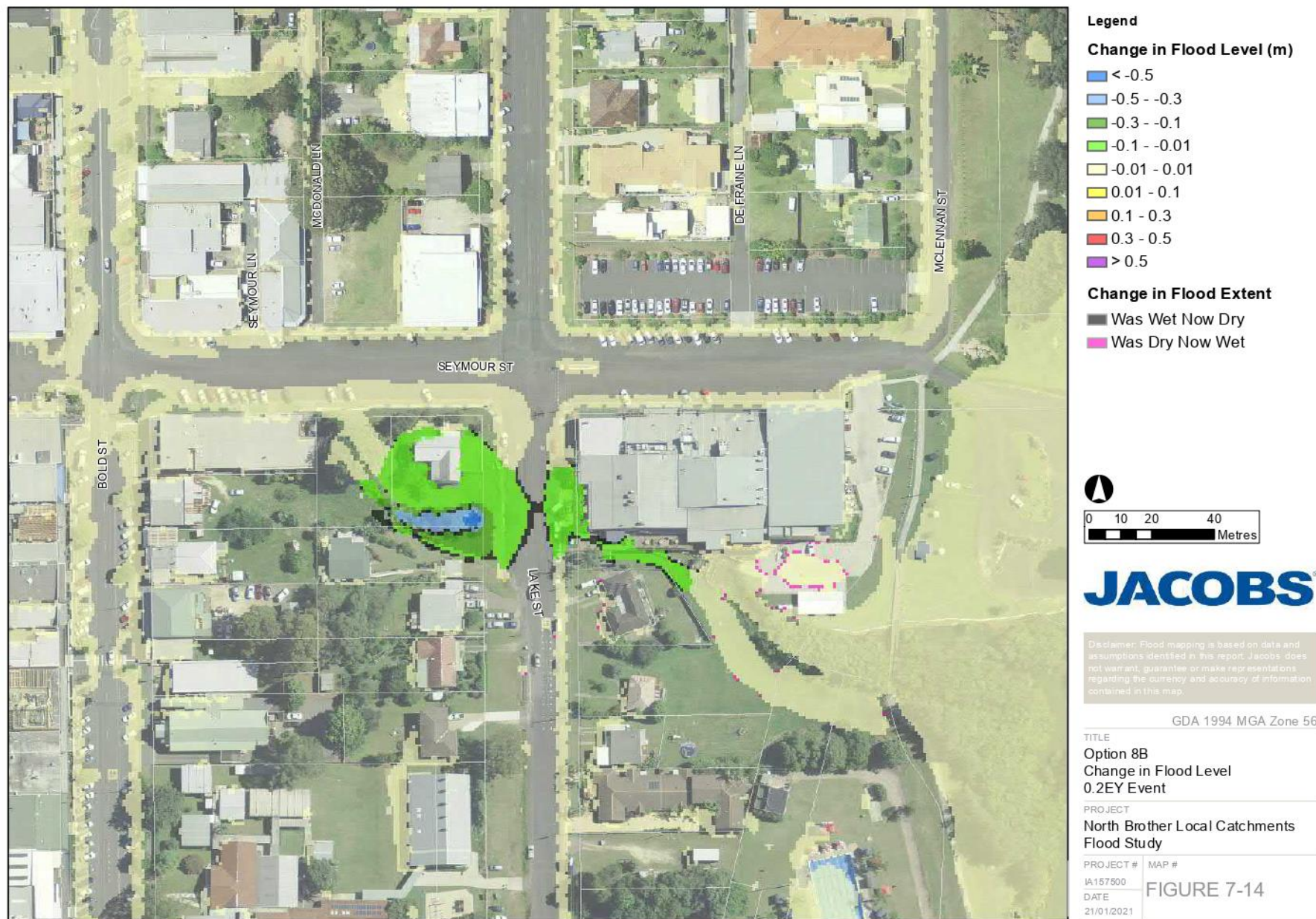
Event AEP	Changes in flood conditions
0.2EY	<ul style="list-style-type: none"> Minor reductions of -0.03m on private property dwelling and Laurieton United Services Club side entrance. Reductions of up to -0.1m on Lake Street
5% AEP	<ul style="list-style-type: none"> Reductions of -0.08m on private property dwelling and -0.13m at Laurieton United Services Club side entrance. Reductions of up to -0.1m on Lake Street Minor increases of less than -0.02m on some private properties and parts of club property due to reduced drainage capacity of local stormwater drainage branches.
1% AEP	<ul style="list-style-type: none"> Reductions of -0.1m on private property dwelling and Laurieton United Services Club side entrance. Reductions of up to -0.1m on Lake Street. Minor localised increases of less than -0.02m on some private properties due to reduced drainage capacity of local stormwater drainage branches.
1% AEP plus climate change	Similar performance to 1% AEP event, in terms of reductions in flood levels in mitigated versus existing development case (with climate change). No reduction in performance due to sea level rise.

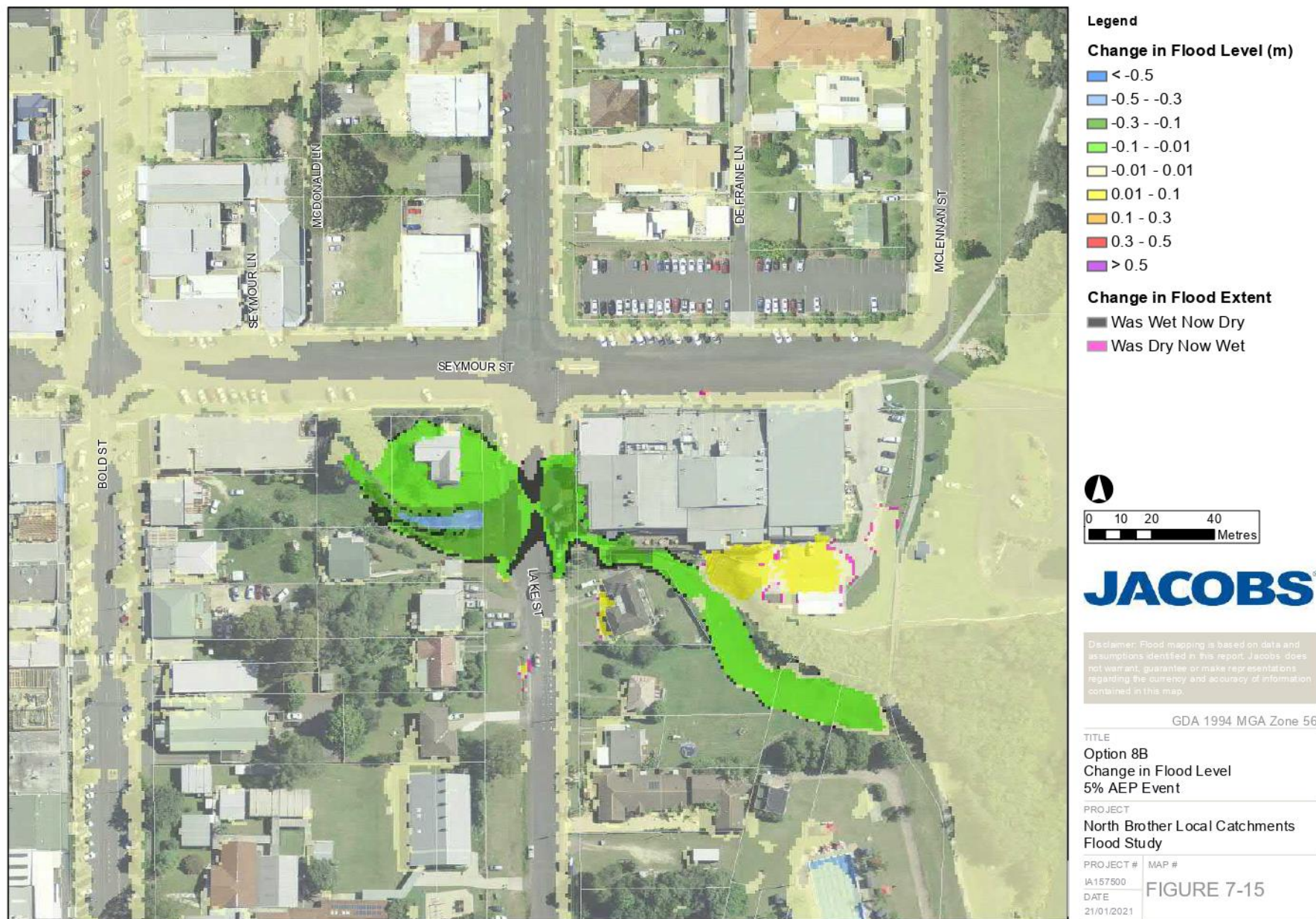
Summary on performance

Option 8B provides minor to modest improvements (up to -0.1m) in flooding conditions with benefits confined to one residential property. The spatial extent of the reductions in flood levels at the Services Club are limited to the western side entrance on Lake Street, while there are no changes in flood levels along the main northern side of the club building. The effect of the proposed inlet debris screen is constrained by the limited capacity of the existing culverts crossing the road.

While the debris screen proposed as Option 8B provides at best modest improvements to flooding conditions to property and the road, it could be considered by Council as a low-cost measure to reduce the risk of severe blockage of the culvert inlet at this and other locations in the study area.







**Legend****Change in Flood Level (m)**

- < -0.5
- 0.5 - -0.3
- 0.3 - -0.1
- 0.1 - -0.01
- 0.01 - 0.01
- 0.01 - 0.1
- 0.1 - 0.3
- 0.3 - 0.5
- > 0.5

Change in Flood Extent

- Was Wet Now Dry
- Was Dry Now Wet



0 10 20 40
Metres

JACOBS

Disclaimer: Flood mapping is based on data and assumptions identified in this report. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

GDA 1994 MGA Zone 56

TITLE

Option 8B
Change in Flood Level
1% AEP Event

PROJECT

North Brother Local Catchments
Flood Study

PROJECT # MAP #

IA157500

DATE

21/01/2021

FIGURE 7-16

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**7.3.5 St Joseph's School, Laurieton**

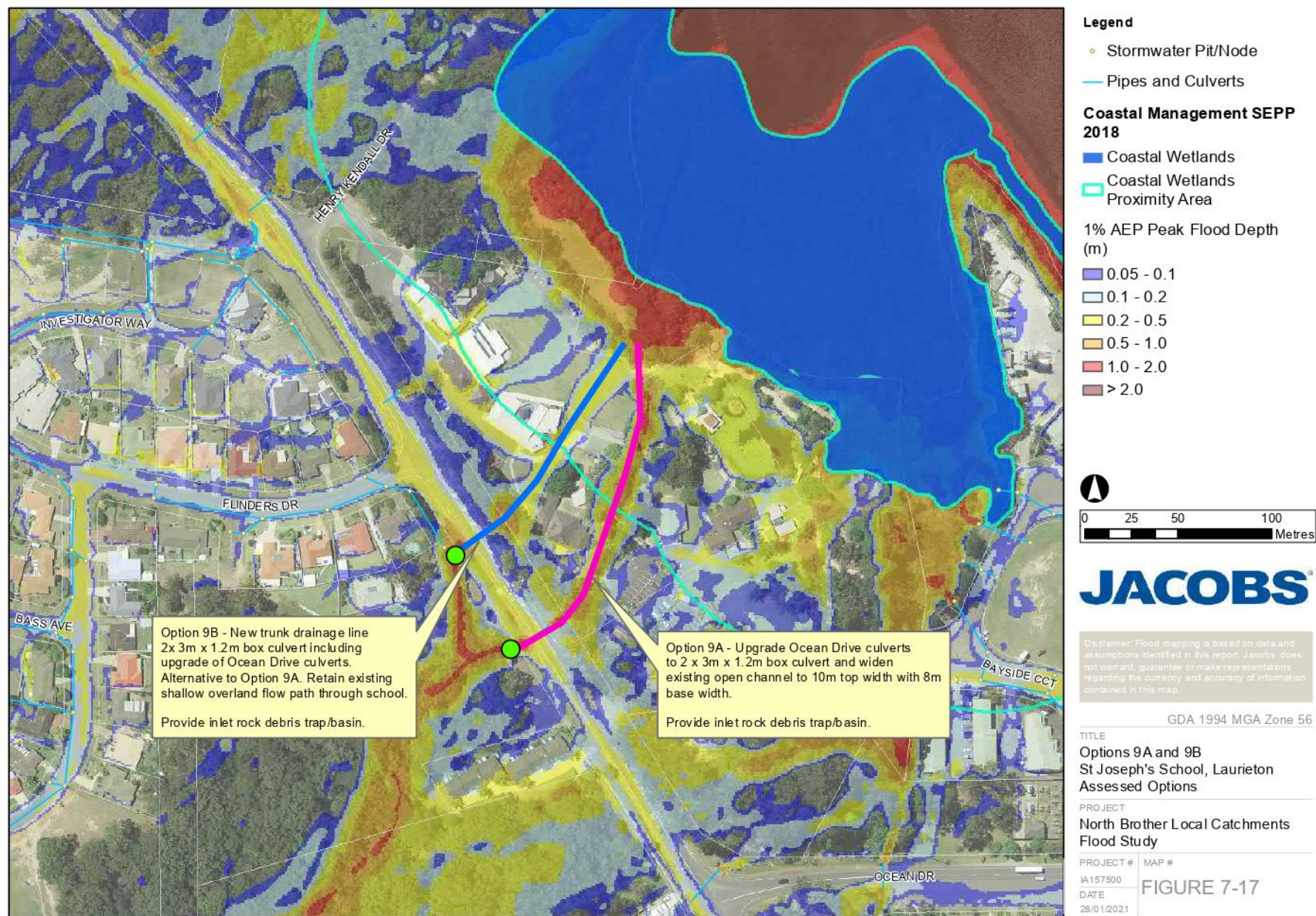
Flooding at the school results from natural flow paths being directed down to Ocean Drive to three culvert crossings. The culverts discharge on the low side of the road and along with road overflows, overland flooding passes through the school in three main flow paths, including one through the main cluster of school administration and classroom buildings. Council's stormwater drainage spatial layer does not show an existing underground trunk drainage conveying flows through the school grounds, although from review of aerial photography there appears to be drainage pits connected to a privately-owned system. Flows exceed 0.5m deep in the 1% AEP event with areas of very high (H5) flood hazard.

Peak overland flows in these flow paths are summarised in Table 7-6.

Table 7-6 Peak flood flows in overland flow paths at St Joseph's School

Location	Event AEP		
	0.2EY	5% AEP	1% AEP
Northern flow path (admin bldg.)	4	5.5	8
Middle flow path	5.5	6.5	8.5
Southern flow path	8.5	10	12.5
Total	17.5	22	29

Refer to Figure 7-17 for illustration of options.



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**7.3.5.1 Option 9A****Description of Option**

Option 9A was assessed, involving widening and reconstruction of a landscaped open channel in the southern flow path. The southern flow path and road cross culvert is the main flow path and there is a formalised open channel provided for this flow path. The proposed channel would have an 8m base width (about 10m top width) and a depth of 1 – 1.5m. The existing channel has an approximately 6 – 8m top width with variable base width.

Box culverts were originally proposed for this site to fit under the existing channel, however, elevations are too low to fit such a culvert option while maintaining a surface flow path.

A rock debris trap/basin would need to be constructed at the Ocean Drive culvert inlet to reduce the inlet blockage risk.

Constraints assessment

There are a number of existing structures and features including buildings, footbridges, car parks and paths which would be potentially affected or considered in the design of Option 9A. The minimum clearance between buildings or other existing structures is about 19m.

The existing buildings are single storey and are likely to have shallow foundations. Additionally, one of the buildings is an existing old church building believed to be around 120 years old. The construction access & excavation zone for the proposed channel widening would need to extend approximately 3 – 5m from the edge of the channel to limit effect to the existing buildings.

Vibration due to construction activities can be a concern and a detailed structural inspection of the existing buildings should be conducted to assess if some areas of the existing buildings are more susceptible to such vibration. The final alignment of the proposed culvert can then be chosen to avoid these vibration sensitive zones.

The sediments adjacent to the school may be mildly contaminated. The soils in this location are likely to be high acid-sulphate. Trial pitting and geotechnical investigation and interpretation should be undertaken to confirm risks and mitigation measures.

There will be numerous building stormwater drains discharging into the existing open channels in the school grounds and these will need to be surveyed and coordinated with the design of the modified open channel.

The existing channel and its banks appear to be landscaped with well-established gardens, which are likely to be of high value to the school and adjacent church. The option needs to include landscaping to re-establish the gardens.

There are existing utilities along Ocean Drive (Optus, Telstra, NBN, power) which cross the existing culverts under the road. It is assumed that sufficient clearance from the utilities can be maintained if the upgraded culverts are installed at a similar elevation.

The channel through the mangrove/wetland areas would need to be widened downstream to Stingray Creek to accommodate increased flood flows and this would have localised impacts on sensitive habitats. Culvert and channel works would be within and in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development, subject to any provisions and exemptions to Council given that Council would be the proponent.

The school grounds have dense tree coverage which will inhibit construction access. Existing trees will need to be protected during the construction works. It is anticipated that that a REF will be required and would need a flora and fauna study.

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**Hydraulic performance**

Flood impact maps, showing the change in flood levels, are presented on Figure 7-18 to Figure 7-20 for the 0.2EY, 5% and 1% AEP events, respectively. The hydraulic performance of Option 9A is summarised in Table 7-7.

Table 7-7 Hydraulic performance of Options 9A

Event AEP	Changes in flood conditions
0.2EY	<ul style="list-style-type: none"> Maximum decreases of -0.4 to -0.5m in the channel (southern flow path) upstream and downstream of Ocean Drive culvert crossing, with reductions in flood extent Decrease of -0.02 to -0.06m at and between school buildings, minimal reduction in flood extent Some reduction in high-very high hazard extent in southern and middle flow paths including on walkways, minimal reduction in flood hazard around school office (only localised high hazard in existing case and mostly low hazard)
5% AEP	<ul style="list-style-type: none"> Maximum decreases of -0.3 to -0.4m in the channel (southern flow path) upstream and downstream of Ocean Drive culvert crossing, with reductions in flood extent Decrease of -0.02 to -0.08m at and between school buildings, minimal reduction in flood extent Some reduction in high-very high hazard extent in southern and middle flow paths including on walkways, minimal reduction in flood hazard around school office (only localised high hazard in existing case and mostly low hazard)
1% AEP	<ul style="list-style-type: none"> Maximum decreases of -0.3 to -0.4m in the channel (southern flow path) upstream and downstream of Ocean Drive culvert crossing, with reductions in flood extent Decrease of -0.02 to -0.08m at and between school buildings, minimal reduction in flood extent Some reduction in high-very high hazard extent in southern and middle flow paths including on walkways, minimal reduction in flood hazard around school office (only localised high hazard in existing case and mostly low hazard)
1% AEP plus climate change	Similar performance to 1% AEP event, in terms of reductions in flood levels in mitigated versus existing development case (with climate change). No reduction in performance due to sea level rise.







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7.3.5.2 Option 9B**Description of Option**

An alternative option to 9A is option 9B, consisting of installation of 2x 3m x 1.2m box culverts beneath the middle flow path. There is an existing shallow overland flow path through this alignment and it was assumed that this could be retained. The culverts would need to fit between existing school buildings. A rock debris trap/basin would need to be constructed at the Ocean Drive culvert inlet to reduce the inlet blockage risk.

Constraints assessment

The culverts would need to fit between two existing buildings and require reconstruction of a vehicle access driveway to one of the buildings. There is 16m clearance between the buildings. The existing buildings are single storey and are likely to have shallow foundations. The construction access and excavation zone for the proposed culverts would need to extend approximately 3 – 5m from the edge of the proposed culverts to limit effect to the existing buildings.

Vibration due to construction activities can be a concern and a detailed structural inspection of the existing buildings should be conducted to assess if some areas of the existing buildings are more susceptible to such vibration. The final alignment of the proposed culvert can then be chosen to avoid these vibration sensitive zones. Overall, the excavation for the proposed 1.2m deep box culverts can be located at least 5m from the existing structures which should, subject to investigations, not interfere with the existing building foundations.

The sediments adjacent to the school may be mildly contaminated. The soils in this location are likely to be high acid-sulphate. Trial pitting and geotechnical investigation and interpretation should be carried out by to confirm risks and mitigation measures.

There will be numerous building stormwater drains discharging into the existing open channels in the school grounds and these will need to be surveyed and coordinated with the design of the modified open channel.

There appears to be an existing pit and pipe drainage line beneath the middle flow path, which may need to be relocated for installation of the box culverts. This line should be maintained for local drainage.

There are existing utilities along Ocean Drive (Optus, Telstra, NBN, power) which cross the existing culverts under the road. It is assumed that sufficient clearance from the utilities can be maintained if the upgraded culverts are installed at a similar elevation.

The channel through the mangrove/wetland areas would need to be widened downstream to Stingray Creek to accommodate increased flood flows and this would have localised impacts on sensitive habitats. Culvert and channel works would be within and in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development, subject to any provisions and exemptions to Council given that Council would be the proponent.

Appropriate rock scour protection would be required at the culvert outlet.

Hydraulic performance

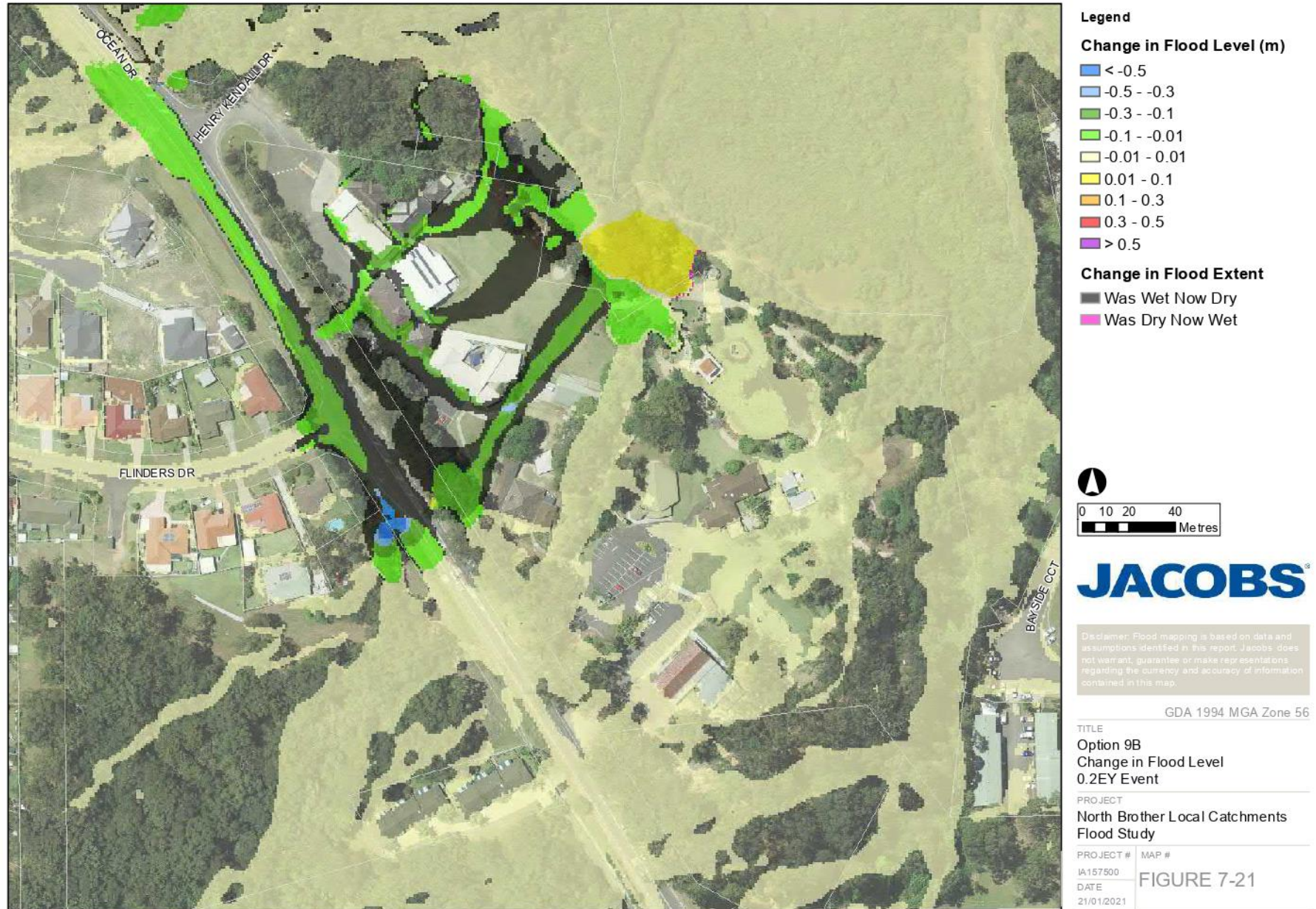
Flood impact maps, showing the change in flood levels, are presented on Figure 7-21 to Figure 7-23 for the 0.2EY, 5% and 1% AEP events, respectively. The hydraulic performance of Option 9B is summarised in Table 7-8.

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Table 7-8 Hydraulic performance of Options 9B

Event AEP	Changes in flood conditions
0.2EY	<ul style="list-style-type: none"> Maximum decreases of -0.2 to -0.3m in the middle flow path and adjacent buildings through the school, with substantial reductions in flood extent Decrease of up -0.2m around school office and adjacent buildings, with substantial reduction in flood extents Reductions in flood depths on Ocean Drive around Flinders Drive of up to -0.2m. reductions in flood levels/depths around Ocean Drive culvert crossing (middle flow path) of up to -0.3m with substantial reduction in flood extents Reductions from high-very high hazard (up to H5) in the middle flow path in the existing case including on walkways, down to all low hazard (H1) in mitigation case Reductions from localised high hazard (up to H4) around the school office in the existing case including on walkways, down to low hazard (H1, some localised H2) in mitigation case.
5% AEP	<ul style="list-style-type: none"> Maximum decreases of -0.2 to -0.3m in the middle flow path and adjacent buildings through the school, with substantial reductions in flood extent Decrease of up -0.2m around school office and adjacent buildings, with substantial reduction in flood extents Reductions in flood depths of -0.1 to -0.2m. on Ocean Drive around Flinders Drive and reductions of up to -0.3m at culvert crossing Reductions from high-very high hazard (up to H5) in the middle flow path in the existing case including on walkways, down to all low hazard (H1) in mitigation case Reductions from localised high hazard (up to H4) around the school office in the existing case including on walkways, down to low hazard (H1, some localised H2) in mitigation case.
1% AEP	<ul style="list-style-type: none"> Maximum decreases of -0.2 to -0.3m in the middle flow path and adjacent buildings through the school, with substantial reductions in flood extent Decrease of up -0.2m around school office and adjacent buildings, with some reduction in flood extents Reductions in flood depths on Ocean Drive around Flinders Drive of -0.1 to -0.2m. reductions in flood levels/depths around Ocean Drive culvert crossing (middle flow path) of up to -0.3m with substantial reduction in flood extents Reductions from very high hazard (H5) in the middle flow path in the existing case including on walkways, down to mostly low hazard (H1-H2) in mitigation case Reductions from high-very high hazard (H4-H5) around the school office in the existing case including on walkways, down to mostly low hazard (H1-H2, some localised H3-H4) in mitigation case.
1% AEP plus climate change	Similar performance to the 1% AEP event, in terms of reductions in flood levels in mitigated versus existing development case (with climate change). No reduction in performance due to sea level rise.







Draft Floodplain Risk Management Study and Plan**7.3.5.3 Consultation and selection of preferred option**

St Joseph's School was consulted during the options assessment process, and advised that Option 9B was their preferred option in order to maintain the existing landscaped channel at Option 9A location. This, combined with the better hydraulic performance of Option 9B meant that it was selected for costing and multi-criteria assessment. Option 9A is not considered further in this study.

7.3.6 Property flood benefits and impacts from proposed options

An assessment of the benefits and impacts of the selected flood modification options tested was conducted, which included a count of individual properties where above-floor flooding was removed as a result of the option, and where new above-floor flooding was resultant from the options. Refer to Table 7-9 for the summarised results.

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Table 7-9 Change in numbers of floor and property flooding from mitigation options

Description	Residential								Commercial/Non-residential							
	Floor flooding				Property flooding				Floor flooding				Property flooding			
	1%	2%	5%	20%	1%	2%	5%	20%	1%	2%	5%	20%	1%	2%	5%	20%
Option 4B	19	15	9	7	23	20	17	16	0	0	0	0	0	0	0	0
Option 6A	19	4	4	1	6	6	4	2	0	1	0	1	0	1	0	1
Option 6B-E	34	17	16	9	29	35	28	23	2	4	4	2	2	4	4	2
Option 9A	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Option 9B	0	0	0	0	0	0	0	0	2	3	3	2	2	3	3	2
Option 8B	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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7.3.7 Other Options Considered

- A range of other potential mitigation options were identified for other flooding areas within the study area, but were ultimately excluded based on initial assessment of the nature of flooding issues, likely improvements to flooding from the options and consideration of key opportunities and constraints. Options selection was undertaken in consultation with the floodplain advisory sub-committee.
- Flood retarding basins (also called detention basins) are basin features which are usually formed by construction of an earth embankment or a retaining wall at the downstream end of the basin to store floodwaters, releasing them at a slower rate to reduce peak flows and hence flood levels and depths downstream of the basin. Flood depths in the basin area increase from the existing case as a result, hence detention basins are typically constructed in open space areas where an increase in flooding may be tolerable. Parks, reserves and sports fields which are located on drainage paths are often utilised as basin sites. There are no suitable sites identified in the study area. Additionally, development is generally situated away from main flow paths and watercourses on which detention basins may offer hydraulic benefits. The dispersed nature of predominantly overland flooding in the study area is not readily managed by detention basins.
- On-site stormwater detention (OSD) systems are generally installed on new development areas to offset the impacts of increased impervious areas on the property and resultant increased peak flows during storm events. Similar to detention basins, OSD systems temporarily store site runoff and release flows at a slower rate generally to maintain existing peak flow rates. They are typically not used to manage existing flooding issues and it is impractical to retrofit OSD systems on existing developments.
- Raising of Ocean Drive and other roads to improve flood access was not considered as a feasible option. Raising of the roads would typically result in flood impacts to upstream properties and would require a concurrent upgrade of cross drainage culverts. Given the numerous locations where Ocean Drive is flood-affected, the magnitude of flood flows and required size of upgraded culverts and space and property constraints downstream, this option was not considered further.
- Levees: Levee embankments are often placed around whole neighbourhoods or towns to protect them from more widespread riverine flooding. The terrain and nature of overland flooding in the North Brother study area is such that a levee structure would protect only a few dwellings, and would potentially redirect flow onto adjacent properties outside the levee resulting in flooding impacts. The issue of internal drainage inside the area protected by the levee would also need to be addressed. This option therefore was not considered further. A levee implemented for the purpose of protection from riverine flooding would not improve overland flooding, and could actually worsen overland flood conditions by reducing outflow from drainage low points.

7.4 Evaluation of Options

7.4.1 Cost-Benefit Analysis

Table 7-10 summarises the options assessment including likely constraints, hydraulic performance (changes to flooding conditions as estimated in the hydraulic model), savings in flood damages, cost of works and economic appraisal. The flood damages are presented in terms of the reduction in Net Present Value (NPV) of the damages from the base case to the mitigation case. The NPV was calculated by discounting the value of the AAD during each successive year after the present year for the design life of the proposed mitigation measures. A design life of 50 years and a discount rate of 7% are assumed. The flood damages calculations are based on OEH (2016b) guidelines.

The difference in the NPV of flood damages is the theoretical savings in flood damages which can be achieved by a particular mitigation option, over the design life of the option. Comparison of this saving in NPV to the cost of the mitigation option provides a basis for evaluating the economic feasibility of an option, whereby the reduction in NPV ("Benefit") are divided by the capital cost ("Cost"). A benefit-cost ratio greater than 1.0 would indicate that the capital cost of the works would be less than the savings in flood damages over the life of the works, and vice-versa for a ratio less than 1.0.

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For the flood damage assessment, the PMF was assumed not be changed by the mitigation options given the magnitude of the flood event. The AAD is not sensitive to this assessment given the rarity of the PMF event. The flood damages also only consider overland flooding and do not account for damages due to peak mainstream flooding.

Costings for all options cover the basic design and construction costs and are based on preliminary services and utilities information (Dial Before You Dig) and do not include the cost for physically locating existing underground services and utilities.

7.4.2 Multi-Criteria Analysis

The options evaluation is based on a scoring system, with scores from -3 (strongly negative) to +3 (strongly positive) with 0 being a neutral score, for a range of aspects and issues relating to implementation of the mitigation options. The scoring system matrix is shown on Table 7-11.

A summary evaluation table of the mitigation options is presented in Table 7-12. Each option is given a relative rating for each criterion and is given a total score for further consideration by Council.

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Table 7-10 Summary of assessed flood modification options performance

Option	Location	Description	Constraints and Impacts Plus other comments	Hydraulic Benefits (1% AEP event unless otherwise noted) <i>And Negative Impacts if Any</i>	Savings in Flood Damages (50 years life, 7% Discount Factor)	Cost of Works	Benefit Cost Ratio
4B	Koonwarra Street to Pelican Court, West Haven	<ul style="list-style-type: none"> New additional trunk drainage line 2x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, cross Ocean Drive and run under The Gateway. Inlet debris trap basin required. Reprofile grassed verge of access road stub to increase surface outflow capacity from Pelican Court sag 	<ul style="list-style-type: none"> Existing underground utilities in Ocean Drive and The Gateway (Telstra, Optus, NBN, power, stormwater). Substantial number of trees in western verge of The Gateway, require removal if running new trunk drainage in the verge. Limited space to widen existing channel running through Captain Cook Bicentennial Drive villas and then turning at Ocean Drive. Presence of existing driveway crossing over channel into Ocean Drive property. Existing power pole on Ocean Drive likely to require relocation Minimal space for rock debris trap at new trunk drainage inlet structure. Requires more detailed site assessment for potential rock debris loads. Works would be within/ in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development. 	<ul style="list-style-type: none"> Pelican Court – flood levels reduced by up to 0.5m in roadway and alleyway. Reductions on properties typically to -0.1m, up to -0.4m on 12 properties. Ocean Drive property - flood levels reduced by -0.5m Reduced flood hazard on Ocean Drive from up to H5 to H2. Note that road may be cut-off in other locations. Reduced extent of H3-H5 hazard in Pelican Court. 0.2EY event: Reduced flood hazard from H5 to H1-H2 in Pelican Court, some H3 in alleyway Number of above-floor flooded properties reduced by 19 in the 1% AEP event. <p>Option 4B reduces flood levels and hazard on Ocean Drive and Pelican Court including up to 20 dwellings.</p>	\$4,840,000	\$2,787,000	1.74
6A	Tunis Street Overland Flow Path, Laurieton	Construct/raise berm between the natural flow path and the diversion channel above Blackbutt Crescent to reduce overflows into the diversion channel	<ul style="list-style-type: none"> Works fully within national park area, likely requiring removal of a large number of trees for the proposed bund in addition to site access for construction plants. The option will be constructed on a natural berm which appears to be formed from flood-flow deposits of rock rubble and other material. Geotechnical conditions may be challenging. Periodic maintenance of the proposed bund would be required. An access road would need to be maintained. Works would be within/ in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development. 	<ul style="list-style-type: none"> Reductions in flood levels of -0.05 to -0.2m on Gow Place properties and Laurieton retirement village villas, some localised areas greater than -0.02m. Reductions of -0.1m at Laurieton retirement village main facility. Localised reductions of up to -0.4m on Peach Grove properties. One property experiences minor increases of less than +0.02m. Minor reductions of up to -0.06m on residential and commercial properties on and to the east of Ocean Drive. Number of above-floor flooded properties reduced by 19 (residential) in the 1% AEP event. <i>Widespread increases of +0.03 to +0.07m on St Josephs School grounds. Given that this option results in worsening of flooding on an existing flood problem area, this option should be considered for exclusion.</i> 	\$2,265,000 net	\$226,000	10.02

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Option	Location	Description	Constraints and Impacts Plus other comments	Hydraulic Benefits (1% AEP event unless otherwise noted) And Negative Impacts if Any	Savings in Flood Damages (50 years life, 7% Discount Factor)	Cost of Works	Benefit Cost Ratio
6B+6C +6D+ 6E	Tunis Street Overland Flow Path, Laurieton	<ul style="list-style-type: none"> Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation Construct new diversion channel behind Peach Grove properties north of Tunis Street Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m). Inlet debris trap basin required. Upgrade and extend drainage in Gow Place to 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line. 	<ul style="list-style-type: none"> Works would need to be undertaken in part in the national park. Upgraded diversion channels are to be grassed and require maintenance to limit vegetation growth. Close proximity to existing buildings likely to have shallow foundations. Wide construction footprint for trenching likely to take up most of road corridor. Appropriate traffic diversions would be required. Vibration due to construction activities may be a concern. Acid sulphate soils in this location. Numerous existing underground utilities (Telstra, Optus, NBN, power, stormwater) under Tunis Street and adjoining streets. Approximately 10 crossings of the utilities are identified and would need to be protected. It is assumed that the existing utilities are at sufficiently shallow depth to enable the new trunk drainage to be laid beneath. Design and construction will need to minimise traffic impacts including delivery truck access to Coles Supermarket loading dock. Costing is based on assumed trenched construction to reduce costs but there would be higher traffic disruptions. Pipe jacking of a section of the works could be considered to reduce traffic disruption, but construction costs are estimated to double. A rock debris trap/basin would need to be constructed at the trunk drainage inlet to reduce the inlet blockage risk. Works would be within/ in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development. 	<ul style="list-style-type: none"> Reductions in flood levels of up to -0.4m on Gow Place properties and Laurieton retirement village villas, including some reductions in flood extent. Reductions in flood levels of up to -0.5m on Peach Grove and Blackbutt Crescent properties including reductions in flood extent. Some localised reductions of up to -0.7m. Reductions of -0.1 to -0.2m on residential and commercial properties on and to the east of Ocean Drive. Removal of areas of very high hazard (up to H5) in road and on properties between Blackbutt Crescent/Peach Grove and to the east of Kew Road/Bold Street. Climate change scenario: the option generally has similar performance to 1% AEP, in terms of reductions in flood levels. Slight reduction in performance due to sea level rise in low elevation areas below 3m AHD, where the reductions fall from -0.07m in the current climate case to -0.01m in the climate change scenario. Number of above-floor flooded properties reduced by 36 in the 1% AEP event (34 residential, 2 commercial). 	\$15,680,000	\$12,043,000	1.30

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Option	Location	Description	Constraints and Impacts Plus other comments	Hydraulic Benefits (1% AEP event unless otherwise noted) And Negative Impacts if Any	Savings in Flood Damages (50 years life, 7% Discount Factor, with 0.5m protection level)	Cost of Works	Benefit Cost Ratio
8B	Lake Street at Seymour Street, Laurieton	Install debris control structure at existing or proposed upgraded culvert inlet	<ul style="list-style-type: none"> Works would be within/ in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development. Inspection and maintenance after storm events required to increase reliability 	<ul style="list-style-type: none"> Reductions of -0.1m on private property dwelling and Laurieton United Services Club side entrance. Reductions of up to -0.1m on Lake Street. Minor localised increases of less than 0.02m on some private properties due to reduced drainage capacity of local stormwater drainage branches. 	\$8,000	\$21,000	0.40
9B	St Joseph's School, Laurieton	Install 2x 3m x 1.2m box culvert in the middle flow path, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required	<ul style="list-style-type: none"> Minimum clearance between buildings and other features is 16m Existing buildings are single storey and are likely to have shallow foundations. One building believed to be around 120 years old. Vibration due to construction activities can be a concern and a detailed structural inspection of the existing buildings should be conducted to assess if some areas of the existing buildings are more susceptible to such vibration. The final alignment of the proposed culvert can then be chosen to avoid these vibration sensitive zones. Sediments may be mildly contaminated and high acid-sulphate. Existing drainage need to be surveyed and coordinated with the design of the modified open channel. Reconstruction of existing driveway required. Existing utilities along Ocean Drive (Optus, Telstra, NBN, power). Sensitive habitats downstream. Possible localised impacts from expanded channel draining to Stingray Creek. Works would be within/ in the vicinity of CM SEPP Coastal Wetlands and may require approval under Part 4 of the EP&A Act 1979 as designated development. 	<ul style="list-style-type: none"> Maximum decreases of -0.2 to -0.3m in the middle flow path and adjacent buildings through the school, with substantial reductions in flood extent Decrease of up -0.2m around school office and adjacent buildings, with some reduction in flood extents Reductions in flood depths on Ocean Drive around Flinders Drive of -0.1 to -0.2m. Reductions in flood levels/depths around Ocean Drive culvert crossing (middle flow path) of up to -0.3m with substantial reduction in flood extents Reductions from H5 hazard in the middle flow path in the existing case including on walkways, down to mostly H1-H2 Reductions from H4-H5 hazard around the school office in the existing case including on walkways, down to mostly H1-H2 hazard, some localised H3-H4 in mitigation case. Reductions from H4 down to H1-H2 in up to 5% AEP event. 	\$500,000	\$2,471,000	0.18

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Table 7-11 Options scoring system matrix

Aspect	Score						
	-3	-2	-1	0	1	2	3
	Negative			Neutral	Positive		
Impact on Flood Behaviour	> 100mm increase	50 – 100mm increase	< 50mm increase	Neutral, or benefits countered by negative impacts	< 50mm decrease	50 – 100mm decrease	> 100mm decrease
Number of Properties Benefited	>5 properties negatively impacted	2-5 properties negatively impacted	< 2 properties negatively impacted	Neutral, or benefits countered by negative impacts	< 2 properties benefitted	2-5 benefitted	>5 properties benefitted
Technical Feasibility	Significant issues (unproven, high risk)	Some issues (complex, some difficulty)	Minor issues	Neutral	Moderately straightforward	Straightforward	No issues (proven, well established, no risk)
Economic Merit (benefit/cost ratio)	Very low (0-0.4)	Low (0.4-0.6)	Slightly low (0.6-0.8)	Neutral (0.8-1.2)	Slightly high (1.2-1.5)	High (1.5-2)	Very high (>2)
Financial Feasibility (funding, Government assistance & grants)	Very unlikely to receive funding	-	Unlikely to receive funding	Neutral	Likely to receive funding	-	Very likely to receive funding
Environmental and Ecological Benefits	Significant disbenefits	Some disbenefits	Minor disbenefits	Neutral	Minor benefits	Some benefits	Significant benefits
Impact on Risk to Life	Significant increase in risk to life	Some increase in risk to life	Minor increase in risk to life	Neutral	Minor decrease in risk to life	Some decrease in risk to life	Significant decrease in risk to life
Impacts on SES	Significant disbenefit to SES	-	Some disbenefit to SES	Neutral	Some benefit to SES	-	Significant benefit to SES
Long-term Performance (design life & climate change)	Very low	-	Low	Neutral	High	-	Very high
Legislative & Permissibility Requirements (including political & administrative)	Significant issues affecting implementation	-	Some issues affecting implementation	Minor issues affecting implementation	Negligible issues affecting implementation	-	No issues affecting implementation
Social Impact / Community Acceptance	Large majority against	Most against	Some against	Neutral	Some for	Most for	Large majority for

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Table 7-12 Evaluation of Options

Option	Impact on Flood Behaviour	Number of Properties Benefited	Technical Feasibility	Economic Merit (benefit/cost ratio)	Financial Feasibility (cost, funding, Government assistance & grants)	Environmental and Ecological Benefits	Impact on Risk to Life	Impacts on SES	Long-term Performance (design life & climate change)	Legislative & Permissibility Requirements (including political & administrative)	Social Impact / Community Acceptance	Total score	Rank
4B	3	3	-1	2	1	0	2	1	3	0	2	16	2
6A	1 net	3	1	3	0	-2	1	1	-1	-3	-1	3	5
6B – 6E	3	3	-2	1	-2	0	3	3	1	-1	2	11	3
8B	2	0	3	-2	2	0	1	0	3	0	0	9	4
9B	3	2	-1	-3	1	0	3	3	3	3	3	17	1

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7.4.3 Conclusions on Options Evaluation

Five flood modification options were assessed based on hydraulic performance, ability to reduce flood risk to life, economic merit (benefit-cost ratio (BCR)) and overall financial feasibility, in addition to other criteria. While each option may have low scoring in some aspects such as economic merit or financial feasibility, their evaluation score is elevated by high performance in other aspects. Conversely, options may be scored down due to significant constraints which may make their implementation unjustified. Discussion on each of the options in order of ranking is provided below.

- 1) Option 9B: Although ranking very low on economic merit due to low reduction in flood damages to St Josephs School buildings relative to implementation cost, the scoring for this option is significantly increased by high reductions in flood levels and flood hazard, and the resultant reduced risk to safety of a vulnerable cohort of the population (i.e. primary school children) and increased benefits to emergency management. High score for perceived community support due to improved flooding conditions at a primary school. Although there are expected to be minor technical challenges in construction, the cost of implementation is perceived to be moderately achievable. A **High** priority for implementation is recommended.
- 2) Option 4B: Generally good scores across all evaluation criteria, including for reductions in flooding, flood hazard flood damages, high economic merit, reduced risk to life due to reduced hazard, and moderately high community support, based on relatively high number of properties benefitting in this known flood problem area. Although there are expected to be minor technical challenges in construction, the cost of implementation is perceived to be moderately achievable. A **High** priority for implementation is recommended.
- 3) Option 6B-6E: High scoring for high improvements to flooding, very high numbers of properties benefitting (up to 34 residential buildings with floor flooding removed, refer Table 7-9), positive economic merit and benefits to risk to life and SES/emergency management. Moderately low score for technical challenges due to significant length of trunk drainage to be constructed through Laurieton CBD, resultant high cost of implementation and potential challenges obtaining full funding. Moderately high score for community support – although high numbers of residential and commercial properties are benefitted, some objection could be encountered due to the disruptions to certain businesses and to road users during construction. Below neutral score for legislative issues, as environmental approvals and Review of Environmental Factors may be required. Based on these factors, a **Medium** priority for implementation is recommended, which would include a more detailed feasibility study.
- 4) Option 8B: Moderately high score for reduction in flood levels, however, these are mainly restricted to the Lake Street crossing, with no properties significantly benefitting. Low economic benefit score due to low reduction in flood damages, but moderately positive scores for low cost, ease of implementation and reduced risk of culvert blockage resulting in reduced flows over the road and reduced risk to traffic. Based on these factors, a **Medium** priority for implementation is recommended.
- 5) Option 6A: Although this option provides high flood benefits to a large number of properties and high economic merit, it worsens flooding in a known problem area at St Josephs School. Further, significant works are required within Dooragan National Park including clearing of large area of vegetation for construction of a flow diversion berm and maintenance access road. Ongoing inspection and maintenance to the berm is expected to ensure structural stability following storm events. Approvals from NPWS and other agencies may be challenging to obtain and there may be community objection to vegetation impacts. Based on these factors, a low score is obtained and **this option is not recommended for further consideration.**

These options are included in the Draft Floodplain Risk Management Plan as appropriate. It is recommended that Council and the committee consider and provide agreement on the scoring of options prior to finalisation of the Draft Floodplain Risk Management Plan.

8. Non-Structural Measures

8.1 Property Modification Measures

8.1.1 Voluntary Purchase of High Hazard Properties

Voluntary purchase (VP) of high flood hazard properties may be considered in order to eliminate the potentially high risk of loss of life and damage to property from these areas by physically removing the dwellings at risk to hazardous flood conditions.

OEH (now DPIE) has prepared Guidelines for Voluntary Purchase Schemes (OEH, 2013b). This describes the eligibility criteria for NSW Government funding for VP schemes, which include:

- no other feasible flood risk management options are available to address the risk to life at the property;
- residential properties and not commercial and industrial properties;
- buildings were approved and constructed prior to 1986;
- properties are located either 1) within high hazard areas where there is a significant risk to life for occupants and those who may have to evacuate or rescue them, 2) within a floodway where the removal of the house may be part of a floodway clearance program aimed to reduce the significant impacts caused by the existing development on flood behaviour elsewhere in the floodplain, or 3) within the footprint of a proposed flood mitigation measure or where a flood mitigation measure may result in a significant increase in flood risk to a house that cannot be protected.

In total, there are 19 residential properties affected by very high hazard flooding, considered as being H5 rating or higher (refer Section 5.1.3 for description of flood hazard rating), in the 1% AEP event which may be eligible for voluntary purchase. This excludes any villas, units or strata buildings. There are limits to the funding available for a voluntary purchase program and additional eligibility criteria may apply. Feasibility of a voluntary purchase program may be limited by the relatively high property prices in the study area. Note that the flood risk at about five of the 19 properties could be reduced if the proposed flood modification works are implemented.

Two high flood hazard properties have been nominated for voluntary purchase in order to form a floodway to relieve flooding in Koonwarra Street and Pelican Court, however, consultation with the residents indicated that they did not wish to participate in the voluntary purchase program.

Although the high costs of property acquisition and potentially low community interest may be impediments to a voluntary house purchase scheme, it needs to be considered as a measure to address the existing flood risk posed to the 19 existing residential properties which are subject to very high hazard flooding.

Recommendation

Council should consider a feasibility study to better assess the community appetite (particularly residents of the affected properties), opportunities and constraints for potential implementation of a voluntary purchase scheme.

8.1.2 Voluntary House Raising

Voluntary house raising (VHR) has long been a traditional response to flooding in New South Wales, as demonstrated by the number of raised houses in frequently flooded urban areas such as Lismore and Fairfield (Floodplain Development Manual, 2005). There are advantages associated with house raising which are noted as follows (Frost and Rice, 2003).

- A reduction of flood damages due to personal items being stored above the nominated flood level
- A reduction in danger to personal safety and a reduction in the cost of potentially needing to evacuate residents
- Potentially cost-effective alternative to voluntary purchase, with positive social outcomes (i.e. home owners who have strong sentimental value on their properties can remain in the same location).

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Some of the disadvantages include:

- Residents' concern over security and privacy due to an open, exposed ground floor
- Accessibility issues for the elderly or people with a disability
- Following raising, residents may develop a false sense of security from impacts. This can result in a belief that they will not be impacted by flooding or reluctance to evacuate when required.
- Over time and when flooding has not occurred, residents may be inclined to utilise the ground floor and converting it to a habitable area.

OEH (now DPIE) has prepared *Guidelines for Voluntary House Raising Schemes* (OEH, 2013a). This describes the eligibility criteria for NSW Government funding of VHR schemes including:

- not located in floodways;
- limited to areas of low flood hazard;
- the suitability of individual houses for raising;
- residential properties and not commercial and industrial properties;
- buildings were approved and constructed prior to 1986;
- properties cannot be benefiting substantially from other floodplain mitigation measures;
- VHR should generally return a positive net benefit in damage reduction relative to its cost (benefit–cost ratio greater than 1).

Inclusion of a property in a voluntary house raising scheme places no obligation on the owner to sell the property or on the council or NSW Government to fund the purchase of the property. Owner participation in the scheme is voluntary and there are limitations on the availability of funding.

Whilst house raising can be considered for a range of building types, it is easiest and cheapest for timber-framed houses clad with non-masonry materials. A large proportion of houses in the study area which area flood-affected are of single or double brick construction which are considered costly and impractical for raising.

Due to the factors outline above, house raising is not considered feasible as a mitigation measure for dwellings within the study area.

8.1.3 Planning and development controls

8.1.3.1 General

Land use planning and development controls are an essential element in managing flood risk and the most effective way of ensuring future flood risk is managed appropriately. Planning controls including flood planning levels, flood related development control plans and restrictions on permissible types of development in different parts of the floodplain are recommended to ensure that development in the study area occurs in an appropriate manner in relation to flooding.

8.1.3.2 Amendments to LEP

The *Port Macquarie Hastings Local Environmental Plan 2011* (LEP 2011) provides land use controls for the LGA and has been developed to be consistent with the FDM. Part 7.3 of the LEP 2011 contains clauses on flood planning. The LEP includes mapping of known flood liable lands, where there are flood studies completed for those areas. It currently does not include the overland flood areas of the North Brother local catchments.

While the LEP does require consideration of the compatibility of development to the "flood hazard of the land", it only makes reference to the flood liable lands and flood planning area. It does not make reference to the actual flood hazard rating, that being governed by flood depth, velocity and/or velocity-depth product, or to the hydraulic category of the floodplain (floodway, flood storage etc.).

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**Recommendation**

The following updates to LEP 2011 and the Section 10.7 certificates are recommended:

- Amendment of LEP 2011 to include the North Brother local catchments flood mapping on the LEP Flood Planning Map. The current flood prone land mapping and flood planning area mapping does not include this study area.
- The Section 10.7 certificates are recommended to provide flood information for properties such as flood levels and flood planning levels across the lot, in addition to the flood hazard and hydraulic categories present on each lot.

8.1.3.3 Amendments to Flood Policy and new Overland Flood Policy

As discussed in Section 3.3.4, Council's Flood Policy (2015) includes development controls which are mainly geared towards mainstream flooding. There are a number of controls which are not applicable or are not compatible with overland flooding. Amendment to the Flood Policy was not considered practical to incorporate conditions for overland flooding as it would affect the readability of the document. Hence, it is recommended that Council prepare a new Overland Flood Policy to define appropriate flood planning and development controls for areas identified as being affected by overland flooding, allowing more flexibility for Council to prescribe the appropriate flood planning controls. This arrangement is not dissimilar to the provision of separate Development Control Plans (DCPs) for different locations to administer varied development controls which are appropriate for that location.

The Overland Flood Policy would be largely based on the Flood Policy, with incompatible development controls omitted, such as those related to reliable site access for new residential developments and minimum areas above the FPL2 for property adjustments. The Overland Flood Policy would apply to areas where an overland flow study has been adopted (e.g. North Brother study area) and other areas as deemed appropriate by Council. Reference to the mapped areas of Overland Floodway, Overland Flood Storage and Overland Flood Fringe and the overland flood planning level areas (FPL1 – FPL4) should be made as appropriate. These areas have been mapped as a part of the study.

The Overland Flood Policy should make reference to the (mainstream) Flood Policy, as the development conditions based on mainstream flooding may take precedence over the overland flood development conditions for areas where the mainstream flooding is dominant. Similarly, the Flood Policy should be updated to reference the Overland Flood Policy and for users to check whether the Overland Flood Policy applies to their property.

In regard to overland floodway areas, as these may be relatively localised on a property, provision in the Overland Flood Policy may be appropriate allowing development on the existing floodway area so long as a property flood study is undertaken to demonstrate that the floodway can be safely relocated/redirected without adverse impact to adjacent properties and that the proposed development can be adequately designed for the hydraulic conditions.

Proposed amendments to the Flood Policy and inclusions in the Overland Flood Policy are outlined below.

Comments and Recommendations

- A new Overland Flood Policy is recommended to be developed to provide greater flexibility for Council to administer development controls which are better tailored for areas affected by overland flooding only. The Overland Flood Policy would apply to areas where an overland flood study has been adopted, and any other areas deemed applicable by Council. The flood mapping prepared in this North Brother Local Catchments Flood Study should be referenced by the Overland Flood Policy as appropriate.
- The Flood Policy should be updated to reference the Overland Flood Policy.
- Both flood policies should state that both the mainstream and overland flooding conditions need to be considered for development and re-development of properties.

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- Consider allowing relocation of overland floodway as part of a development application, with the requirement that a property flood study is prepared that demonstrates that relocation can be done in a safe and adequate manner.
- Design flood events are referred to in the Flood Policy in terms of Average Recurrence Interval (ARI) which is not in line with current floodplain management best practice of referring to events by Annual Exceedance Probability (AEP). Update to the Flood Policy should include reference to AEP terminology and/or definitions on conversion in its glossary (i.e. 5% AEP = 20 year ARI, and 1% AEP = 100 year ARI).
- Consider incorporation of the ARR 2019 flood hazard categorisation system into the Flood Policy to reflect the current best practice in defining flood hazard conditions.
- "High flood hazard" could be considered as H3 or higher hazard (ARR 2019 hazard categories). The lower threshold for H3 hazard is similar or slightly lower than the high and transitional hazard categories in the *Floodplain Development Manual* method.

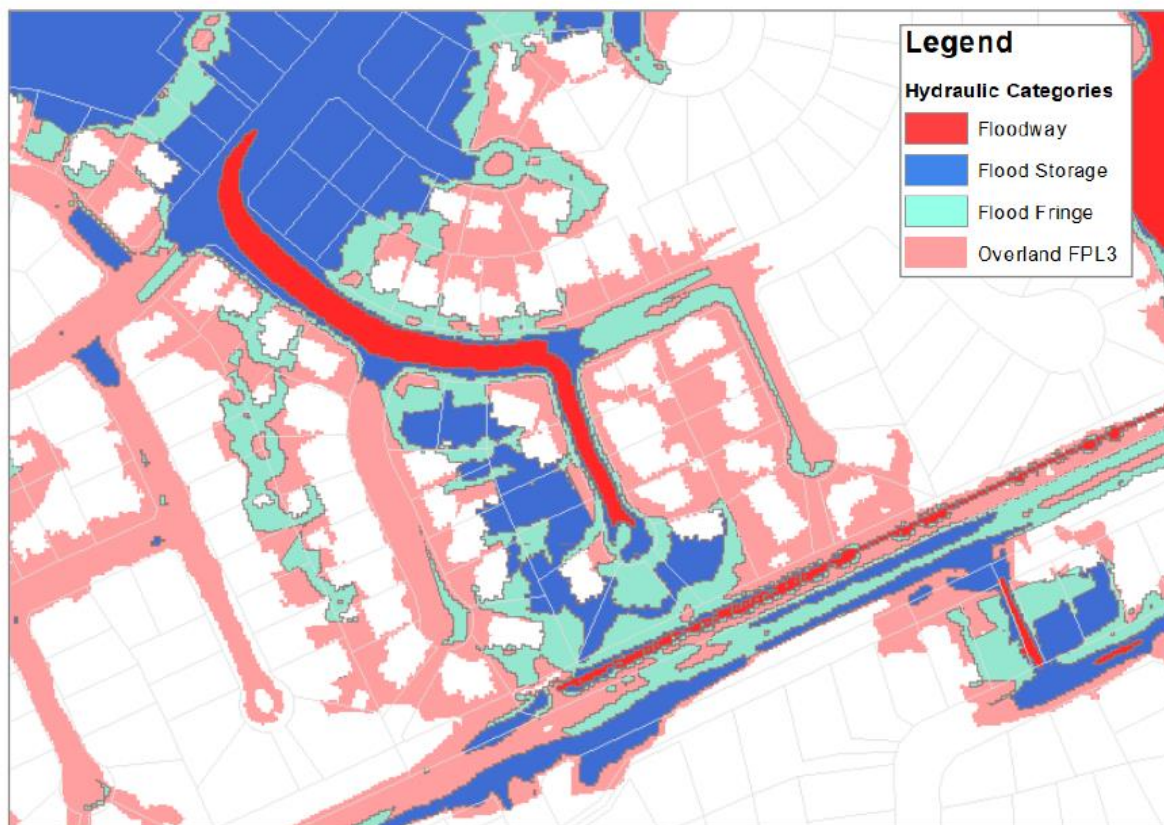
8.1.3.4 Application of Hydraulic Categories and Flood Planning Levels

The current Flood Policy requires the consideration of the overland hydraulic category mapping and the overland flood planning level mapping in determining flood development controls for proposed developments. However, some potential incompatibilities are observed. Based on the procedures in the Flood Policy, areas out to the extent of the flood fringe (up to the climate change 1% AEP extent, with filtering) would have development controls such as minimum floor levels. For residential developments, this would be set by FPL3 (climate change 1% AEP flood level plus 0.5m freeboard). However, review of the mapping indicates that the FPL3 extent is generally larger in extent than the flood fringe, due to the 0.5m freeboard. Based on the Flood Policy procedure, proposed residential development outside the flood fringe would not need to adhere to FPL3, which therefore causes a discontinuity on required floor levels for proposed buildings on either side of the FPL3 extent line. Refer to Figure 8-1, which illustrates an example area where the FPL3 extent is markedly larger than the flood fringe extent.

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Figure 8-1 Example of potential inconsistency of overland hydraulic category and overland flood planning level mapping



Potential options for consideration by Council, for the development of the Overland Flood Policy and application of development controls:

1. Keep the overland hydraulic category mapping and the overland flood planning level mapping as is, and permit the discontinuity in minimum floor levels at the flood fringe extent line.
2. Discard the hydraulic category mapping system for overland flooding, but retain the overland floodway area mapping. Given the nature of overland flooding, the overland flood storage areas are relatively shallow in depth in any case, and development of those areas (for example, by floodplain filling) are unlikely to affect floodplain storage for overland flooding in most cases. Retain the overland flood planning level mapping system (FPL1 – FPL4) and use the overland floodway mapping to define potentially unsuitable locations for development.
3. Extend the overland flood fringe area out to the FPL3 extent to capture areas where the FPL3 would apply in the initial assessment of proposed overland floodplain development.

Consultation with Council indicated that option 2 was the preferred option for administering planning controls in the proposed Overland Flood Policy. For most types of development, including residential development but excluding critical and sensitive properties, overland flood planning controls would apply to areas within the Overland FPL3 extent. There would be restrictions on development in floodway areas, similar with the mainstream Flood Policy, which would apply to 273 lot parcels where there are floodway areas on the lot. Note that these include national park, open space and other public spaces, which have not been filtered from the lot count.

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**Recommendation**

It is recommended that Council use the combination of the overland FPL1 – FPL4 mapping with the overland floodway mapping in administering planning controls in the Overland Flood Policy.

8.1.3.5 Rezoning

Rezoning could be considered where there is an incompatibility of the flood hazard or hydraulic category on the property compared to the type of land use. Section 5.4 identifies sensitive properties and critical facilities which are affected by high hazard flooding and floodway (as well as flood storage and flood fringe) areas. Unlike mainstream flooding, the high hazard and floodway areas are generally localised in the 1% AEP event. Rezoning of entire properties, especially larger premises occupied by schools, nursing homes etc. to preclude those land uses is likely to result in the suitable parts of the properties being underutilised.

Properties with larger areas of high hazard up to H5/H6 in PMF include:

- St Joseph's School
- Laurieton Retirement Village
- Stockland Camden View Retirement Village.

Rezoning of these properties in response to flood hazard in the PMF event could be considered, although many of these sensitive properties are large facilities and there is an absence of large vacant lots to which these facilities could be relocated, and relocation would be an expensive and complex exercise. Other measures and development controls may be appropriate to manage redevelopment of these properties. Therefore, rezoning of the identified affected sensitive properties and critical facilities is generally not recommended, based on the overland flood conditions presented in this study. Rezoning in response to mainstream flood conditions has not been assessed.

8.1.4 Council Redevelopment

This measure is an alternative to voluntary purchase (refer Section 8.1.1) whereby Council would still purchase high-impacted flooded properties on a voluntary basis but instead of rezoning the land, the property is redeveloped with new dwellings designed to withstand the high hazard flooding conditions on the property and resist flood damages. The intention is for the redeveloped property to be resold with a break-even financial outcome, which offsets the high property purchase costs which tend to make voluntary purchase unfeasible.

However, initial assessment identifies a number of issues with this approach:

- It would be in conflict with Council's Flood Policy in addition to other planning policies which preclude (re)development in floodway and high flood hazard areas.
- This approach may need to be fully funded by Council.
- Specialised building design and engineering would be required to withstand high to extreme hazard flood forces (H5 and H6 hazard rating) in the 1% AEP event and rarer, which adds to the cost of this option.
- This approach would not reduce the risk of flooding on the population in the PMF.
- There is a high upfront cost to be borne by Council for each redevelopment.
- There may also be probity issues in the case of Council acquiring the property, redeveloping and reselling the property.
- The generally older characteristics of the local population may mean that there is a reduced capacity for the residents of properties to move elsewhere. There may be reluctance to sell-off the properties in this regard. Conversely, however, there may be increased uptake in this option for residents who are frequently affected by flooding.

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**Recommendation**

A feasibility study by Council is recommended to determine if these issues related to Council redevelopment can be addressed to make this a viable approach. Development controls such as floor levels above the PMF for flood refuge would need to be assessed for suitability in a town planning context.

8.1.5 Flood Proofing and Flood Compatible Design of Individual Buildings

Flood compatible design refers to the design and construction of buildings with appropriate water-resistant materials such that flood damage to the building itself (structural damage) and possibly its contents, is minimised should the building be inundated. *Reducing Vulnerability of Buildings to Flood Damage* (Hawkesbury-Nepean Floodplain Management Steering Committee, 2007) provides a comprehensive discussion of the various options for building design to minimise the impact of flooding. These include structural and architectural design and building materials, in addition to design considerations such as setting of electrical equipment above flood levels to reduce risk of their damage.

Flood compatible and flood proofing design measures are prescribed for different types of development in Council's Flood Policy (2015), including the minimum elevations in the development which the flood compatible materials must reach in all parts of proposed buildings. These conditions should be included in the proposed new Overland Flood Policy.

Promotion of types of flood proofing measures should also be undertaken as a part of flood awareness and readiness improvement programs (refer Section 8.2.3).

Flood proofing of residential properties can also refer to implementing external measures such as walls or landscaping to redirect flows away from and around vulnerable parts of the house, such as doorways and other entry points. It is generally a measure that can be pursued by individual property owners in low hazard areas to prevent above floor inundation but may result in diversion of flows to neighbouring properties and resultant impacts. A flood impact assessment may be required by Council as per the Flood Policy to ensure adverse flood impacts to adjacent properties are prevented.

Recommendation

- Council to include requirements for flood compatible building materials and design in the Overland Flood Policy.
- Promotion of flood proofing measures should also be included in flood education and awareness programs.

8.2 Response Modification Measures**8.2.1 Flood Warning Systems**

The study area includes local catchments and overland flow paths where flash flooding may occur. Flash flood catchments are those defined as catchments in which less than six hours may elapse between heavy rainfall and flooding. Flash flooding usually results from relatively short intense bursts of rainfall, commonly from thunderstorms. This is problematic in urban areas where drainage systems may not cope. Flash floods tend to be quite local and it is difficult to provide effective warning because of their rapid onset. The reasons for this have been identified for flash flood catchments as follows (McKay, 2004, 2008):

- Flash floods are less predictable than larger scale flooding. Rainfall over small catchments is usually not well predicted by numerical weather prediction models
- For flash floods, there is insufficient time to develop reliable flood warnings and for effective the dissemination and response to the flood warnings. More rapid user response is required, which necessitates specialised communication systems and a high level of public flood awareness

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- A reliance on rainfall triggers increases the frequency of false alarms
- The use of water level triggers does not allow sufficient time for response.

It is not possible for BOM to issue specific predictions for flash flood catchments based on their regional rainfall gauging network. More importance is placed on the role of the SES and other agencies to interpret the regional warnings which are provided by BOM to warn the community of the potential road closures and damage as a result of predicted storms and flash floods.

Flash flood warning systems have been proposed for some catchments, such as the Avalon overland flood areas on the Northern Beaches of Sydney. However, the time to peak for critical storm events in the Avalon area is about 1 hour from the start of the storm, and about 30 minutes after peak rainfall rates in the design storm event (MHL, 2016), which offers a short warning time. The critical duration in that area for the 1% AEP event is the 2 hour event.

In contrast, although some of the lower areas in North Brother study area have a critical storm duration of up to 2 hours, the critical duration for most of the study area is generally the 30 minute duration event. Time to peak in many flow paths, especially on known problem areas further up the mountain, is in the range of 15 minutes. Due to the steepness of the local catchments the overland flooding is expected to peak almost instantaneously (5 to 10 minutes) in response to high intensity rainfall. Therefore, there would be minimal to no warning provided for many locations in the study area. Potential delays in analysis of rainfall data and subsequent dissemination of warnings via phone or text systems would further erode the warning time.

Given the issues and challenges discussed above, the development of a flash flood warning system for the study area is not recommended. Greater emphasis should be placed on the importance of flood education and awareness in the community. Local residents have a role in being able to understand how the issued weather warnings and actual occurrences of intense rainfall during a storm may translate to flooding impacts to their properties, and in addition, be aware of ways to prepare their properties to reduce flood damages and risk to life.

8.2.2 Flood Depth Signage on Roads

A number of road crossings are affected by significant flooding. Flood depth signage is recommended for key locations primarily to warn drivers of the flood hazard during a flood event and reduce occurrences of people driving into floodwaters. Flood depth signage may also act as a passive reminder to residents of the potential for flooding in their neighbourhood streets. Nominated locations are where H3 or higher flood hazard occurs in the 1% AEP event, including:

- Ocean Drive 70m east of Sirius Drive
- Ocean Drive 380m east of Fairwinds Avenue
- Ocean Drive 30m east of The Gateway
- Bold Street sag between Laurie Street and Mill Street
- Bold Street sag between Mill Street and Hanley Street.

While there are other roads affected by high hazard flooding conditions, Ocean Drive and Bold Street are higher-trafficked roads and crossed by major flow paths with a higher risk of vehicles being washed off the road.

Recommendation

It is recommended that flood depth signage be installed at key road crossings as a warning of the flood hazard during a flood event and reduce occurrences of people driving into floodwaters, in addition as a passive reminder of flooding risk.

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8.2.3 Flood Education, Awareness and Readiness

Flood education and awareness should be promoted throughout the study area. Measures may include information brochures in English and multi-lingual including promotion of NSW SES FloodSafe brochures and website (<http://www.floodsafe.com.au/>). Additionally, Council or SES may run educational workshops or distribute information sheets to help people plan and prepare for a flood.

Section 10.7 certificates issued by Council could be used to inform property owners about flood risk to their properties, where there are flood studies completed within Port Macquarie Hastings LGA.

Additionally, Council's floodplain management web page and social media could be further developed to enhance the messaging on flood risk and flood preparation, particularly in relation to overland flooding. This may include flood mapping on an interactive mapping portal on the website itself rather than links to the flood study reports and mapping, where it can be difficult for community members to navigate through often lengthy technical reports. Information on, or links to external websites (SES, floodsafe, etc), should be included for advice for residents on how to prepare for flooding.

During flood events, Council should consider listing roads which are closed to flooding (and roads recently opened as the flooding recedes) on their website and social media. This will encourage road users to find alternative routes and reduce the number of drivers encountering flooded roads and potentially driving into floodwaters. Due to the short duration of flash flooding, this measure would not be suitable most affected roads in the study area. Some roads with trapped drainage points such as Sirius Drive and Pelican Court where ponded floodwater takes longer to drain out could be considered for this measure.

A flood education and awareness program should be developed by Council which outlines and schedules various flood education methods to be implemented (e.g. brochures, news articles highlighting previous flooding, SES events, Council web pages etc.). The program should be reviewed after each significant flood event to assess the effectiveness of the program, reinvigorate flood awareness in the community and plan the roll-out of new flood information as it becomes available.

As a part of an overall flood education and awareness program for the study area, Council should consult with operators of sensitive properties and facilities to provide information on the flood risk on the property and promote the development of a flood management plan for the properties (refer to Section 8.2.5 for further details).

Recommendation

It is recommended that Council develops a flood education program to promote flood awareness and readiness in the community. Measures may include:

- Promotion of FloodSafe brochures to help residents understand the flood risk and prepare their property and personal plans for a flooding event.
- Flood depth signage on key roads affected by flooding.
- List of road closures and roads recently opened on website/social media page during flood events
- Section 10.7 certificates to inform property owners about flood risk to their properties
- Provide flood mapping on an interactive mapping portal on Council's website for easier viewing
- Promotion and support for SES information events
- Enhanced messaging on flood risk and flood preparedness on Council's floodplain management webpage particularly for overland flooding.
- Consult with operators of sensitive properties affected by high flood hazard to provide information on the flood risk and promote the development of a flood management plan for the properties.

The program should be reviewed after each significant flood event.

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**8.2.4 Improved flood evacuation response and procedures**

Flood evacuation is under the control of the NSW SES and the NSW SES needs to update the current evacuation planning based on information presented in this report, including flood depth and hazard mapping.

Recommendation

It is recommended that the NSW SES updates the current emergency planning, such as development of a Local Flood Plan or update of the EMPLAN, based on information presented in this study.

8.2.5 Development of Flood Management Plans

A flood management plan is a document which outlines and discusses the measures to help manage the flood risk on a particular property, and its occupants and visitors to the site. The purposes of the plan are:

- To address existing, future and continuing flood risks on the site;
- To promote a satisfactory awareness of expected flood behaviour and risk;
- To identify measures to become flood prepared, and
- To recommend a course of action during and after flood events.

Flood management plans can be likened to a fire evacuation plan or a bushfire emergency plan and should be tailored specifically for a particular property. It outlines procedures for prior, during and after a flood event and the roles and responsibilities, generally of facility staff, in enacting the flood management plan. It may also describe evacuation routes and refuge places.

Several facilities are affected by very high to extreme (H5, up to H6) flood hazard in the PMF. Development of a flood management plan for the facilities should be considered to manage the flood risk to occupants. Council should consult with the facility operators subject to high flood hazard as a part of an overall flood education and awareness program for the study area and promote the development of a flood management plan for the properties.

The plans would address the flood risk on the existing sites and provide procedures on monitoring of weather and resulting flooding conditions, and evacuation of occupants to flood-safe spaces on the property, such as second floor of existing buildings if adequate.

Recommendation

Council should consult with high flood risk facilities and occupants of dwellings subject to high flood hazard regarding management of flood risk on the site. Development of a flood management plan for the site should be considered by the facility operators.

9. Draft Floodplain Risk Management Plan

9.1 Purpose of the Plan

The Draft Floodplain Risk Management Plan provides input into the strategic and statutory planning roles of Councils. It provides a steering document to enable Council to effectively manage flood liable land moving forward. It also suggests an implementation plan based on priorities of floodplain risk management measures and availability of funding.

The Draft Plan, consisting of proposed floodplain risk management measures, are provided in Table 9-1 and were developed from the recommendations made in the Draft Floodplain Risk Management Study documented in the preceding sections of this report. Consultation with the community, Council and the FRMC on the recommendations and the preliminary proposed measures was undertaken. The Draft Floodplain Risk Management Plan remains as "Draft" status until such time that it is adopted by Council.

9.2 Funding and Implementation

9.2.1 Estimated Costs

The proposed works-based measures included in the Draft Plan are based on surface works and hence the cost for implementing the Draft Plan is expected to be relatively low. Costs were estimated for non-works based measures. The costs of planning, policy, administrative and organisational non-works measures are largely unknown to the consultant. The timing of the proposed works will be dependent on Council's overall budgetary commitments and the availability of funding from external sources. The Plan can be progressively implemented with an anticipated timeframe of 3-5 years for high priority options and 5-10 years for medium priority options.

9.2.2 Alternative Funding sources

There are a number of funding bodies, which Council could consider applying to for supplementary funds. The Department of Planning, Industry and Environment (DPIE) offers support to local Councils through Floodplain Management Grants. Assistance under this Program is usually \$2 from government for every \$1 from Council.

The Natural Disaster Resilience Program (NDRP) is a joint Commonwealth and State government program funded through the National Partnership Agreement on Natural Disaster Resilience. It provides funding through the Floodplain Grant Scheme (FRMGS) to address flood activities allocated through the existing Floodplain Management Program managed by DPIE (described above).

The Community Resilience Innovation Program (CRIP) is another program funded through the NDRP and supports a broad range of community-led projects designed to increase all-hazard disaster preparedness and build community capacity and resilience. Flood education and awareness programs may be eligible. Applications for funding from State or Commonwealth programs are highly competitive and the limited funds are allocated on an annual basis. Options put forward for funding assistance must be well supported and justified through demonstrated strong cost/benefit ratio and inclusion of positive environmental and social outcomes.

In addition to State and Federal Government, Council could approach other organisations (for example Transport for NSW, NSW SES) or private owners (such as property developers, where appropriate) to assist with funding of measures.

9.3 On-going Review of Plan

This Draft Floodplain Risk Management Plan should be regarded as a robust document, which requires review and amendments to be made over time. At a minimum, it is recommended that the Plan be reviewed every 10 years. In addition to scheduled reviews, the Plan should be reviewed following flood events, any change in State or Local Government legislation or alterations to funding availability. Implementation of the Plan should be monitored by the FRMC. The local community should continue to be informed of progress through Newsletters available via the Council website or displayed at Council Offices.

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Table 9-1 Draft Floodplain Risk Management Plan

ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
FM1	Option 9B St Joseph's School, Laurieton	Council. Possible co-funding contribution from School	\$2,781,000	Council maintenance costs	<ul style="list-style-type: none"> Install 2x 3m x 1.2m box culvert in the middle flow path through the School, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required 	High
FM2	Option 4B Koonwarra Street to Pelican Court, West Haven	Council	\$2,787,000	Council maintenance costs	<ul style="list-style-type: none"> New additional trunk drainage line 2x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, cross Ocean Drive and run under The Gateway. Inlet debris trap basin required. Reprofile grassed verge of access road stub to increase surface outflow capacity from Pelican Court sag 	High
FM3	Option 6B – 6E Tunis Street Overland Flow Path, Laurieton	Council	\$12,043,000	Council maintenance costs	<ul style="list-style-type: none"> Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation Construct new diversion channel behind Peach Grove properties north of Tunis Street Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m). Inlet debris trap basin required. Upgrade and extend drainage in Gow Place to 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line. Feasibility study is recommended to investigate constructability, constraints and opportunities in greater detail. 	Medium

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
FM4	Option 8B Lake Street at Seymour Street, Laurieton	Council	\$21,000	Council maintenance costs	<ul style="list-style-type: none"> Install debris control structure at existing or proposed upgraded culvert inlet 	Medium
PM1	LEP amendments	Council	Staff costs	N/A	<ul style="list-style-type: none"> Amendment of LEP 2011 to include the North Brother local catchments flood mapping on the LEP Flood Planning Map. The current flood prone land mapping and flood planning area mapping does not include this study area. Further review and refinement of the Overland Flood Planning Mapping may be undertaken by Council prior to adoption and implementation. The Section 10.7 certificates are recommended to provide flood information for properties such as flood levels and flood planning levels across the lot, in addition to the flood hazard and hydraulic categories present on each lot. 	High
PM2	Flood Policy Amendments and new Overland Flood Policy	Council	Staff costs	N/A	<ul style="list-style-type: none"> A new Overland Flood Policy is recommended to be developed to provide greater flexibility for Council to administer development controls which are better tailored for areas affected by overland flooding only. The Overland Flood Policy would apply to areas where an overland flood study has been adopted, and any other areas deemed applicable by Council. The flood mapping prepared in this North Brother Local Catchments Flood Study including Overland Hydraulic Categories mapping and FPL1 – FPL4 mapping, including should be referenced by the Overland Flood Policy as appropriate. 	High

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
					<ul style="list-style-type: none"> The Flood Policy should be updated to reference the Overland Flood Policy. Both flood policies should state that both the mainstream and overland flooding conditions need to be considered for development and re-development of properties. Design flood events are referred to in the Flood Policy in terms of Average Recurrence Interval (ARI) which is not in line with current floodplain management best practice of referring to events by Annual Exceedance Probability (AEP). Update to the Flood Policy should include reference to AEP terminology and/or definitions on conversion in its glossary (i.e. 5% AEP = 20 year ARI, and 1% AEP = 100 year ARI). Consider incorporation of the ARR 2019 flood hazard categorisation system into the Flood Policy to reflect the current best practice in defining flood hazard conditions. "High flood hazard" could be considered as H3 or higher hazard (ARR 2019 hazard categories). The lower threshold for H3 hazard is similar or slightly lower than the high and transitional hazard categories in the Floodplain Development Manual method. 	

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
PM3	Scoping study on a voluntary house purchase/ voluntary redevelopment scheme for very high flood hazard properties	Council	Staff costs	\$0K	<ul style="list-style-type: none"> Further investigation on feasibility of a voluntary purchase / voluntary redevelopment scheme for very high flood hazard (H5 rating and higher) properties. The scoping study should investigate community interest (affected residents), opportunities and constraints (funding, technical, administrative etc) Council to investigate and develop resolution of the identified policy and probity issues related to a voluntary redevelopment scheme. Voluntary redevelopment scheme is to recommend engineering and economic assessments be undertaken for flood-durable development designs to determine feasibility. Include development controls such as provision of floor levels above PMF level and flood-free emergency access for such developments. Being a voluntary scheme, current residents may not be in favour of participating. 	Low
RM1	Develop flood management plan for selected sensitive properties	Council (advocacy only), property operator (funding and implementation)	Cost to be borne by property operator	N/A	<ul style="list-style-type: none"> Council should consider consultation with operators of sensitive properties (schools, pre-schools and retirement villages) affected by high hazard flooding regarding management of flood risk on the site. Development of a flood management plan for the sites should be considered. The plans should contain procedures for monitoring weather and warnings and evacuation of occupants to flood-safe spaces within the property if possible. Emergency and evacuation procedures shall include a flood risk management procedure. 	High

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
RM2	Update of Local Flood Plan	SES	Staff costs	N/A	<ul style="list-style-type: none"> It is recommended that Port Macquarie Hastings EMPLAN be updated based on the findings of this study, including intelligence on flood behaviour, impacted and sensitive properties, affected roads etc. 	High
RM3	Development of flood education and awareness program	Council, SES	\$20K	Staff costs	<p>It is recommended that Council develops a flood education program to promote flood awareness and readiness in the community. Measures may include:</p> <ul style="list-style-type: none"> Promotion of FloodSafe brochures to help residents understand the flood risk and prepare their property and personal plans for a flooding event. Promotion of flood proofing measures should also be included in flood education and awareness programs Section 10.7 certificates to inform property owners about flood risk to their properties Provide flood mapping on an interactive mapping portal on Council's website for easier viewing Promotion and support for SES information events Enhanced messaging on flood risk on Council's floodplain management webpage. <p>The program should be reviewed on a regular (e.g. 5 yearly) basis or after each major flood event.</p>	Medium

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ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Recommended Priority Rankings
RM4	Road flood depth signage	Council	\$5K per location, five locations	\$0K	Install new flood depth signage at selected locations: <ul style="list-style-type: none"> • Ocean Drive 70m east of Sirius Drive • Ocean Drive 380m east of Fairwinds Avenue • Ocean Drive 30m east of The Gateway • Bold Street sag between Laurie Street and Mill Street • Bold Street sag between Mill Street and Hanley Street. 	High

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10. References

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11. Glossary

Annual Exceedance Probability (AEP)

The chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. In this study AEP has been used consistently to define the probability of occurrence of flooding. It is to be noted that design rainfalls used in the estimation of design floods up to and including 100 year ARI (ie. 1% AEP) events was derived from 1987 Australian Rainfall and Runoff. The following relationships between AEP and ARI applies to this study (AR&R, 2019).

Frequency Descriptor	EY	AEP (%)	AEP (1 in x)	ARI
Very frequent	12			
	6	99.75	1.002	0.17
	4	98.17	1.02	0.25
	3	95.02	1.05	0.33
	2	86.47	1.16	0.50
	1	63.2	1.58	1.00
Frequent	0.69	50.00	2	1.44
	0.5	39.35	2.54	2.00
	0.22	20.00	5	4.48
	0.2	18.13	5.52	5.00
Infrequent	0.11	10.00	10.00	9.49
	0.05	5.00	20	20.0
	0.02	2.00	50	50.0
	0.01	1.00	100	100
Rare	0.005	0.50	200	200
	0.002	0.20	500	500
	0.001	0.10	1000	1000
	0.0005	0.05	2000	2000
Extremely Rare	0.0002	0.02	5000	5000
			↓	
Extreme			PMP	

Australian Height Datum (AHD)

A common national surface level datum approximately corresponding to mean sea level.

Average Annual Damage (AAD)

Depending on its size (or severity), each flood will cause a different amount of flood damage to a flood prone area. AAD is the average damage per year that would

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occur in a nominated development situation from flooding over a very long period of time.

Average Recurrence Interval (ARI)	The long-term average number of years between the occurrences of a flood as big as or larger than the selected event. For example, floods with a discharge as great as or greater than the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.
Catchment	The land area draining through the main stream, as well as tributary streams, to a particular site. It always relates to an area above a specific location.
DRAINS	DRAINS is a computer program which is used to simulate local catchment rainfall-runoff and stormwater system hydraulics and is widely used across Australia.
Development	<p>Is defined in Part 4 of the EP&A Act</p> <p><u>In fill development</u>: refers to the development of vacant blocks of land that are generally surrounded by developed properties and is permissible under the current zoning of the land. Conditions such as minimum floor levels may be imposed on infill development.</p> <p>New development: refers to development of a completely different nature to that associated with the former land use. Eg. The urban subdivision of an area previously used for rural purposes. New developments involve re-zoning and typically require major extensions of exiting urban services, such as roads, water supply, sewerage and electric power.</p> <p>Redevelopment: refers to rebuilding in an area. Eg. As urban areas age, it may become necessary to demolish and reconstruct buildings on a relatively large scale. Redevelopment generally does not require either re-zoning or major extensions to urban services.</p>
Effective Warning Time	The time available after receiving advise of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.
Exceedances per Year (EY)	The number of times an event is likely to occur or be exceeded within any given year.
Flood	Relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunamis.
Flood fringe areas	The remaining area of flood prone land after floodway and flood storage areas have been defined.

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Flood liable land	Is synonymous with flood prone land (i.e.) land susceptibility to flooding by the PMF event. Note that the term flooding liable land covers the whole floodplain, not just that part below the FPL (see flood planning area)
Floodplain	Area of land which is subject to inundation by floods up to and including the probable maximum flood event, that is flood prone land.
Floodplain risk management options	The measures that might be feasible for the management of particular area of the floodplain. Preparation of a floodplain risk management plan requires a detailed evaluation of floodplain risk management options.
Floodplain risk management plan	A management plan developed in accordance with the principles and guidelines in this manual. Usually include both written and diagrammatic information describing how particular areas of flood prone land are to be used and managed to achieve defines objectives.
Flood plan (local)	A sub-plan of a disaster plan that deals specifically with flooding. They can exist at state, division and local levels. Local flood plans are prepared under the leadership of the SES.
Flood planning levels (FPLs)	Are the combination of flood levels (derived from significant historical flood events or floods of specific AEPs) and freeboards selected for floodplain risk management purposes, as determined in management studies and incorporated in management plans. FPLs supersede the "designated flood" or the "flood standard" used in earlier studies.
Flood proofing	A combination of measures incorporated in the design, construction and alteration of individual buildings and structures subject to flooding, to reduce or eliminate flood damages.
Flood readiness	Readiness is an ability to react within the effective warning time.
Flood risk	<p>Potential danger to personal safety and potential damage to property resulting from flooding. The degree of risk varies with circumstances across the full range of floods. Flood risk in this manual is divided into 3 types, existing, future and continuing risks. They are described below.</p> <p><u>Existing flood risk</u>: the risk a community is exposed to as a result of its location on the floodplain.</p> <p><u>Future flood risk</u>: the risk a community may be exposed to as a result of new development on the floodplain.</p> <p><u>Continuing flood risk</u>: the risk a community is exposed to after floodplain risk management measures have been implemented. For a town protected by levees, the continuing flood risk is the consequences of the levees being overtopped. For an area without any floodplain risk management measures, the continuing flood risk is simply the existence of its flood exposure.</p>
Flood storage areas	Those parts of the floodplain that are important for the temporary storage of floodwaters during passage of a flood. The extent and behaviour of flood storage areas may change with flood severity, and loss of flood storage can increase the

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severity of flood impacts by reducing natural flood attenuation. Hence, it is necessary to investigate a range of flood sizes before defining flood storage areas

Floodway areas	Those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.
Freeboard	Provides reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for the FPL is actually provided. It is a factor of safety typically used in relation to the setting of floor levels, levee crest levels, etc. Freeboard is included in the flood planning level.
Hazard	A source of potential harm or situation with a potential to cause loss. In relation to this manual the hazard is flooding which has the potential to cause damage to the community.
Local overland flooding	Inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.
m AHD	Metres Australian Height Datum (AHD)
m/s	Metres per second. Unit used to describe the velocity of floodwaters.
m ³ /s	Cubic metres per second or "cumecs". A unit of measurement of creek or river flows or discharges. It is the rate of flow of water measured in terms of volume per unit time.
Mainstream flooding	Inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam.
Modification measures	Measures that modify either the flood, the property or the response to flooding.
Overland flow path	The path that floodwaters can follow as they are conveyed towards the main flow channel or if they leave the confines of the main flow channel. Overland flow paths can occur through private property or along roads.
Probable Maximum Flood (PMF)	The largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation coupled with the worst flood producing catchment conditions. Generally, it is not physically or economically possible to provide complete protection against this event. The PMF defines the extent of flood prone land, that is, the floodplain.
Probable Maximum Precipitation (PMP)	The PMP is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to PMF estimation.
Risk	Chance of something happening that will have an impact. It is measured in terms of consequences and likelihood. In the context of the manual it is the likelihood of

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consequences arising from the interaction of floods, communities and the environment.

Runoff	The amount of rainfall which ends up as a streamflow, also known as rainfall excess.
Stage	Equivalent to water level (both measured with reference to a specified datum)
TUFLOW	TUFLOW is a computer program which is used to simulate free-surface flow for flood and tidal wave propagation. It provides coupled 1D and 2D hydraulic solutions using a powerful and robust computation. The engine has seamless interfacing with GIS and is widely used across Australia.

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Appendix A. Community Consultation



Community Bulletin No. 1 - October 2017



North Brother Local Catchments Flood Study

Port Macquarie Hastings Council is currently conducting the North Brother Local Catchments Flood Study. This Community Bulletin is the first in a series of Bulletins aimed at informing residents of the status of the project and how they can be involved in the process. Council has engaged consultants, Jacobs Group Australia, to undertake the Study.

The focus of the study is to understand the behaviour of local catchment flash flooding from North Brother Mountain and the flood risk that it poses to the community. This will assist Council to develop measures to manage the impact of flooding and guide strategic planning for future development of the area. It includes areas of the villages of Laurieton, West Haven, Lakewood, Kew and Deauville.

An integral part of the study process is community consultation and involvement. This element of the process aims to inform the community of the study and invite residents to provide information on their views and experiences with flooding in the area. The management of flood prone land is primarily the responsibility of Councils and follows a number of stages as shown below. The project is currently in the Flood Study stage, and will later move to the Floodplain Risk Management Study and Floodplain Risk Management Plan stages as the project progresses.

The Stages of Floodplain Risk Management



Objectives of the Study

The objectives of the study are to:

1. Define the overland and flash flooding behaviour in the study area. Computer flood modelling will be undertaken to do this during the current flood study stage.
2. Identify and evaluate possible flood mitigation and management measures to reduce the flood risk. These may be structural and planning measures or "response" measures.
3. Develop a staged plan for implementing these measures.



Community Survey

We are seeking feedback from the community on previous flooding events in the area and views on possible management measures via the attached survey. The results of the survey will help inform a flood study for the area, which will be placed on public exhibition in early 2018, and a subsequent floodplain risk management study. The information that you provide will improve the flood model being developed.

PAGE 1

Study Area



The Flood Problem

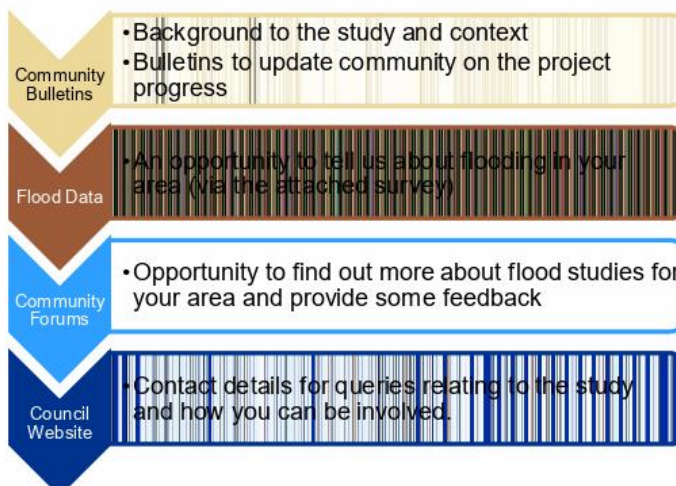
The study area typically experiences short duration flooding, which occurs when intense rainfall exceeds the capacity of the stormwater network or creek channel. In urbanised areas, this flooding has the potential to cause major damage to property and risk to life. Notable local flash flooding in the study area recently occurred in:

- April 2008
- June 2011
- March 2013
- January 2016.

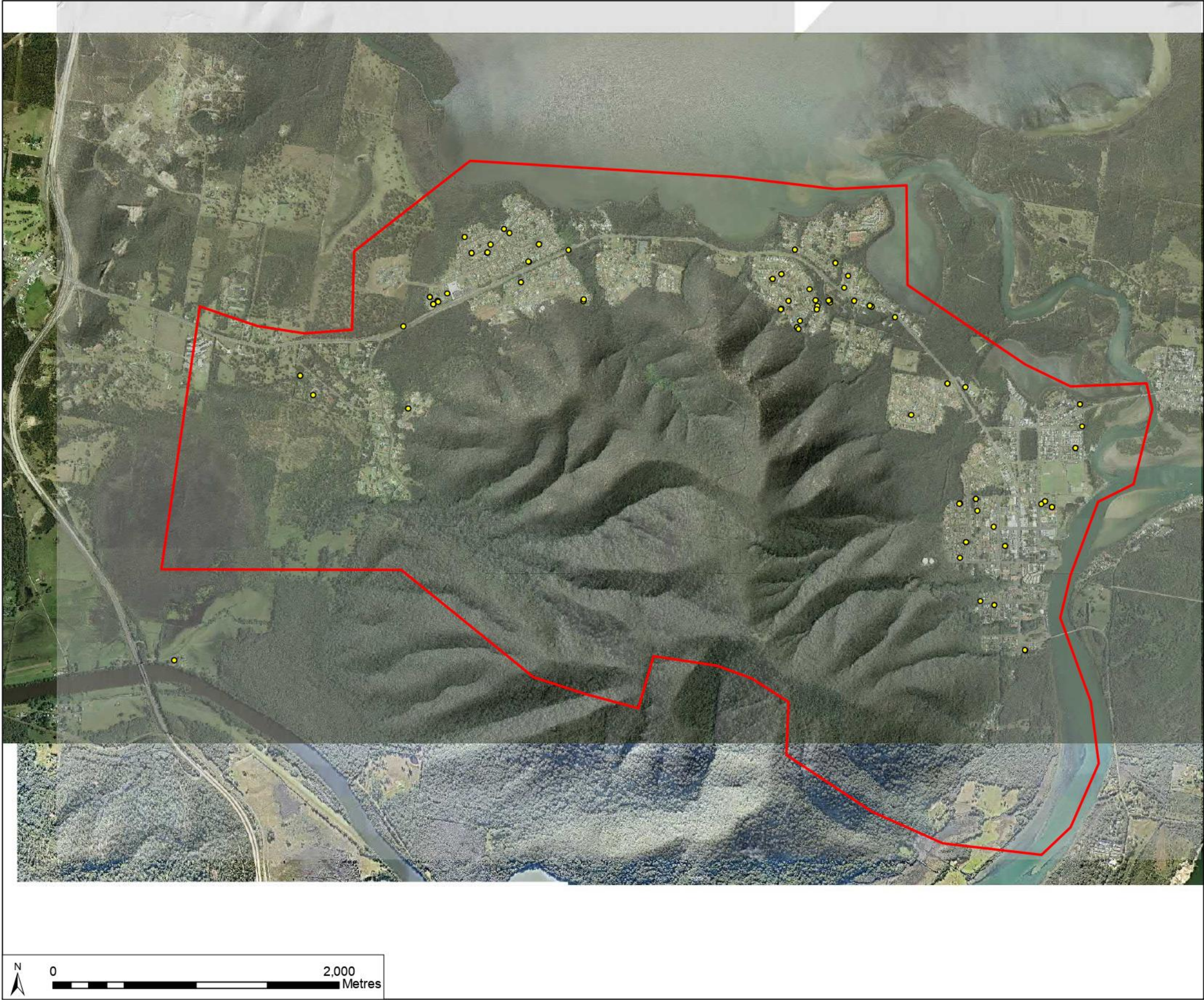
How can you get involved?

Engagement of the community in the floodplain risk management process is very important to Council. We will be providing a number of opportunities for the community to have input during the course of this study.

Some of the most important information for the study is collected from residents and local business operators. We would be very interested to receive records of flooding in your area including photographs, observations of flood depths or some comments on your experience. You can help us with this information by completing the questionnaire for your area and returning the completed community survey by 31 October 2017. The questionnaires can be found in Council's web site www.haveyoursay.pmhc.nsw.gov.au/ Port Macquarie Hastings Council appreciates your cooperation and will keep you informed with ongoing community bulletins.



For more information contact Port Macquarie Hastings Council on (02) 6581 8111 or visit haveyoursay.pmhc.nsw.gov.au



Legend

- Model Calibration and Verification Points
- ▭ Study Area

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	Calibration and Verification Points
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157500 DATE 25/06/2018	FIGURE C-1

Draft Floodplain Risk Management Study and Plan**Summary of key survey questions and responses**

* Note, not all responses have been included in this summary. Responses mentioning specific locations and addresses have been omitted for privacy reasons.

Do you live in the study area?

Response	Count	% of responses
No	15	5%
Yes	276	95%

Do you own or rent in the study area?

Response	Count	% of responses
Own and occupy	280	98%
Rent	6	2%

Do you own or manage a business in the study area?

Response	Count	% of responses
No	264	94%
Yes	17	6%

What kind of business?

Response	Count
Home based	6
Shop/ commercial premises	6
Industrial	1
Other	3

Are you aware of flooding in the Study Area?

Response	Count	% of responses
Aware	136	48%
Some knowledge	77	27%
Not aware	71	25%

When have you experienced significant flooding in the area?

Response	Count	% of responses
Not affected	142	51%
Property Flooded	43	15%
Minor Disruption (roads flooded by driveable)	69	25%
House or business flooded	17	6%
Access cut off	9	3%

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What damage resulted from this flood in your residence?

Response	Y - no rating	Minor	Moderate	Major	None or Not Aware
Damage to garden, lawns or backyard	32	28	6	3	39
Damage to external house walls	4	1	3	1	46
Damage to internal parts of house (floor, doors, walls etc)	8	6	1	4	46
Damage to possessions (fridge, television etc)	0	0	0	5	7
Damage to car				1	49
Damage to garage	11	10	3	0	46
Other	"Minor road damage" "Back sunroom was flooded" "Had to put a drain under the garden bed to the stormwater drain" "Dirt washed into pool"				
What was the cost of repairs, if any?	Covered by insurance: 4 Up to \$1000: 7 \$1000 - \$5000: 6 \$5000 - \$10000: 2 \$10000 - \$20000: 3 >\$20000: 2 (\$50K and \$70K)				

What damage resulted from this flood in your business?

Response	Y - no rating	Minor	Moderate	Major	None or Not Aware
Damage to surroundings	3	6	1	0	24
Damage to Building	3	2	0	0	25
Damage to Stock	2	1	1	0	24
Other	1	-	-	-	25

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Please rank the following development types according to what you consider should be assigned greatest priority in protecting from flooding (1 = greatest priority to 7 = least priority). Please identify specific items if necessary.

	Count							% of Responses						
Rating	1	2	3	4	5	6	7	1	2	3	4	5	6	7
Commercial	12	1	71	62	8	3	138	4%	0%	24%	21%	3%	1%	47%
Heritage items	13	1	12	24	43	76	28	7%	1%	6%	12%	22%	39%	14%
Residential	98	22	71	30	11	2	0	42%	9%	30%	13%	5%	1%	0%
Community Facilities	22	13	48	62	48	26	2	10%	6%	22%	28%	22%	12%	1%
Critical utilities	59	94	40	19	8	3	0	26%	42%	18%	9%	4%	1%	0%
Emergency Facilities	110	62	24	15	8	3	2	49%	28%	11%	7%	4%	1%	1%
Recreation areas and facilities	5	2	4	5	12	46	138	2%	1%	2%	2%	6%	22%	65%

Please rank the following by placing numbers from 1 to 6 (1 = greatest priority to 6 = least priority)

	Count						% of Responses					
Rating	1	2	3	4	5	6	1	2	3	4	5	6
A) Protecting residents/business from flooding	135	30	21	19	27	12	55%	12%	9%	8%	11%	5%
B) Protecting land of residents/businesses from flooding	24	60	24	31	33	63	10%	26%	10%	13%	14%	27%
C) Maintaining an emergency flood free access	55	43	73	32	29	7	23%	18%	31%	13%	12%	3%
D) Providing flood signage for public safety	16	28	26	34	43	88	7%	12%	11%	14%	18%	37%
E) Support from SES	27	44	48	63	36	16	12%	19%	21%	27%	15%	7%
F) Providing flood warning	59	28	29	46	42	31	25%	12%	12%	20%	18%	13%

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Are you aware of any works that have been carried out near you that you believe have negatively impacted on the flood behaviour at your property? (Tick all boxes that apply)

Response	Count	% of responses
A) Not aware of any measures	215	70%
B) Building or renovation activities	14	5%
C) Fencing	5	2%
D) Creek works	14	5%
E) Upgraded roads, culverts	20	6%
F) Overland flow obstructions	22	7%
G) Other (please specify)	18	6%

Comment responses

Aged Council drain does not comply with current standards & industry specification. see Council minutes 20th March, 2013.
Uphill development
Y- New bridge- sections impact on flow on Laurieton side.
Y- Rear boundary neighbour has shadehouse against back fence. This has resulted in the way the water flows, it does not follow the land contour, it hits the shadehouse and all water from surrounding properties come onto our property.
Y- We have a creek at the back of us which needs to be fixed every year this needs to be done last time they did it they enclosed the poor birds that live in the walls of the creek. We don't have enough drainage in the street of Honeysuckle.
Footpath has been raised in front of our house for the sake of the units built next door, the footpath has been partly done but still not finished and we are still getting water. Also our neighbours right through their ground floor Council was going to extend the footpath and raise the level up to the same as the units.
Y - stormwater getting into sewage pipes and overflowing sewerage problem is very bad in our Lakewood area.
Y - Laurieton reservoirs/stormwater drain - see attachments
Y - nature strip falling toward my house and not away to the main road
erosion out front increasing in stormwater water drainage re rain driveway access affected from north brother runoff and subdivision runoff
Y - new developments have increased storm water runoff with NO increase in storm pipes lower in the system
Y - land use planning
Silting of Camden Haven River heads/bar
Stormwater drainage on eastern side of Quarry Way inadequate
Easement drains under property now out of alignment
Refer to my letter, apply better cleaning of drainage under Kew Road to allow flow to the lake
Road drainage and easements directed onto our property.

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Are you aware of any works that have been carried out near you that you believe have improved the flood behaviour at your property? (Tick all boxes that apply)

Response	Count	% of responses
A) Not aware of any measures	205	68%
B) Building or renovation activities	8	3%
C) Fencing	3	1%
D) Creek works	19	6%
E) Upgraded roads, culverts	39	13%
F) Overland flow obstructions	12	4%
G) Other (please specify)	15	5%

Comment responses

Council has made efforts to improve situation but so with no success.
New stormwater drain.
The creek to creek walkway has improved our access out of town
None, no work done
Water diversion swale on crown land
Y - concrete drain installed behind our property (but it is inadequate to cope with volumes of water in heavy rain)
Y - culverts in reserve, no footpath provided for elderly
Council drainage is the only time I have concern for flooding
Y - reservoirs/stormwater drain. Lack of maintenance has caused serious concerns of flooding
River walls to improve depth of river bar
Y - foot paths
Y - nearby creek cleared of plant debris and plastic bottles etc.
Cleaning of existing storm drains
Very little of any

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Which of the following measures do you think Council should consider for reducing the floodrisk at your property? (1 = greatest priority to 7 = least priority).

Rating	Count					% of Responses				
	1	2	3	4	5	1	2	3	4	5
A) Zoning, building & development controls, including fencing	38	46	51	23	3	24%	29%	32%	14%	2%
B) Upgrading stormwater drainage	167	33	10	0	0	80%	16%	5%	0%	0%
C) Upgrading roads	29	66	53	22	3	17%	38%	31%	13%	2%
D) Public awareness & education	13	18	36	85	7	8%	11%	23%	53%	4%
E) Other (please specify)	0	0	0	4	39	0%	0%	0%	9%	91%

Comment responses

Publish max flood line not just the 100 year flood line on maps on NSW Planning Portal.
How about a levee if there is a perceived problem
Walkway to main road for elderly who can't drive and rely on walking and mobility scooter to town along the lake and public access to main road.
MAINTAIN DRAINS, EASEMENT
Planting trees on the streetside providing more parklands.
KEEP STORM DRAINS CLEAR BY REGULAR INSPECTIONS & CLEARING IF NECESSARY
Fixing the creek so the water will flow out to the lake
Keep culverts clear of vegetation and rubbish on southern side of Ocean Drive opposite the Gateway Road
Installing kerb and gutter to our street.
Clean out drains and creeks
New kerb and gutter on low side of roads.
Trees in drain behind xx, xx and xx Koonwarra Street at bend of drain blocks up. I have to keep cleaning it out, Council won't.

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Putting kerb and guttering from Ocean Drive into Lake Street and Castle Street. Houses have been built about 60 years but no kerb and gutter. Would be good to have to get rid of the water instead of having stagnant water and lots of mosquitoes
Carry out drainage maintenance work as per letter dated 13/6/13 - see attached
Actually putting in place stormwater drainage
Cleaning gutters and weed growth at joints and any other blockages on a regular basis
The open drain on Lord Street Laurieton, between Laurie Street and Seymour Street should be replaced with pipes.
Dredging the river beds
Better drainage of water coming off the mountain. Something to slow the flow.
Lift/build up the verge outside my house to the equivalent height to recent building adjacent to my property
Inappropriate building on wetlands or flood prone areas
I don't believe my property is under threat of flooding
Not a risk

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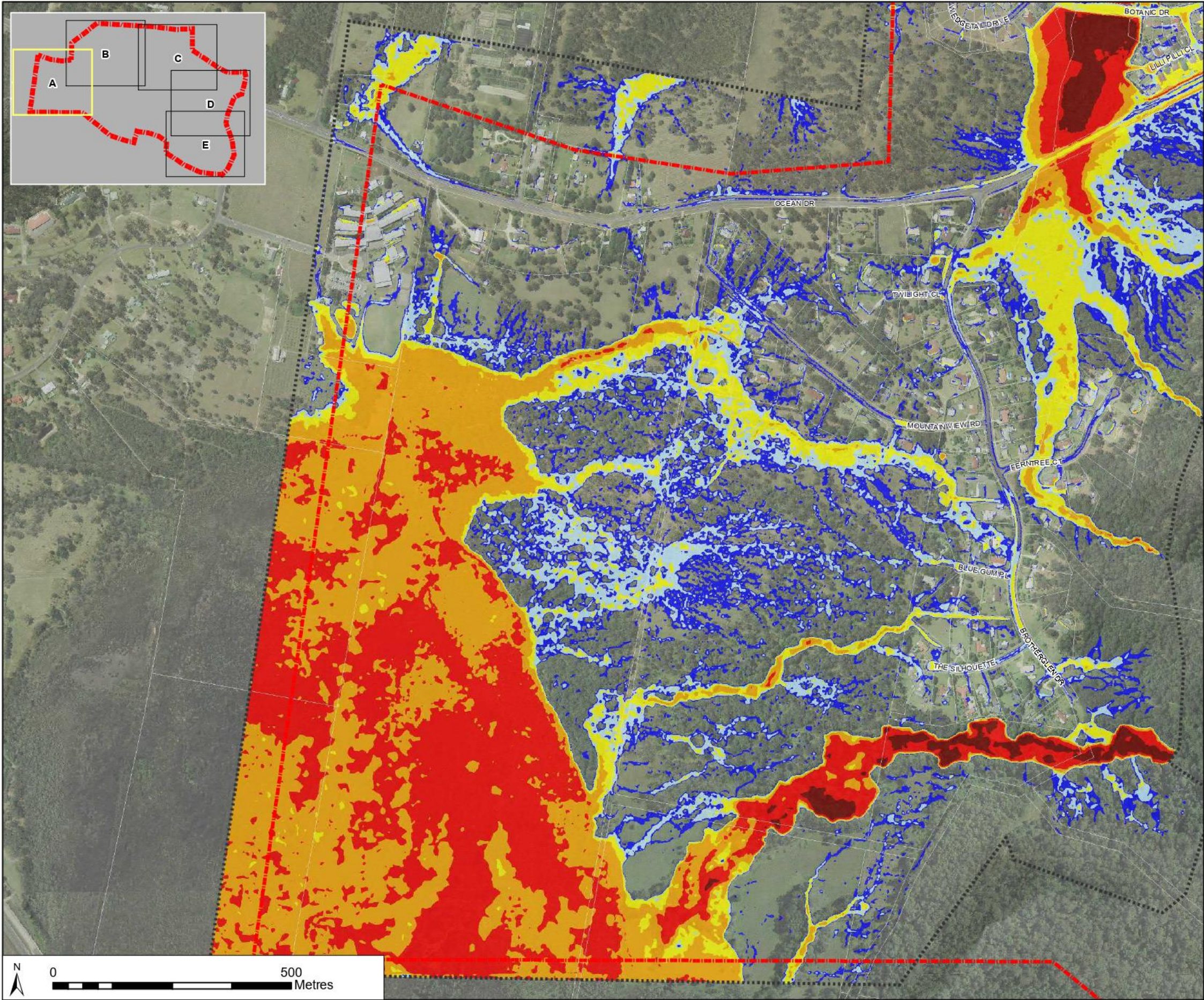


Appendix B. Flood Mapping

Figure B-1 – 1% AEP Design Flood - Peak Flood Depths

Figure B-2 – 1% AEP Design Flood - Climate Change Scenario Peak Flood Depths

Figure B-3 – Probable Maximum Flood - Peak Flood Depths



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

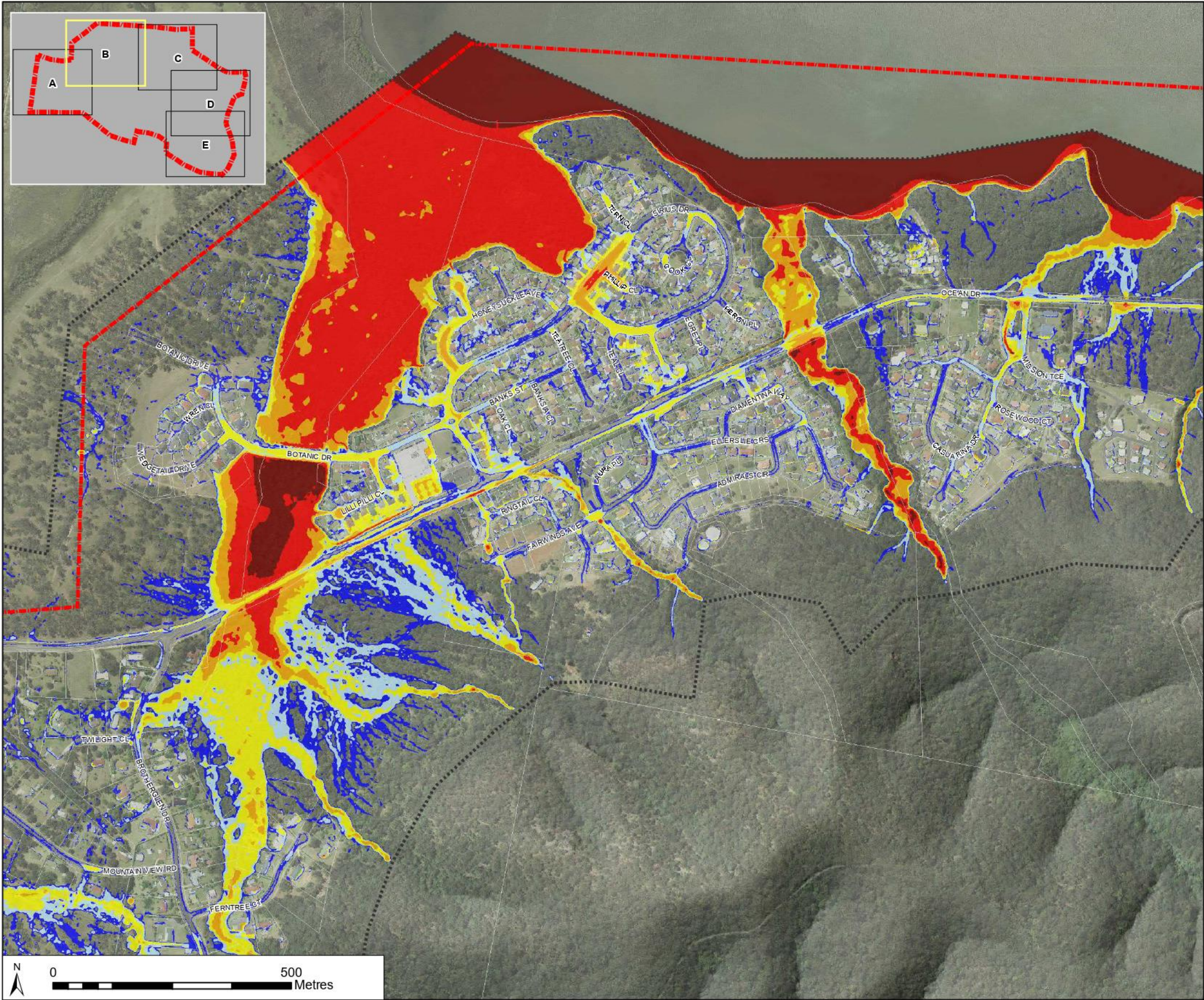
NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE 1% AEP Design Flood
Peak Flood Depths
PROJECT North Brother Local
Catchments Flood Study

PROJECT # 1A157 500
DATE 3/03/2020
MAP B-1(A)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

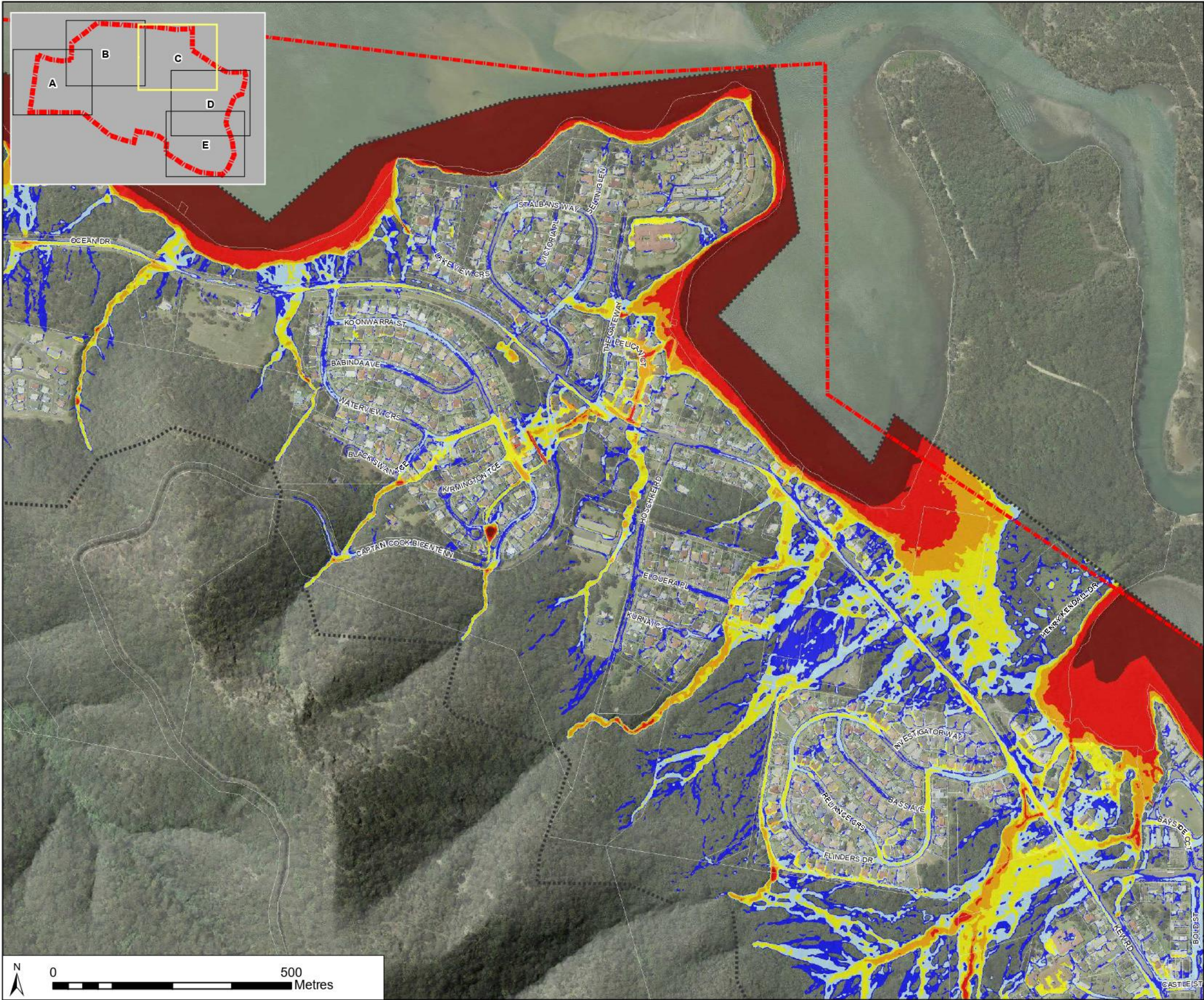
NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE 1% AEP Design Flood
Peak Flood Depths
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
3/03/2020
MAP B-1(B)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

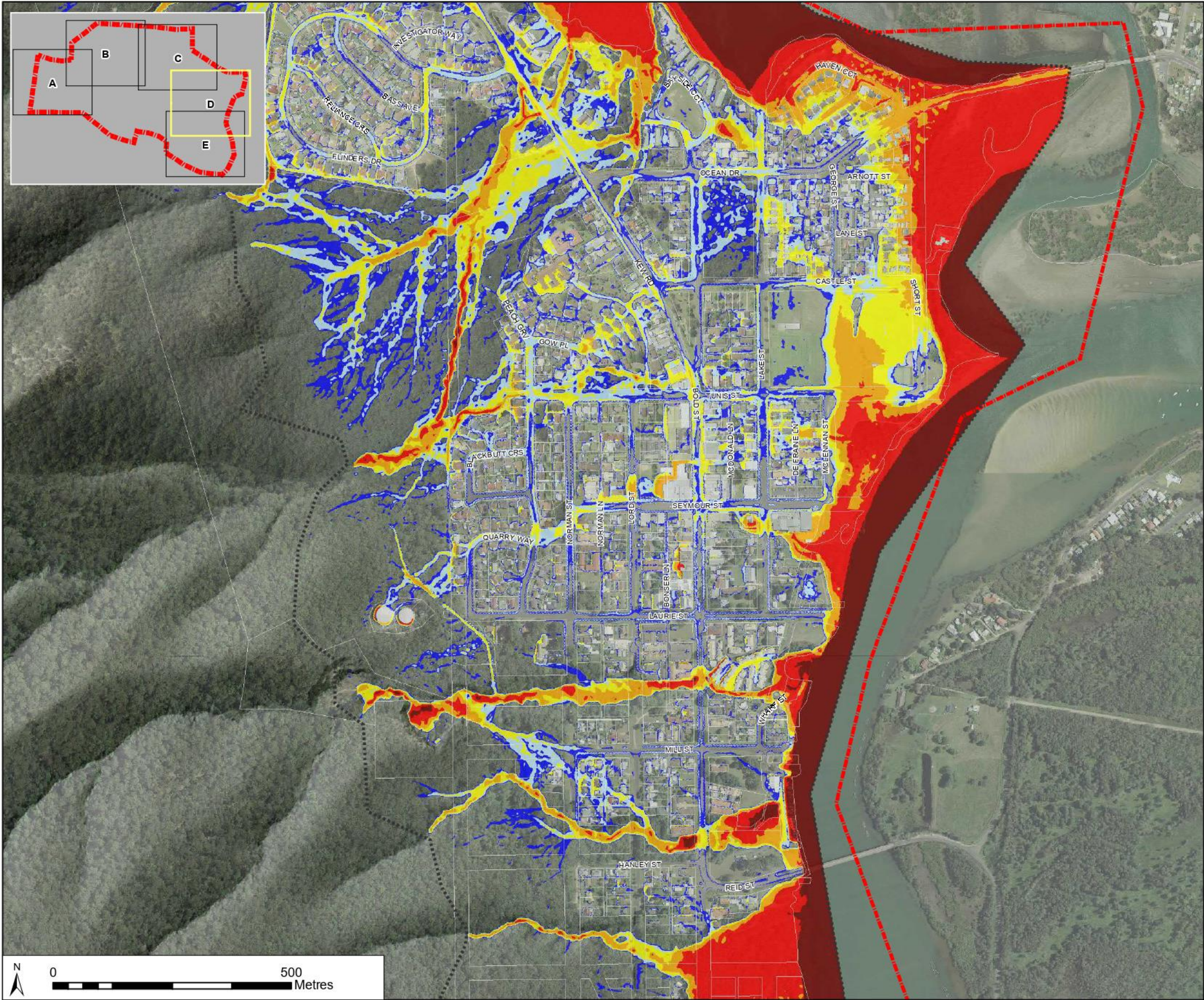
Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	1% AEP Design Flood Peak Flood Depths
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157 500 DATE 3/03/2020	MAP B-1(C)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

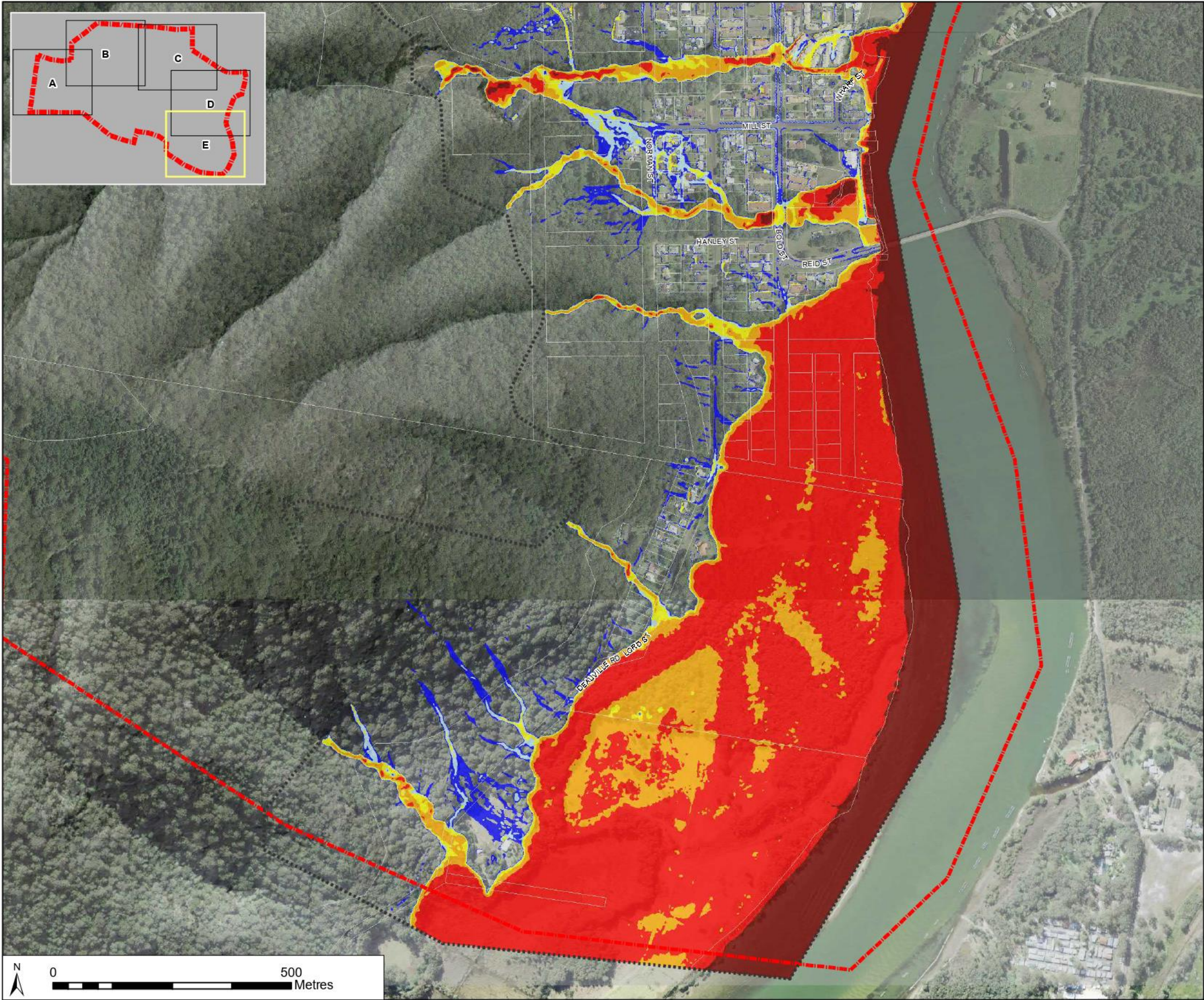
GDA 1994 MGA Zone 56
Scale: A3

Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

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TITLE 1% AEP Design Flood
Peak Flood Depths
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
3/03/2020
MAP B-1(D)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3

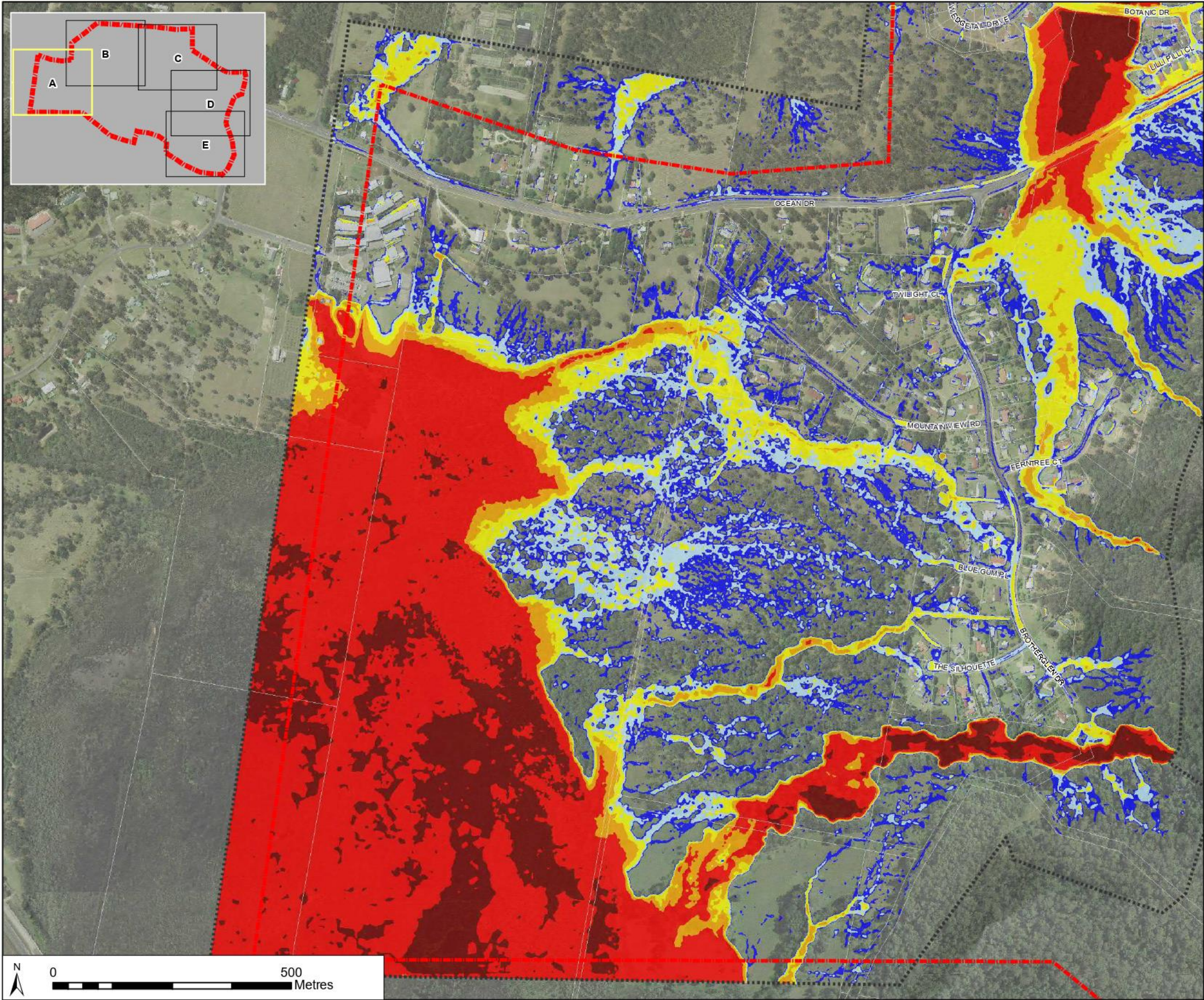
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

JACOBS

TITLE 1% AEP Design Flood
Peak Flood Depths
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
3/03/2020

MAP B-1(E)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

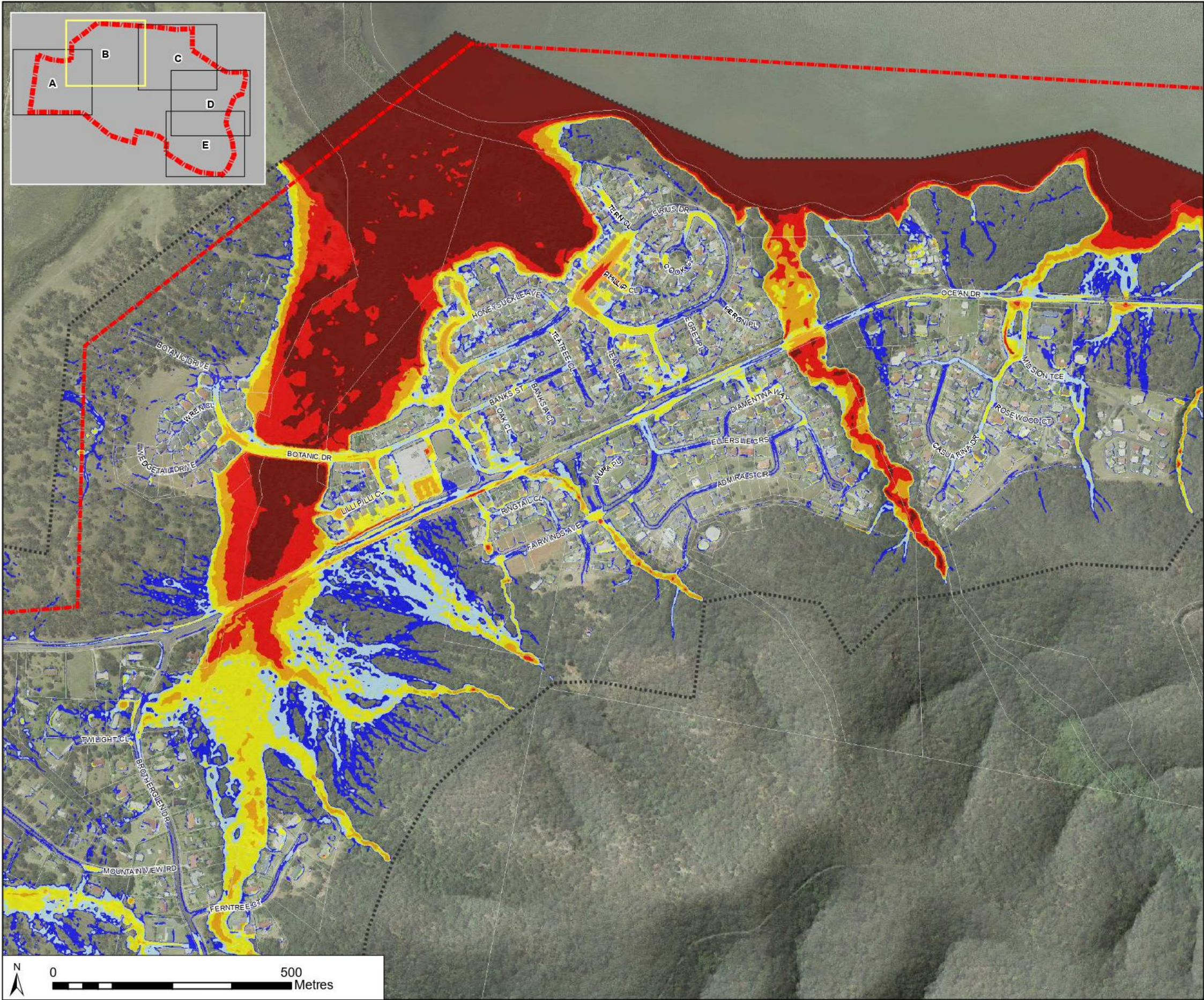
GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

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1% AEP Design Flood
Climate Change Scenario
Peak Flood Depths

TITLE
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
3/03/2020
MAP B-2(A)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

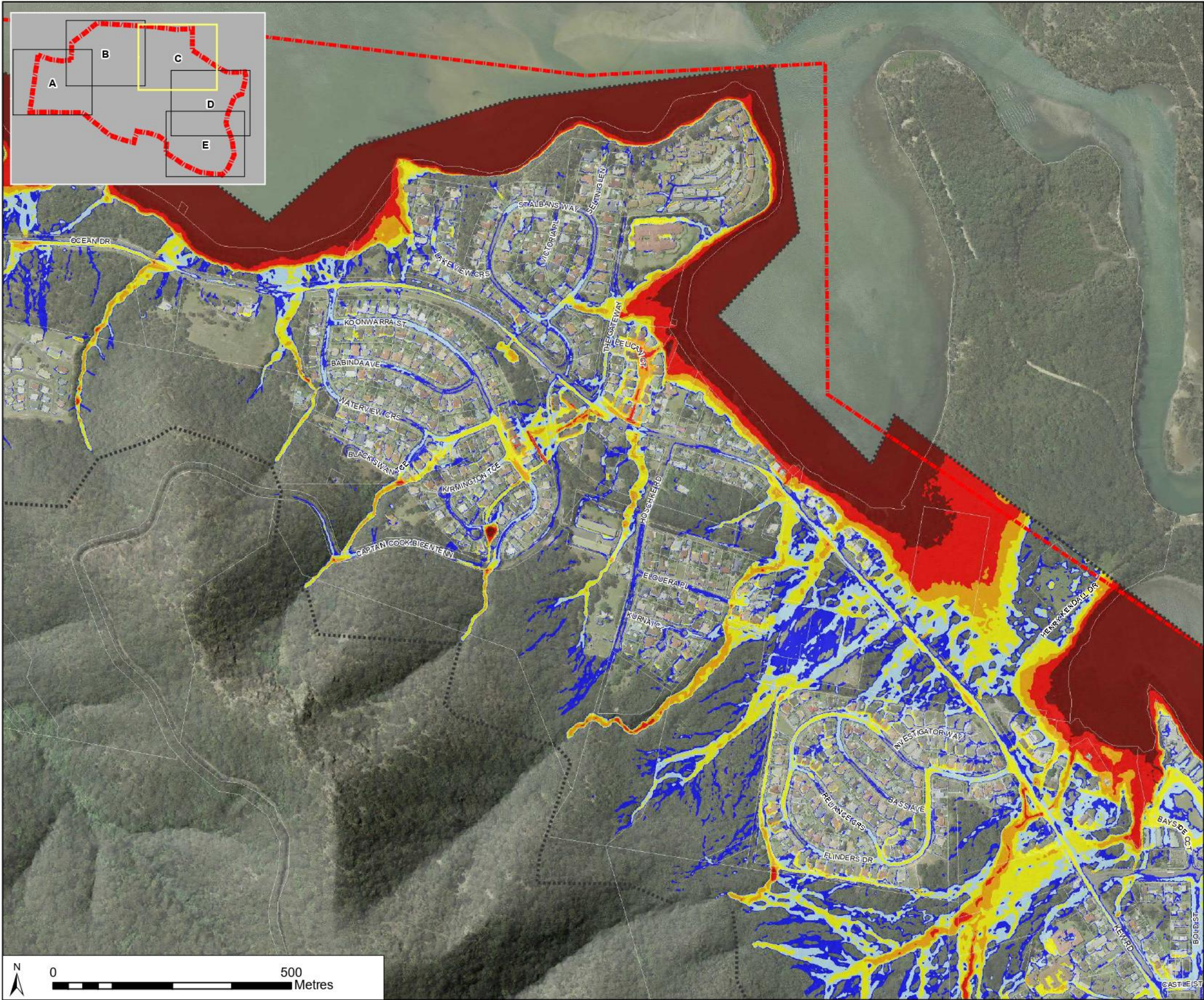


1% AEP Design Flood
Climate Change Scenario
Peak Flood Depths

TITLE
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
3/03/2020

MAP B-2(B)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3

Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

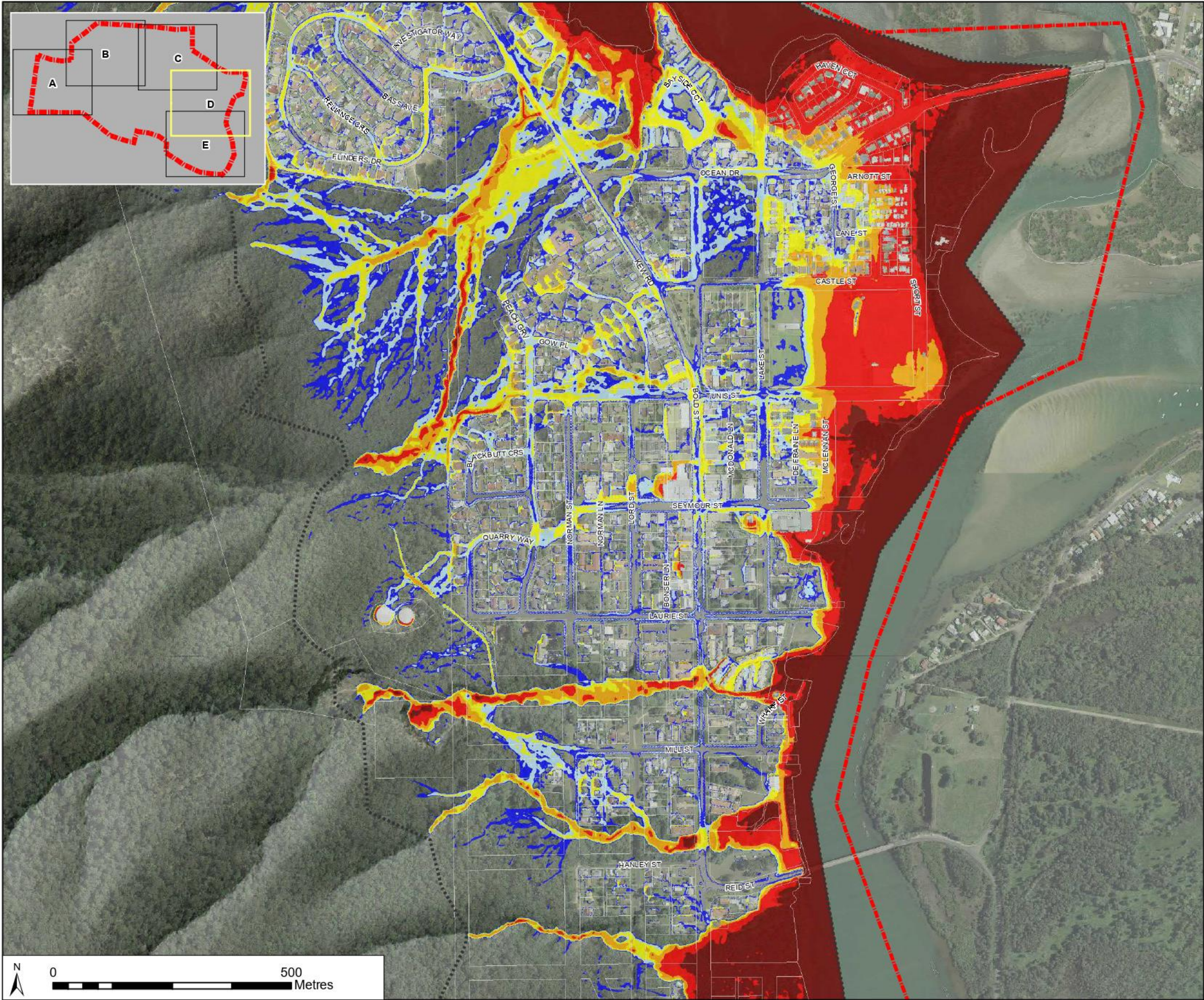
JACOBS

1% AEP Design Flood
Climate Change Scenario
Peak Flood Depths

TITLE
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
3/03/2020

MAP B-2(C)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3

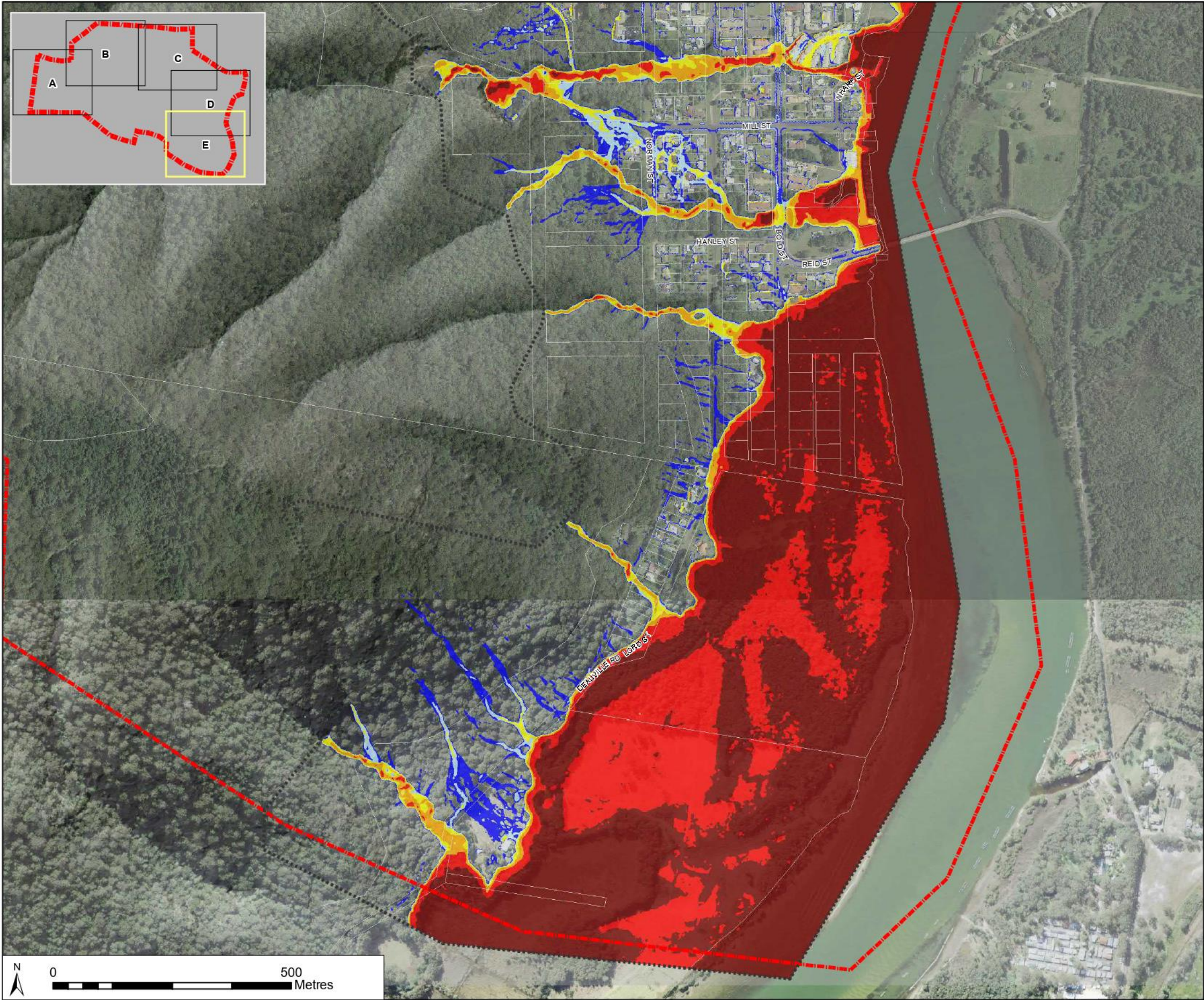
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

JACOBS

1% AEP Design Flood
Climate Change Scenario
Peak Flood Depths

TITLE
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
3/03/2020
MAP B-2(D)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakesystem Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3

Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

JACOBS

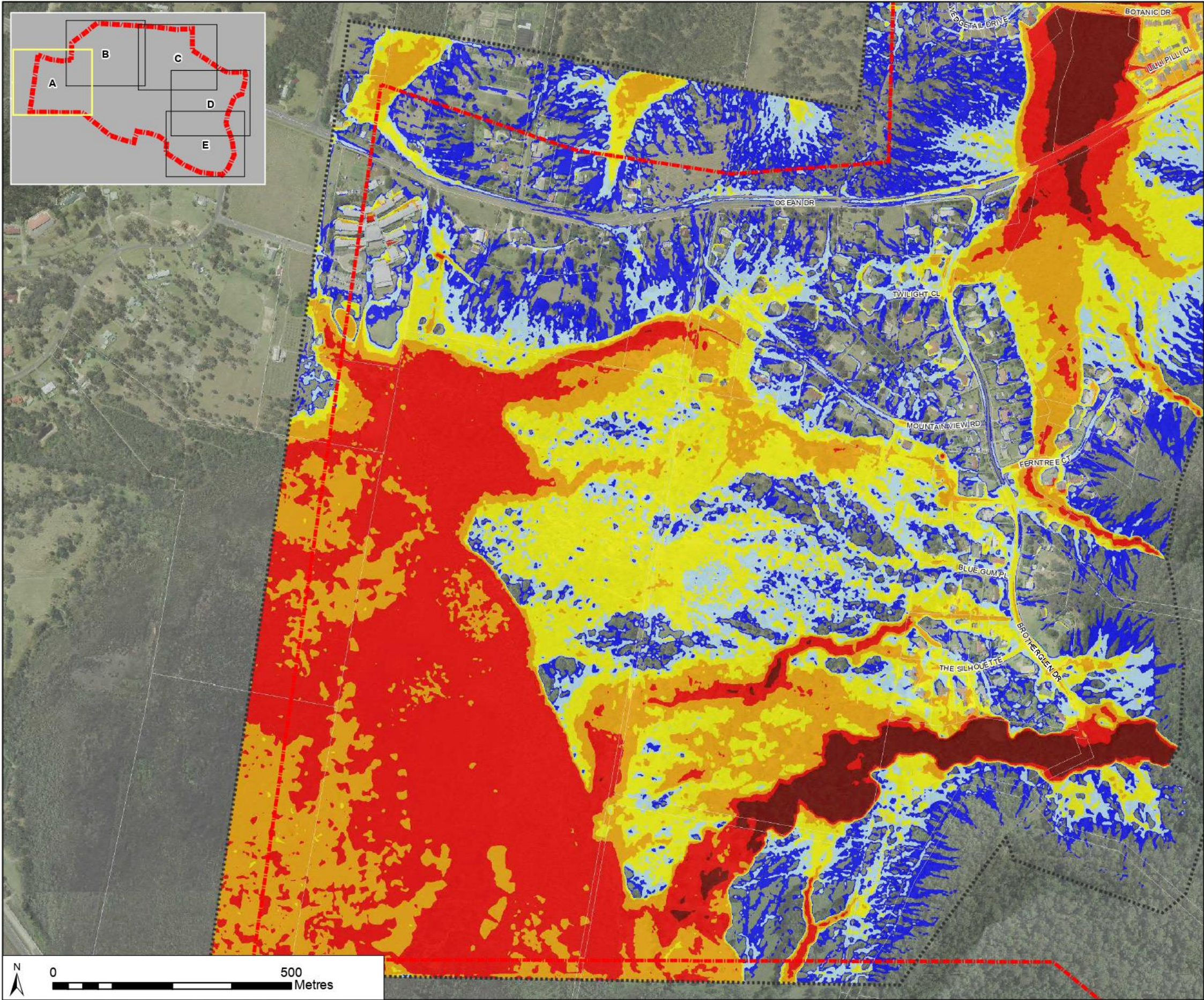
1% AEP Design Flood
Climate Change Scenario
Peak Flood Depths

TITLE

PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
3/03/2020

MAP B-2(E)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

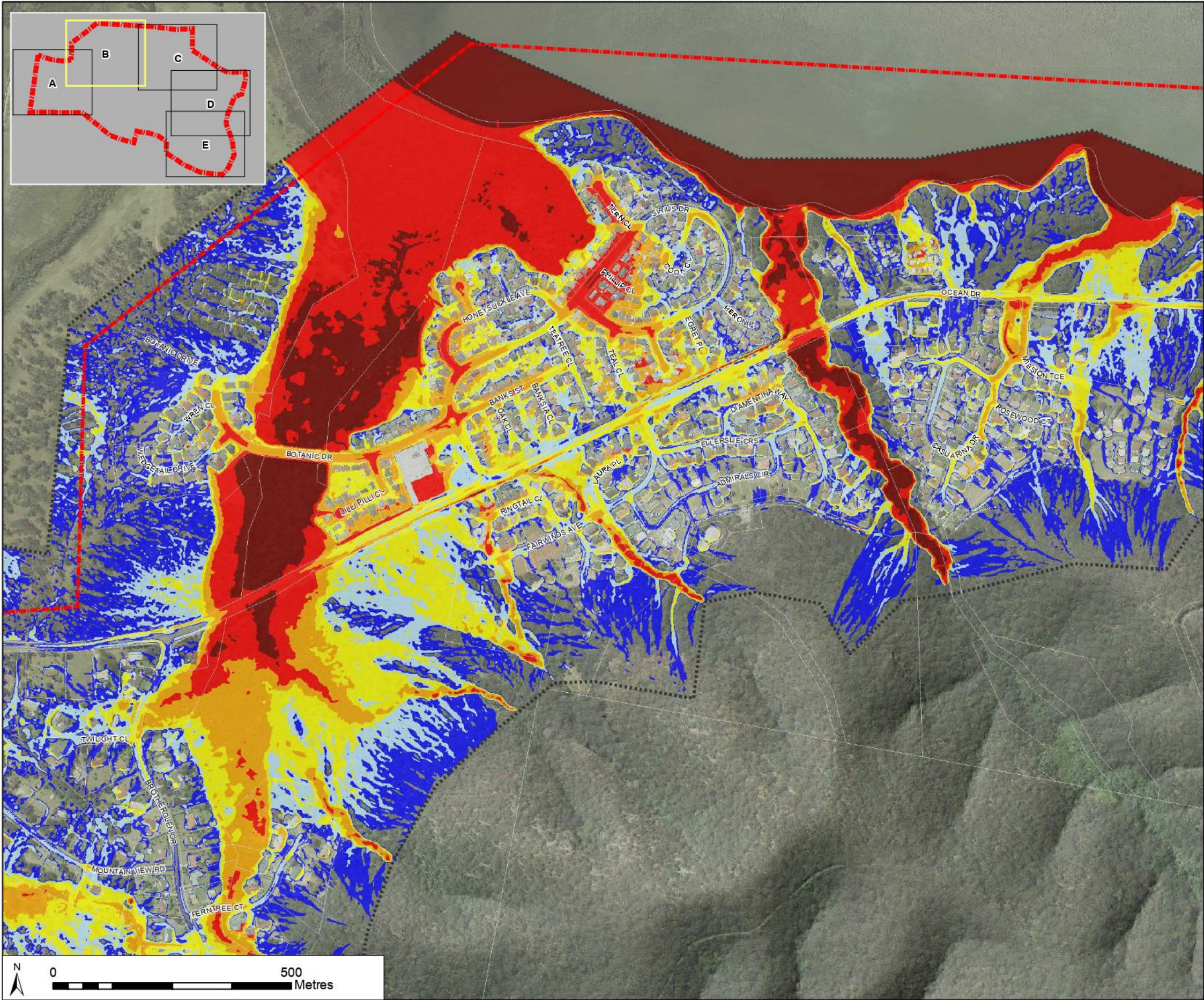
GDA 1994 MGA Zone 56
Scale: A3

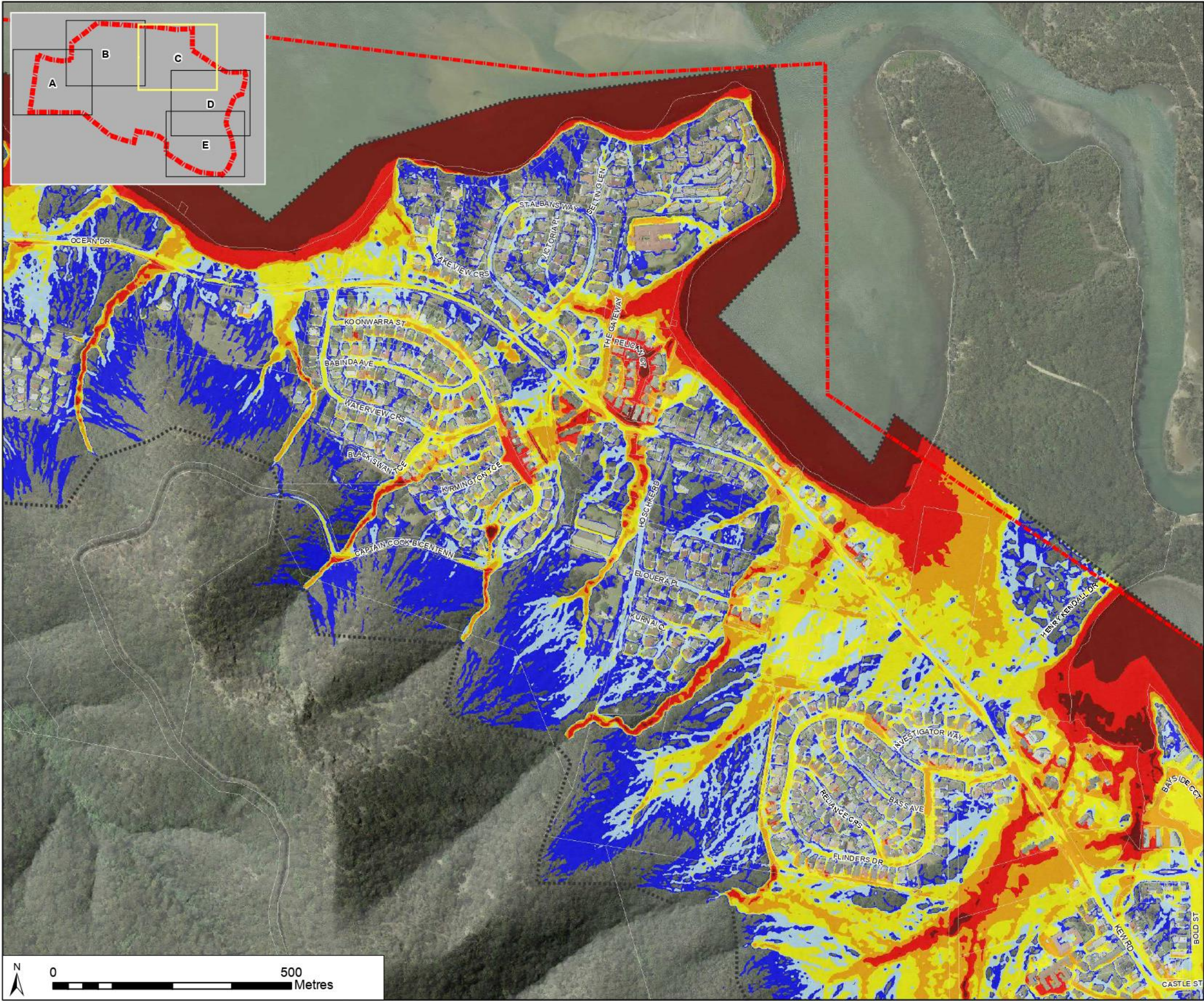
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

JACOBS

TITLE Probable Maximum Flood
Peak Flood Depths
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
28/11/2018
MAP B-3(A)





Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

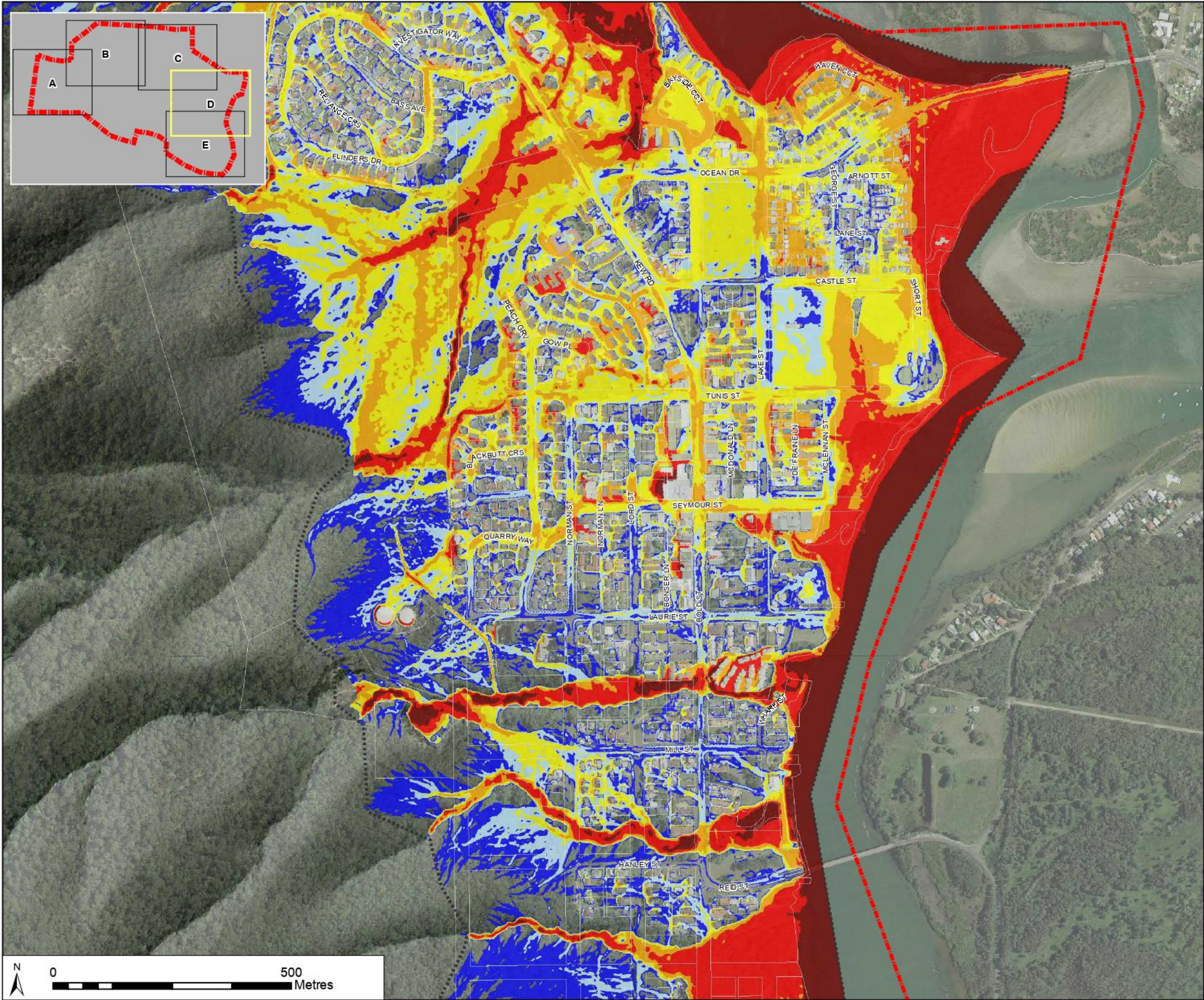
Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

JACOBS

TITLE	Probable Maximum Flood Peak Flood Depths
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157 500 DATE 28/11/2018	MAP B-3(C)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3

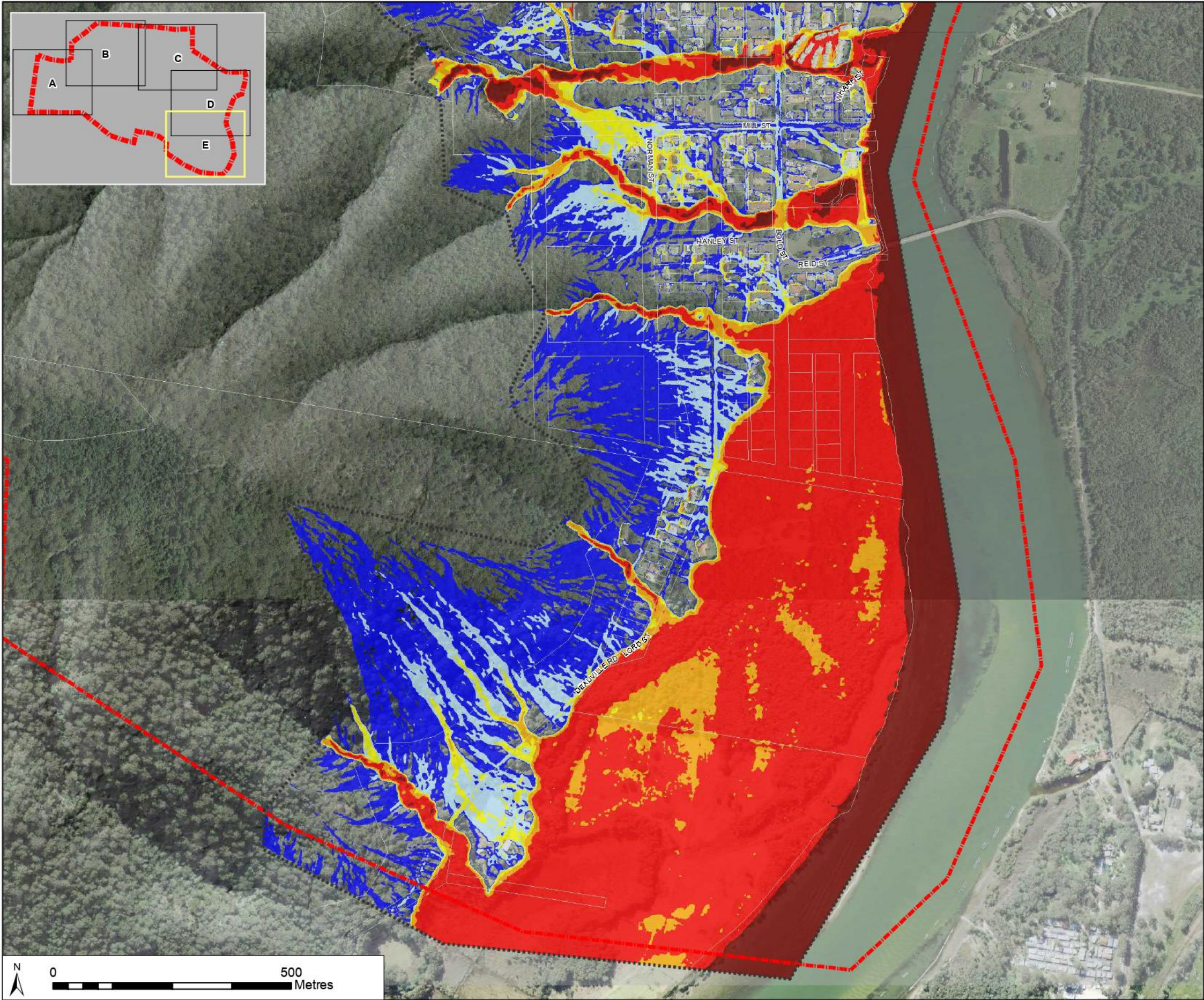
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

JACOBS

TITLE Probable Maximum Flood
Peak Flood Depths
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
28/11/2018

MAP B-3(D)



Legend

Peak Flood Depth (m)

- 0.05 - 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1.0
- 1.0 - 2.0
- > 2.0

Study Area

Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3

Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

JACOBS

TITLE Probable Maximum Flood
Peak Flood Depths

PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157 500
DATE
28/11/2018

MAP B-3(E)

Draft Floodplain Risk Management Study and Plan

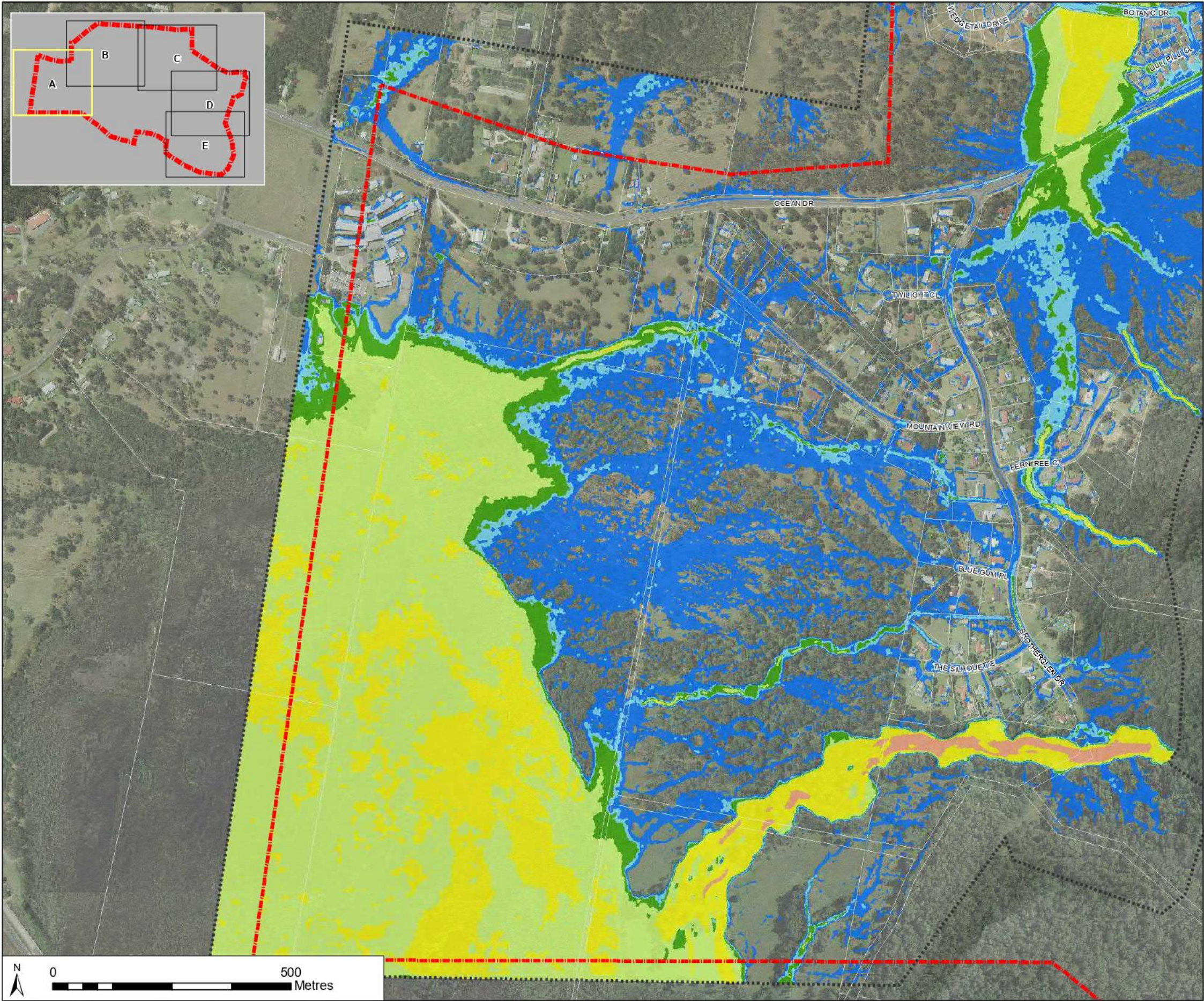


Appendix C. Flood Planning Mapping

Figure C-1 – 1% AEP Flood - Climate Change Scenario Provisional Flood Hazard

Figure C-2 – 1% AEP Flood - Climate Change Scenario Provisional Hydraulic Categories

Figure C-3 – Provisional Flood Planning Area Mapping for FPL3



Legend

Flood Hazard Category

- H1 - Generally safe for vehicles, people and buildings.
- H2 - Unsafe for small vehicles.
- H3 - Unsafe for all vehicles, children and the elderly.
- H4 - Unsafe for all people and all vehicles.
- H5 - Unsafe for all people and all vehicles. Buildings require special engineering design and construction.
- H6 - Unsafe for Vehicles and people. All building types considered vulnerable to failure.
- Study Area
- Limit of Mapping

NOTES:
1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.
2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

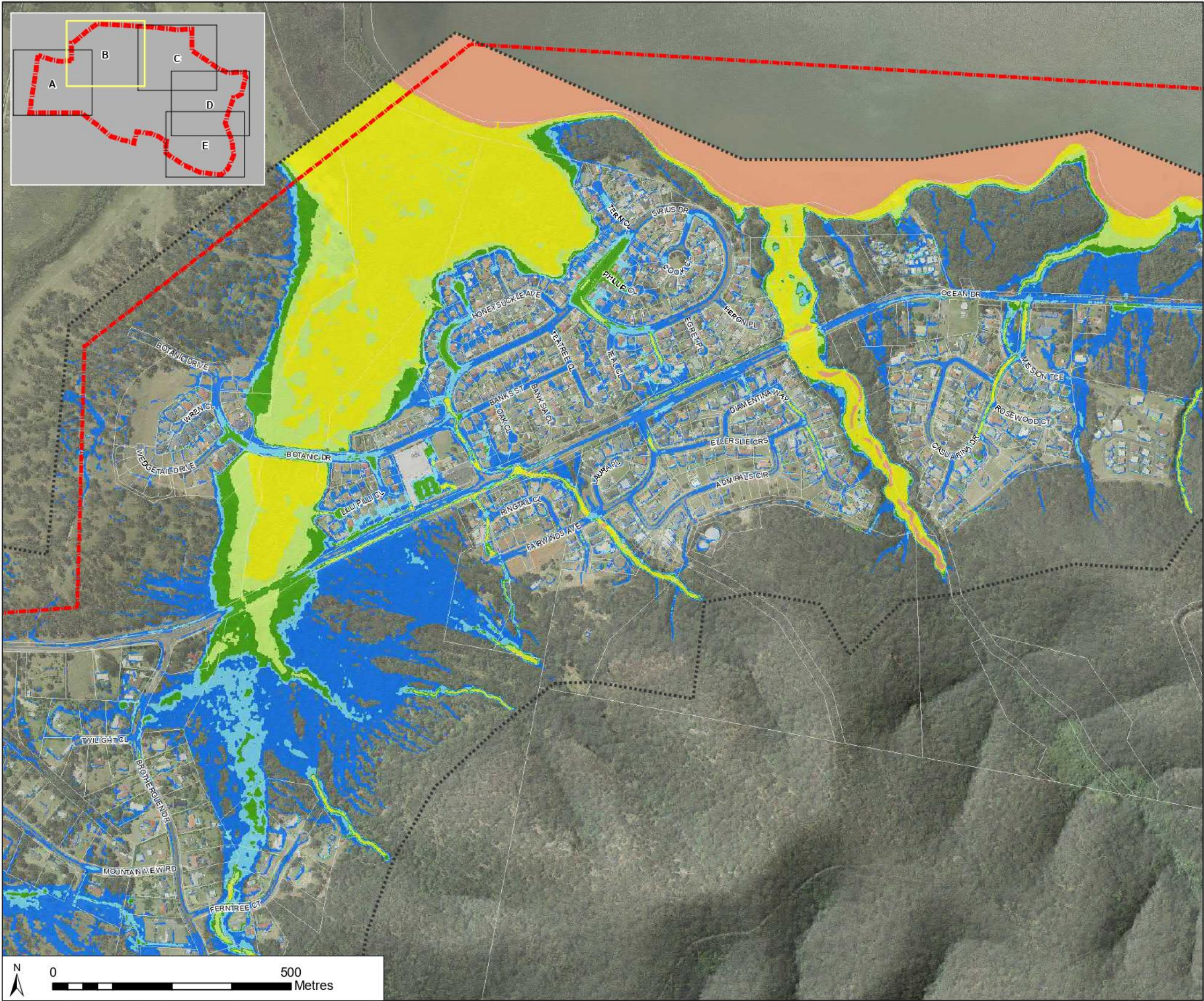


1% AEP Design Flood
Climate Change Scenario
Flood Hazard Categories

PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157500
DATE
27/01/2021

MAP C-1(A)



Legend

Flood Hazard Category

- H1 - Generally safe for vehicles, people and buildings.
- H2 - Unsafe for small vehicles.
- H3 - Unsafe for all vehicles, children and the elderly.
- H4 - Unsafe for all people and all vehicles.
- H5 - Unsafe for all people and all vehicles. Buildings require special engineering design and construction.
- H6 - Unsafe for Vehicles and people. All building types considered vulnerable to failure.
- Study Area
- Limit of Mapping

NOTES:
1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.
2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

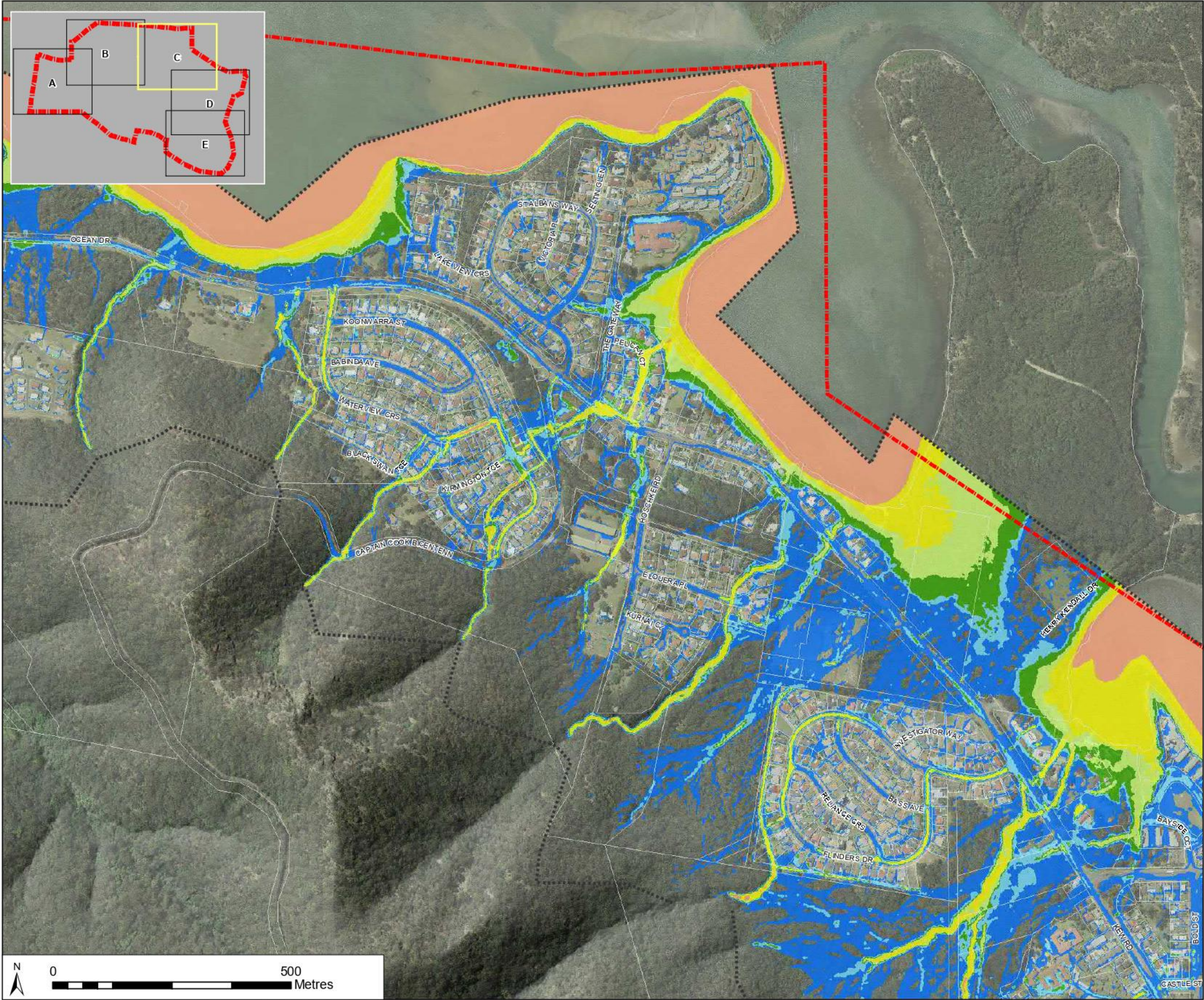
GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



1% AEP Design Flood
Climate Change Scenario
Flood Hazard Categories

TITLE
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA157500
DATE
27/01/2021
MAP C-1(B)



Legend

Flood Hazard Category

- H1 - Generally safe for vehicles, people and buildings.
- H2 - Unsafe for small vehicles.
- H3 - Unsafe for all vehicles, children and the elderly.
- H4 - Unsafe for all people and all vehicles.
- H5 - Unsafe for all people and all vehicles. Buildings require special engineering design and construction.
- H6 - Unsafe for Vehicles and people. All building types considered vulnerable to failure.
- Study Area
- Limit of Mapping

NOTES:
1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.
2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

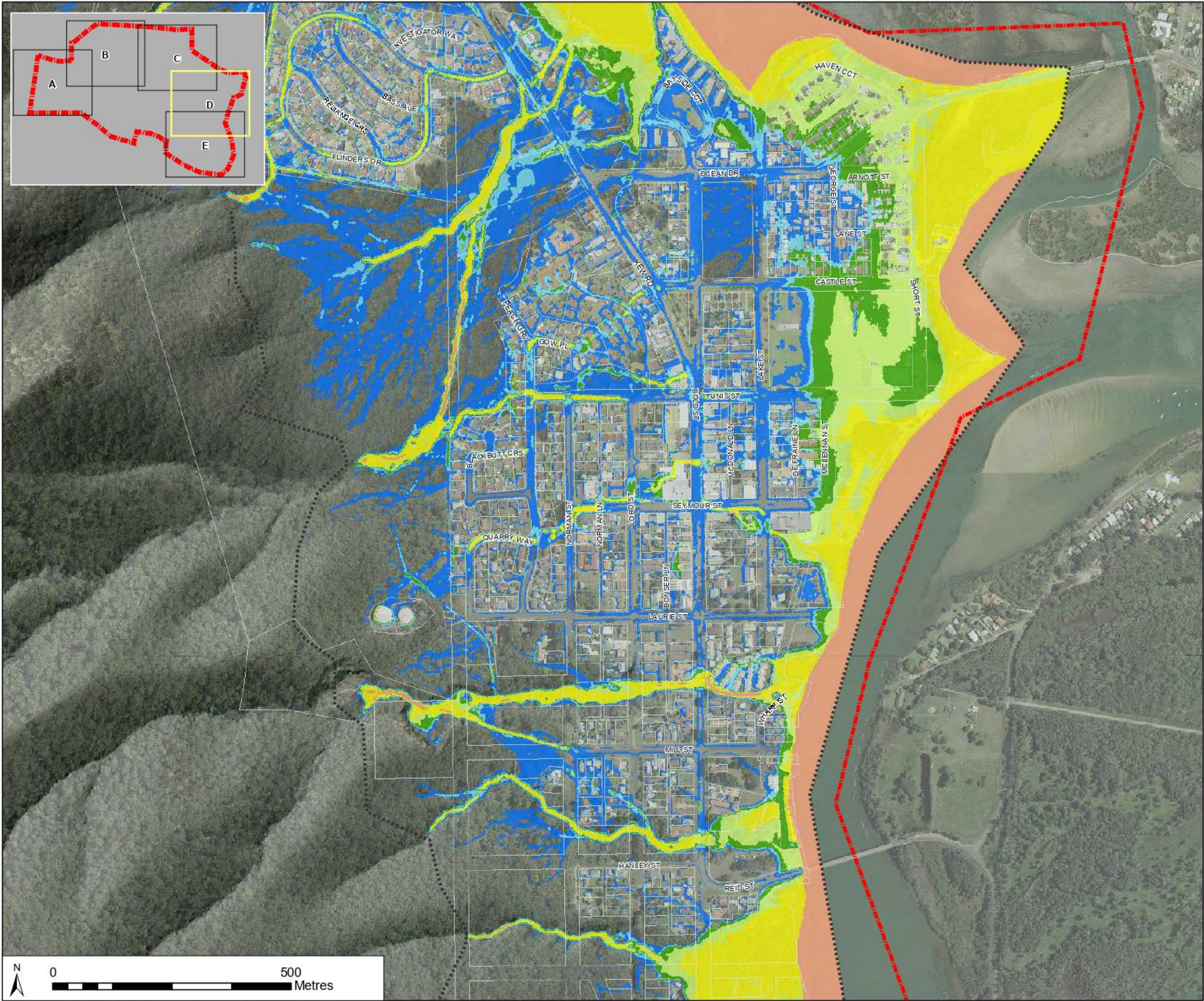
GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



1% AEP Design Flood
Climate Change Scenario
Flood Hazard Categories

TITLE
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
JA157500
DATE
27/01/2021
MAP C-1(C)



Legend

Flood Hazard Category

- H1 - Generally safe for vehicles, people and buildings.
- H2 - Unsafe for small vehicles.
- H3 - Unsafe for all vehicles, children and the elderly.
- H4 - Unsafe for all people and all vehicles.
- H5 - Unsafe for all people and all vehicles. Buildings require special engineering design and construction.
- H6 - Unsafe for Vehicles and people. All building types considered vulnerable to failure.
- Study Area
- Limit of Mapping

NOTES:
1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.
2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

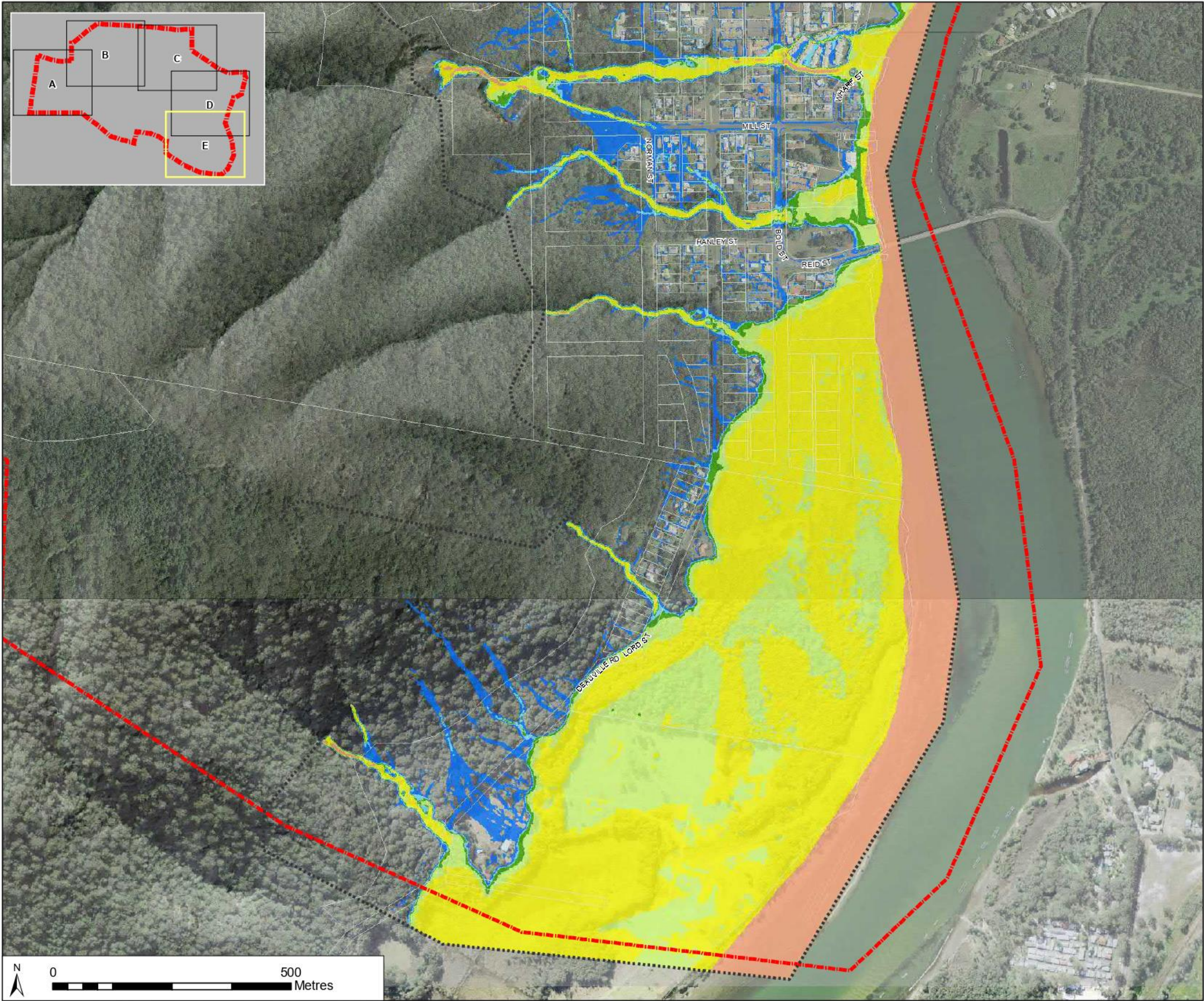
GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



1% AEP Design Flood
Climate Change Scenario
Flood Hazard Categories

North Brother Local
Catchments Flood Study

MAP C-1(D)



Legend

Flood Hazard Category

- H1 - Generally safe for vehicles, people and buildings.
- H2 - Unsafe for small vehicles.
- H3 - Unsafe for all vehicles, children and the elderly.
- H4 - Unsafe for all people and all vehicles.
- H5 - Unsafe for all people and all vehicles. Buildings require special engineering design and construction.
- H6 - Unsafe for Vehicles and people. All building types considered vulnerable to failure.
- Study Area
- Limit of Mapping

NOTES:

1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

GDA 1994 MGA Zone 56
Scale: A3

Data Sources: LPI, OEH, Council

LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

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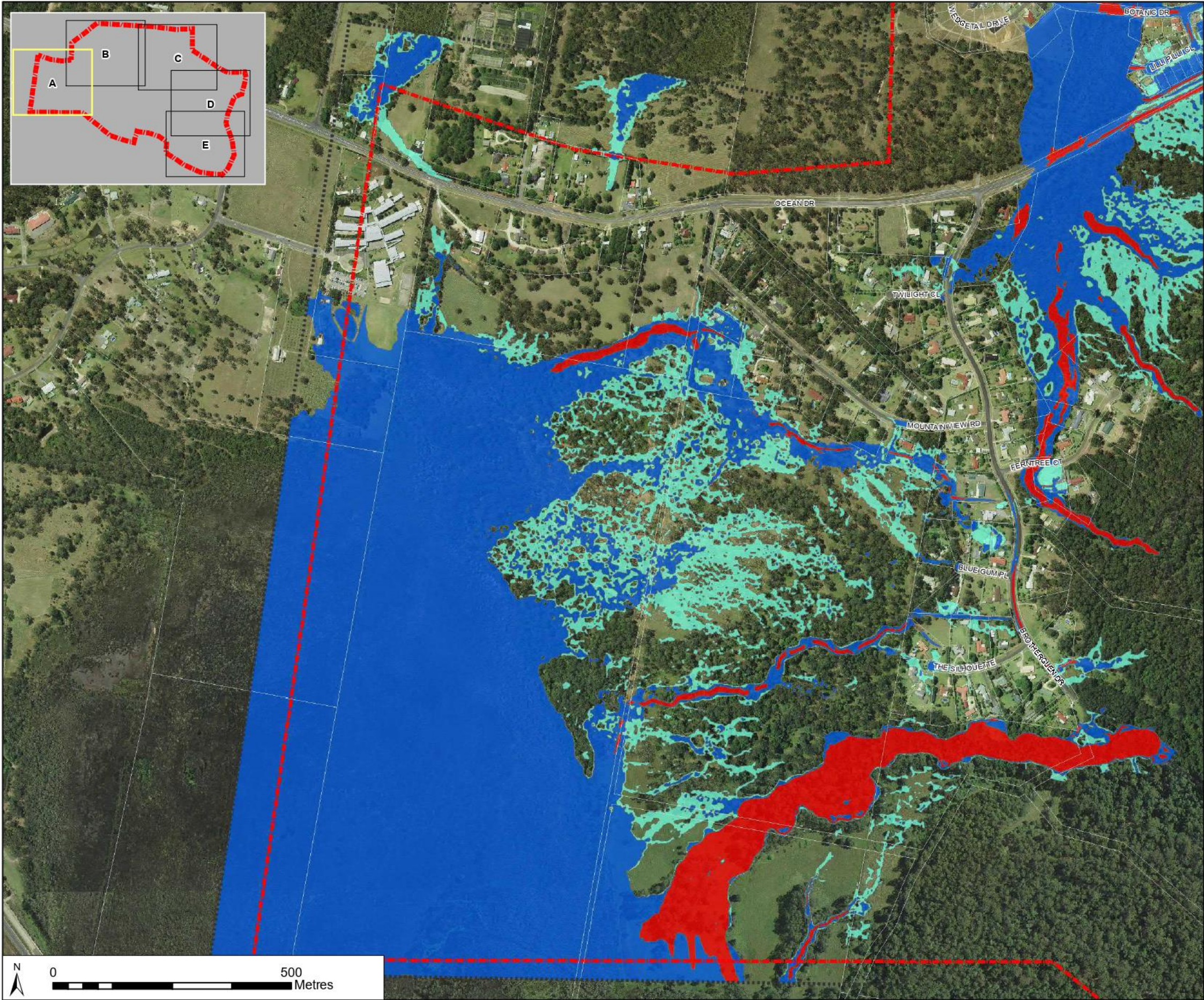
1% AEP Design Flood
Climate Change Scenario
Flood Hazard Categories

TITLE

PROJECT North Brother Local
Catchments Flood Study

PROJECT #
JA157500
DATE
27/01/2021

MAP C-1(E)



Legend

Hydraulic Categories

- Floodway
- Flood Storage
- Flood Fringe
- Watercourse
- Limit of Mapping
- Study Area

NOTES:
1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.
2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

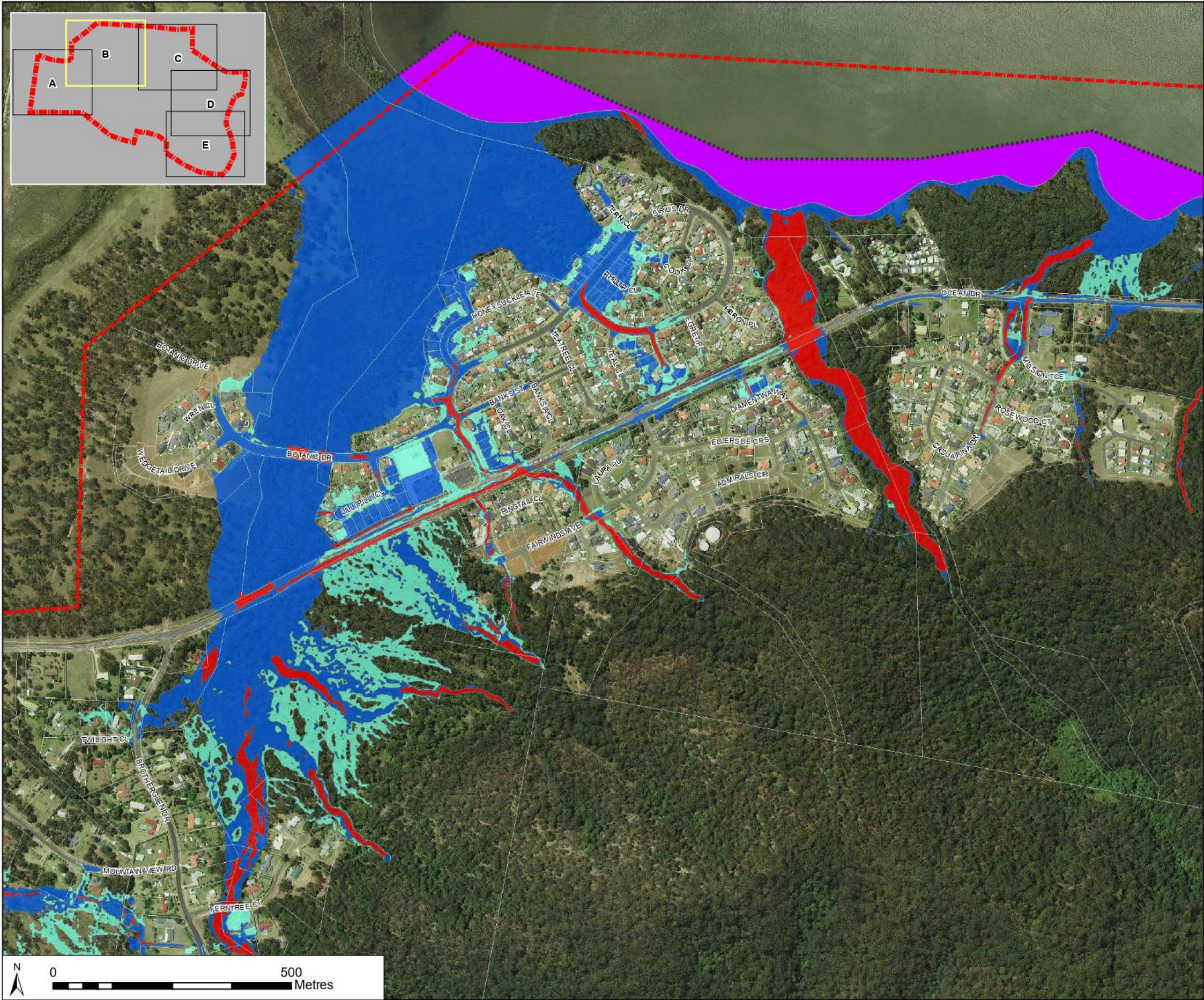
GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



1% AEP Design Flood
Climate Change Scenario
Hydraulic Categories

North Brother Local
Catchments Flood Study

MAP C-2(A)



Legend

Hydraulic Categories

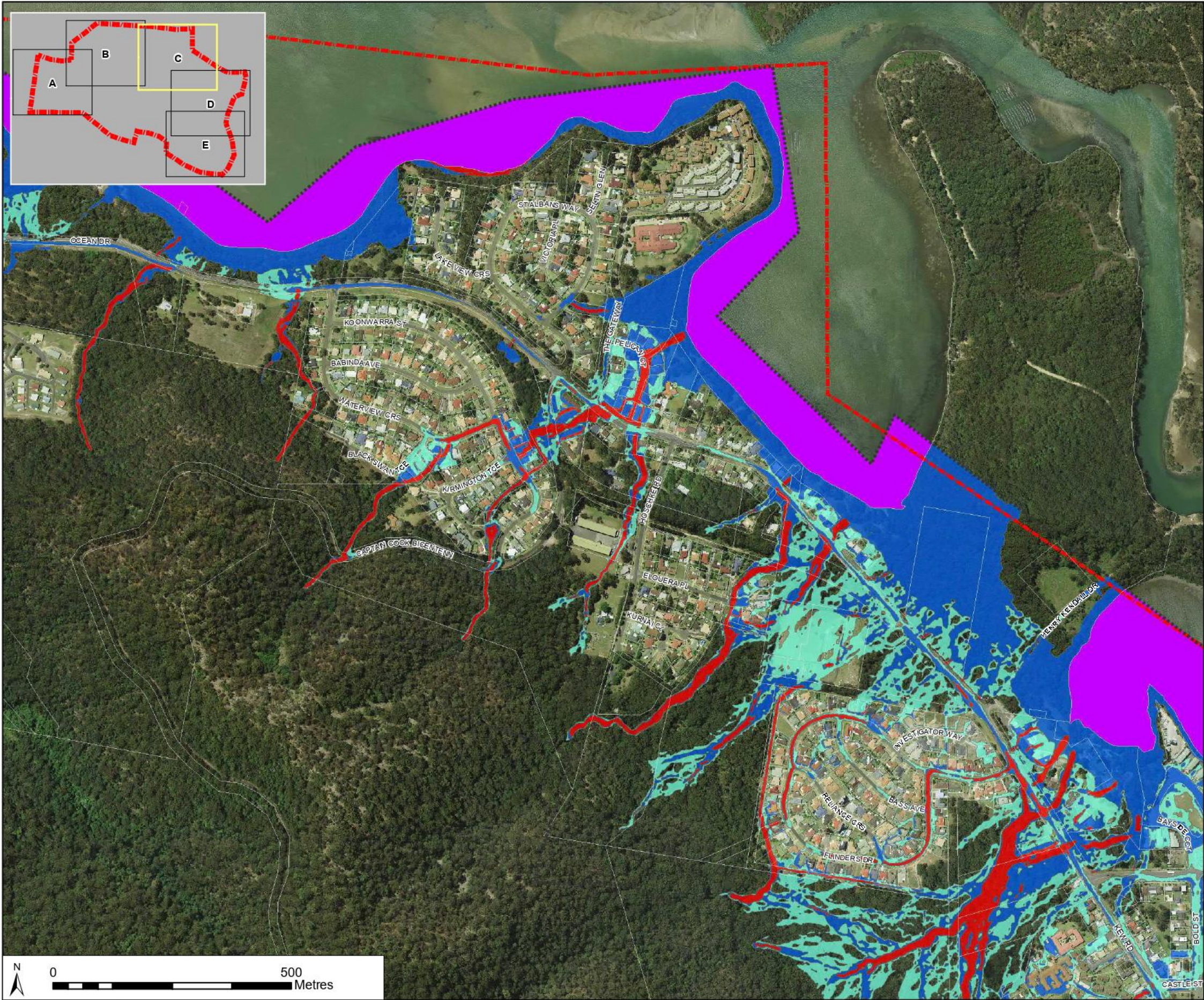
- Floodway
- Flood Storage
- Flood Fringe
- Watercourse
- Limit of Mapping
- Study Area

NOTES:
1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.
2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	1% AEP Design Flood Climate Change Scenario Hydraulic Categories
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA1 57 500 DATE 28/01/2021	MAP C-2(B)



Legend

Hydraulic Categories

- Floodway
- Flood Storage
- Flood Fringe
- Watercourse
- Limit of Mapping
- Study Area

NOTES:
1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.
2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

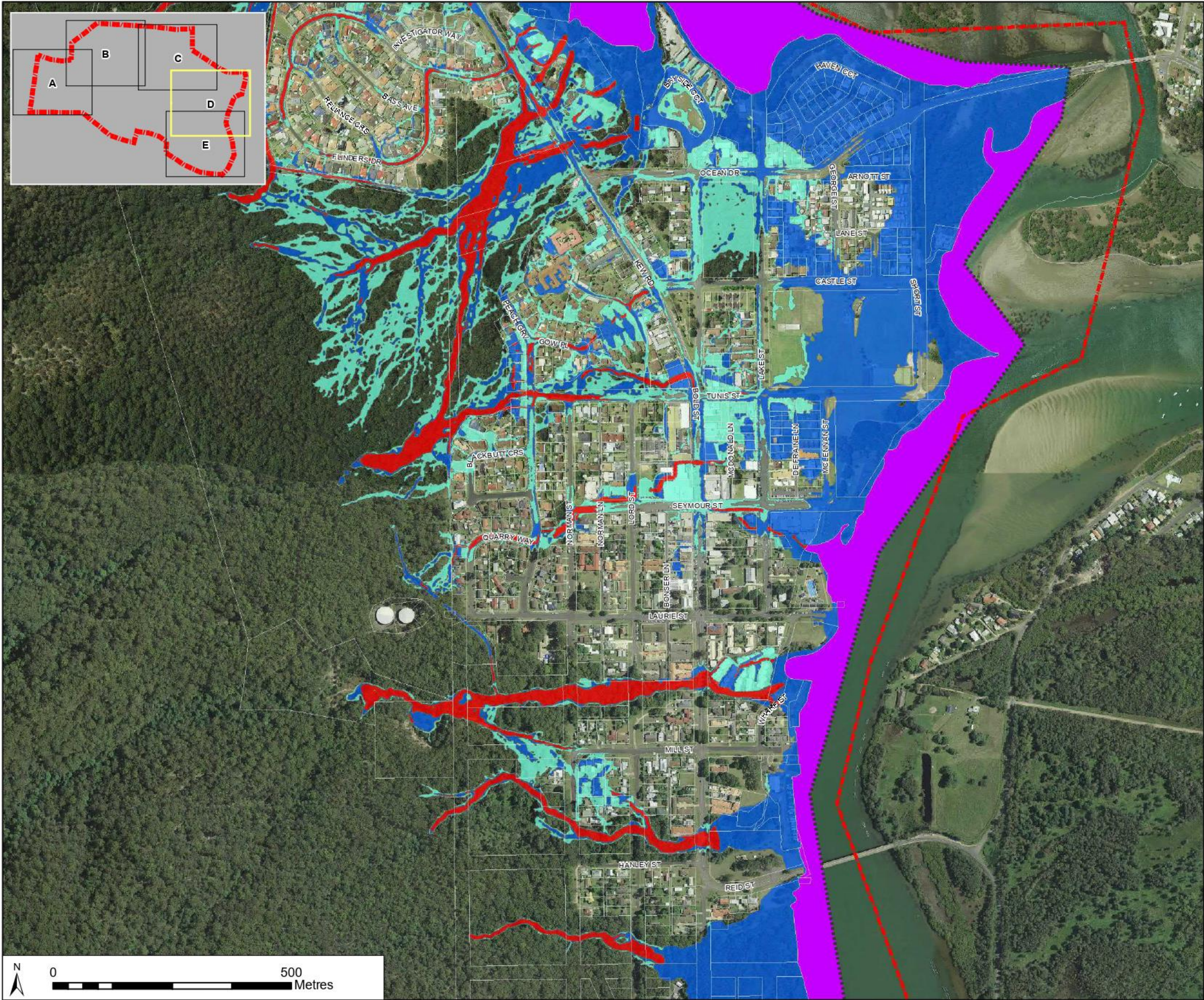
GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



1% AEP Design Flood
Climate Change Scenario
Hydraulic Categories

TITLE
PROJECT North Brother Local
Catchments Flood Study

PROJECT #
IA1 57 500
DATE
28/01/2021
MAP C-2(C)



Legend

Hydraulic Categories

- Floodway
- Flood Storage
- Flood Fringe
- Watercourse
- Limit of Mapping
- Study Area

NOTES:
1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.
2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

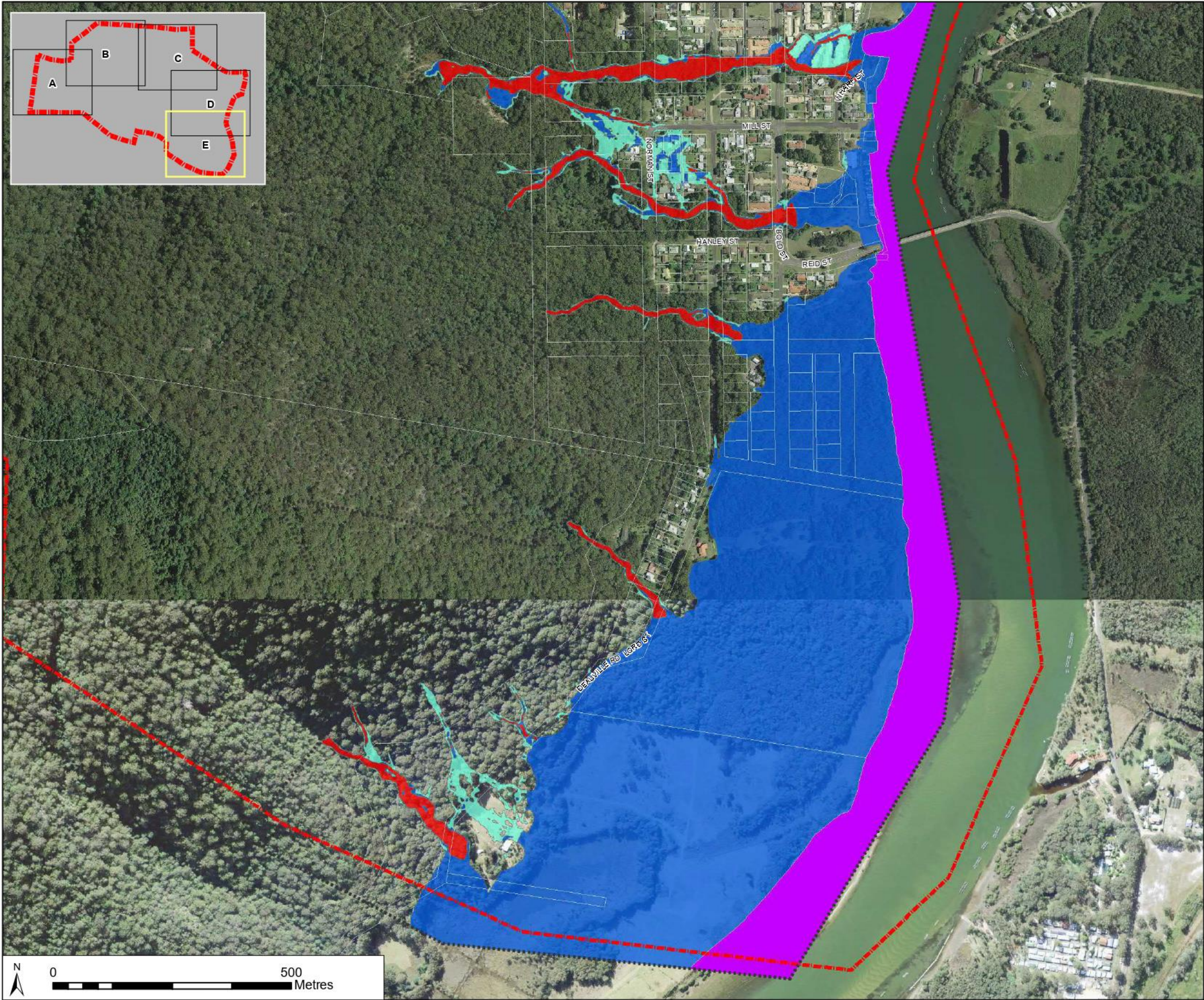
GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



1% AEP Design Flood
Climate Change Scenario
Hydraulic Categories

North Brother Local
Catchments Flood Study

MAP C-2(D)



Legend

Hydraulic Categories

- Floodway
- Flood Storage
- Flood Fringe
- Watercourse
- Limit of Mapping
- Study Area

NOTES:
1. The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.
2. The climate change scenario comprises a 10% increase in the 1% AEP rainfall and a 0.9m sea level rise.

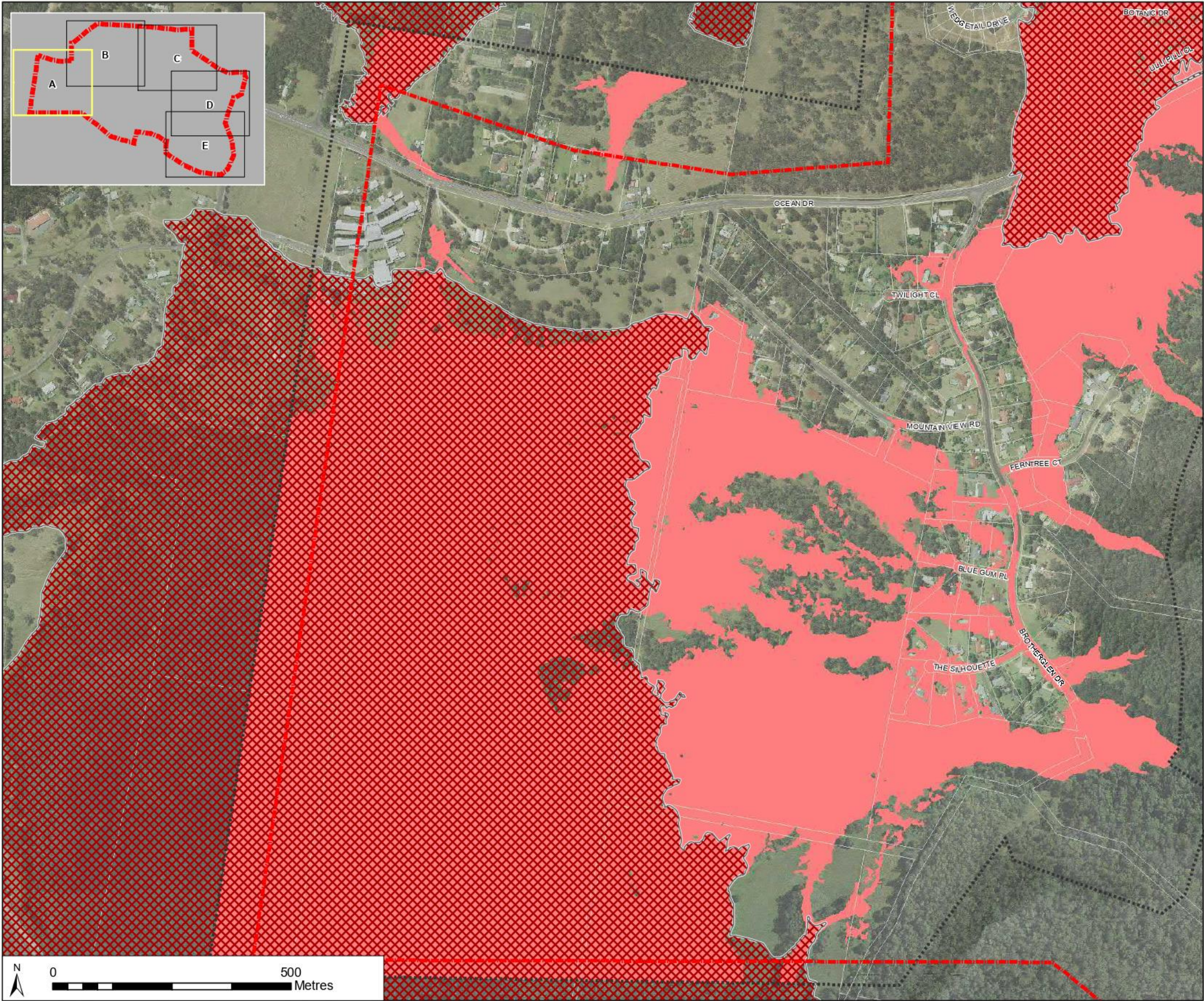
GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



1% AEP Design Flood
Climate Change Scenario
Hydraulic Categories

North Brother Local
Catchments Flood Study

MAP C-2(E)



- Legend**
- Overland FPL3 Extent
 - Mainstream Flood Planning Area. Development controls in Flood Policy 2015 may apply.
 - Study Area
 - Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.

JACOBS

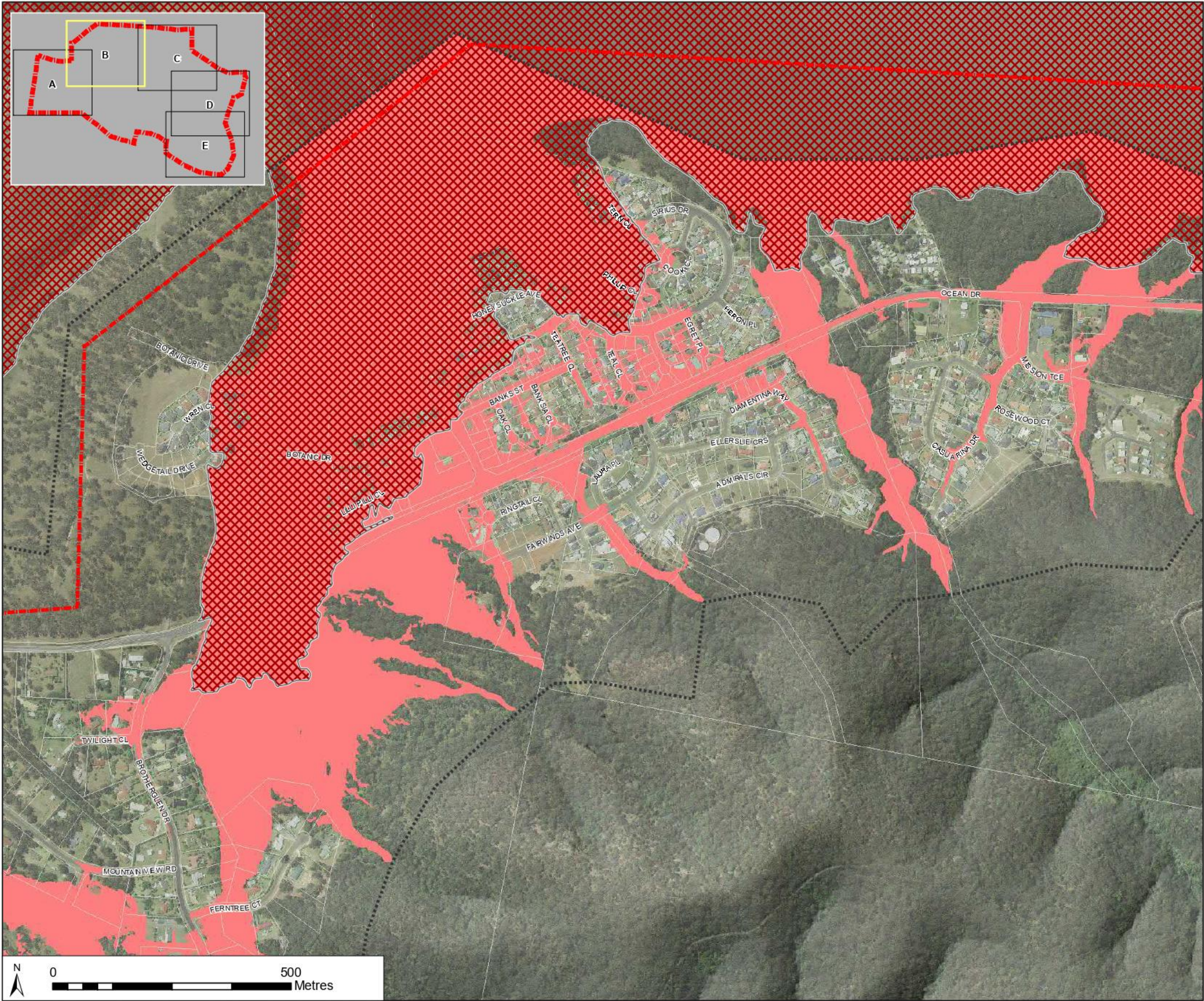
Provisional Overland Flood Planning Level Extent

TITLE

PROJECT North Brother Local Catchments Flood Study

PROJECT # IA157500
DATE 9/02/2021

MAP C-3(A)



Legend

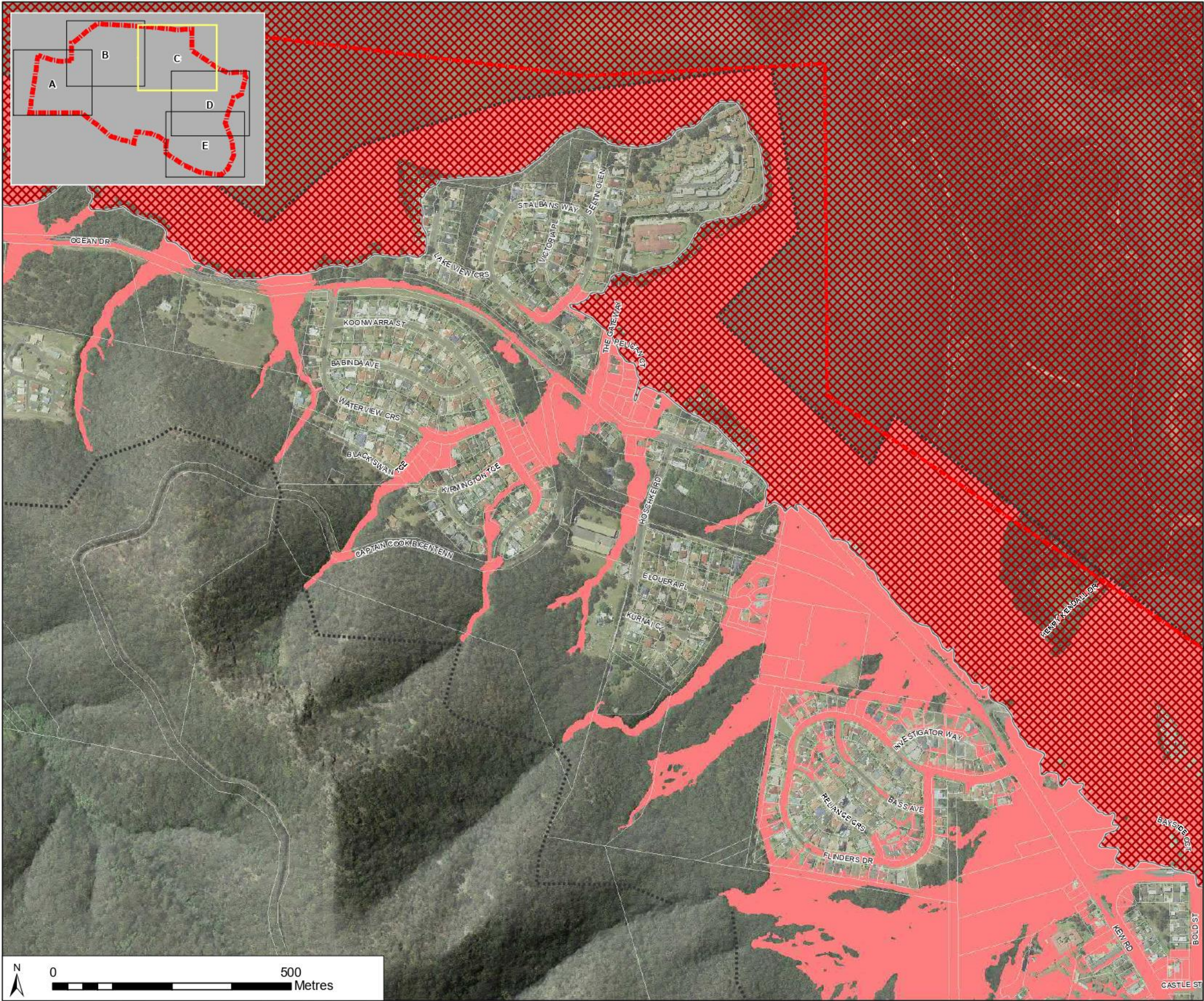
- Overland FPL3 Extent
- Mainstream Flood Planning Area.
- Development controls in Flood Policy 2015 may apply.
- Study Area
- Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	Provisional Overland Flood Planning Level Extent
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157500 DATE 9/02/2021	MAP C-3(B)



Legend

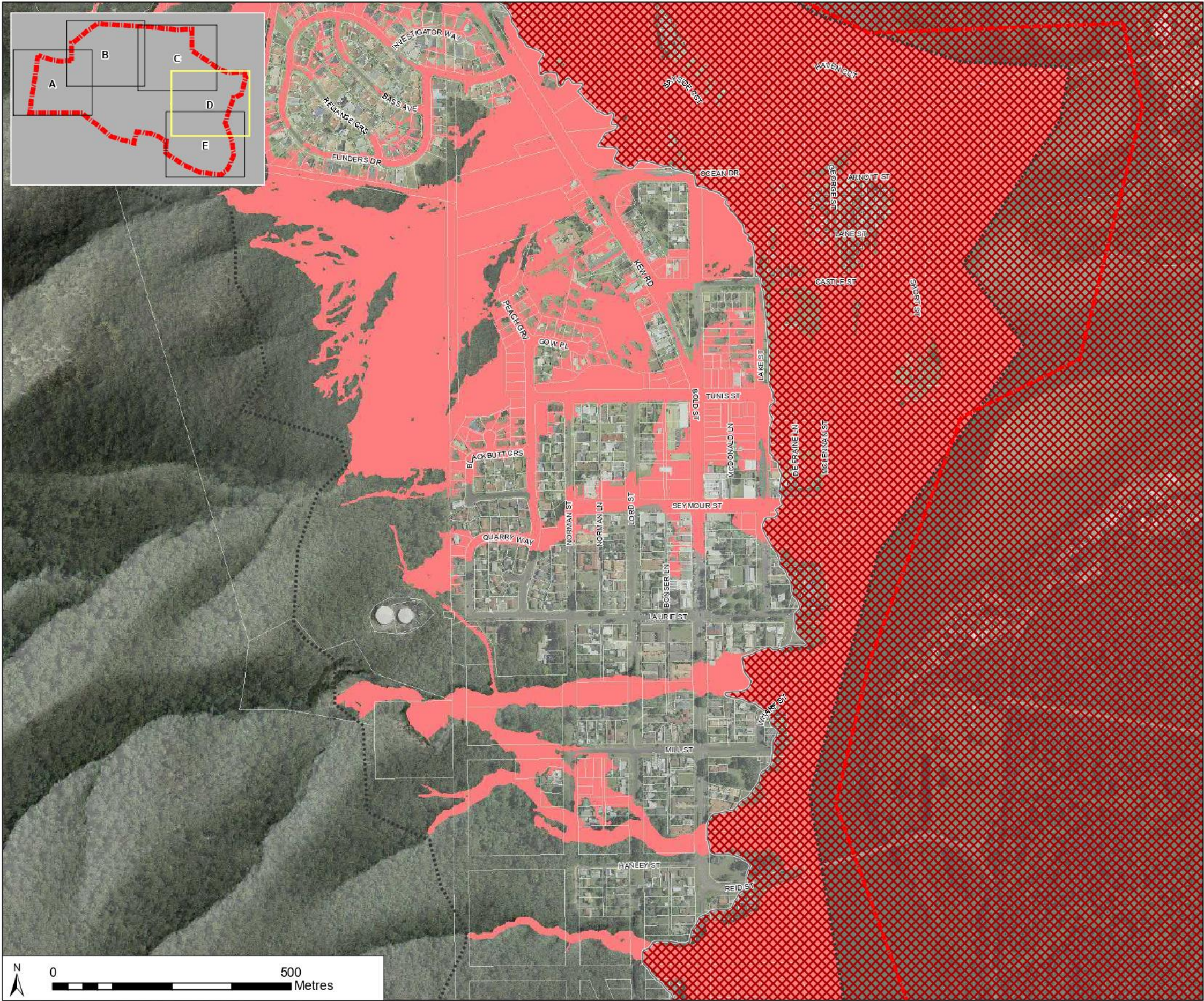
- Overland FPL3 Extent
- Mainstream Flood Planning Area.
- Development controls in Flood Policy 2015 may apply.
- Study Area
- Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	Provisional Overland Flood Planning Level Extent
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157500 DATE 9/02/2021	MAP C-3(C)



Legend

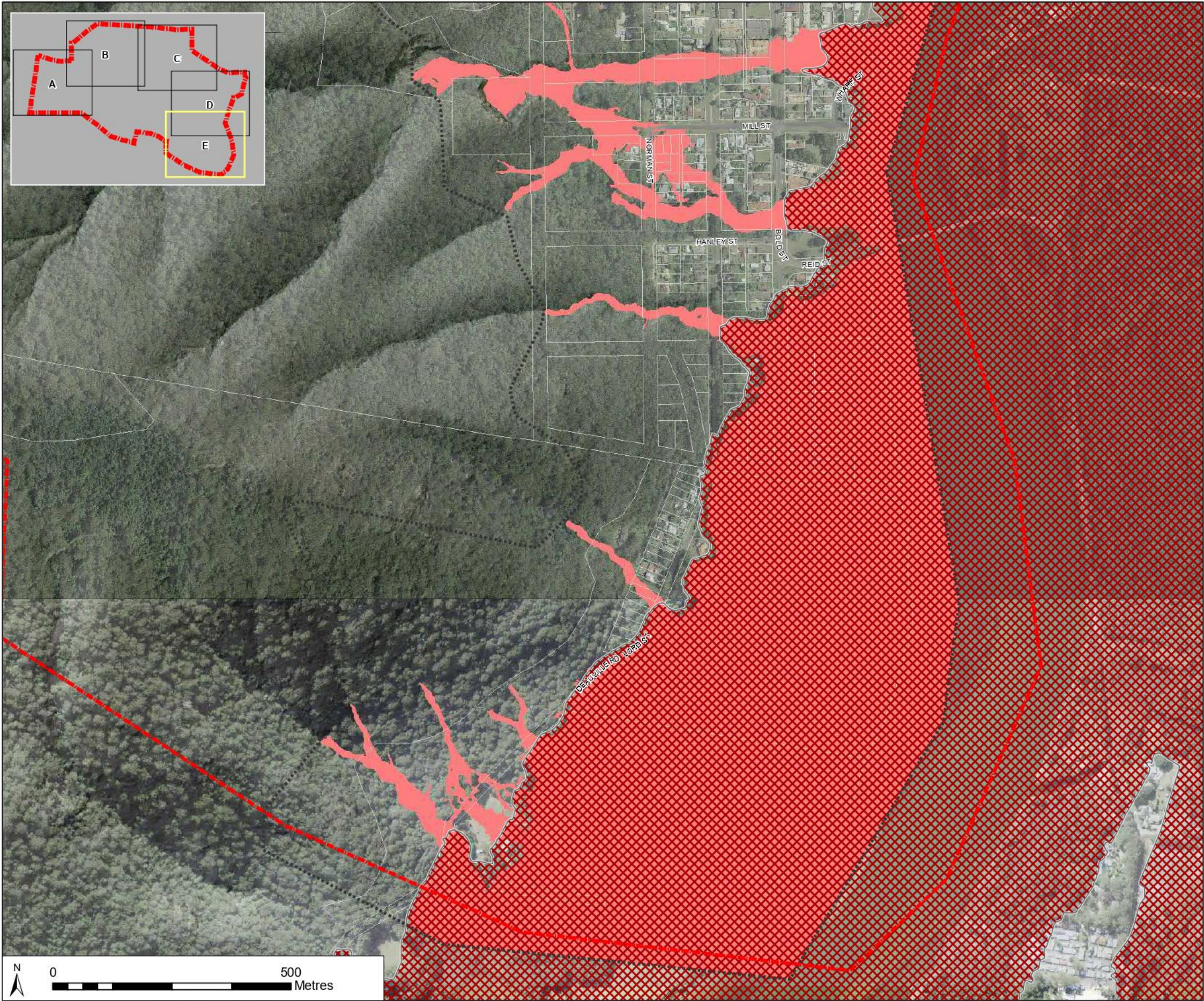
- Overland FPL3 Extent
- Mainstream Flood Planning Area.
- Development controls in Flood Policy 2015 may apply.
- Study Area
- Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	Provisional Overland Flood Planning Level Extent
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157500 DATE 9/02/2021	MAP C-3(D)



Legend

- Overland FPL3 Extent
- Mainstream Flood Planning Area. Development controls in Flood Policy 2015 may apply.
- Study Area
- Limit of Mapping

NOTE: The mapping shown here is for North Brother local catchment flooding only. Refer to the Camden Haven and Lakes System Flood Study (2013) for riverine flooding mapping.

GDA 1994 MGA Zone 56
Scale: A3
Data Sources: LPI, OEH, Council
LIMITATIONS: This mapping is based on data and assumptions identified in the North Brother Local Catchments Flood Study prepared by Jacobs. Jacobs does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



TITLE	Provisional Overland Flood Planning Level Extent
PROJECT	North Brother Local Catchments Flood Study
PROJECT # IA157500 DATE 9/02/2021	MAP C-3(E)

Draft Floodplain Risk Management Study and Plan



Appendix D. Flood Modification Options Cost Summaries

Table D-1: Summary of the implementation cost of Option 4B

Item	Total
Site Preparation	
-Demolish existing road, trees cut, clearing vegetation, and disposal; spread and level soil within 10km	\$36,000
-Excavation in clay in trench (250m long and 1.5m deep) for new culverts and new flowpath at Pelican Court and cartage within 10km and side protection	\$116,000
-Dispose of demolished mixed materials	\$58,000
-Turf, laid, rolled and watered for two weeks	\$4,000
-Safety fencing	\$5,000
Stormwater Drainage	
-Installation of 2x 2.1m x 1.2m concrete precast culverts	\$1,063,000
-Construction of headwall- foundation	\$6,000
-Construction of headwall- 200mm wingwall	\$9,000
-Rock protection and debris control screen	\$20,000
-Nominal allowance for culvert inlet rock debris trap	\$200,000
Service Relocation/Protection	
-Relocation of power pole with meter box	\$15,000
-Allowance for relocation/protection for existing utilities - (electricity, optus, sewer pipes, etc)	\$10,000
Road Construction	
-Road re-construction	\$19,000
Sub Total	\$1,561,000
Other	
Allowance for works on private property	\$0
Traffic and pedestrian management (28days)	\$66,000
Cost of consultancy (feasibility studies, REF, design, structural investigations, etc)	\$300,000
Contingency (30%)	\$469,000
Contractor's Prelims and Indirect Costs (25%)	\$391,000
Grand Total	\$2,787,000

Draft Floodplain Risk Management Study and Plan



Table D-2: Summary of the implementation cost of Option 6A

Item	Total
Site Preparation	
-Clearing vegetation, and disposal	\$1,000
-Cut down 65nos. tree and cart away	\$11,000
-Safety fencing	\$1,000
Construction of low height levee	
-Construction of 160m long 1m high bund	\$66,000
-Sediment control and planting	\$34,000
Sub Total	\$113,000
Other	
Cost of consultancy (feasibility studies, REF, design,etc)	\$50,000
Contingency (30%)	\$34,000
Contractor's Prelims and Indirect Costs (25%)	\$29,000
Grand Total	\$226,000

Draft Floodplain Risk Management Study and Plan



Table D-3: Summary of the implementation cost of Option 6B-6E

Item	Total
Site Preparation	
-Demolish existing road, trees cut, clearing vegetation, and disposal; spread and level soil within 10km	\$548,000
-Excavation in clay in trench (750m long and 3m deep) for new culverts and cartage within 10km and side protection	\$657,000
-Excavation in clay for new channel (230m and 1m deep)	\$148,000
-Dispose of demolished mixed materials	\$2,016,000
-Turf, laid, rolled and watered for two weeks	\$4,000
-Safety fencing	\$10,000
Stormwater Drainage	
-Installation of 3-1350mm, 1-900 and 1- 1050mm concrete precast culverts	\$3,482,000
-Construction of headwall- foundation	\$16,000
-Construction of headwall- 200mm wingwall	\$18,000
-Rock protection and debris control screen	\$20,000
-Nominal allowance for culvert inlet rock debris trap	\$200,000
Channel works	
Geotextile lining of upgraded channel	\$10,000
Riprap lining of upgraded channel	\$15,000
Service Relocation/Protection	
-Allowance for relocation/protection for existing utilities - (electricity, optus, sewer pipes, etc)	\$130,000
Road Construction	
-Road re-construction	\$259,000
Sub Total	\$7,533,000
Other	
Allowance for works on private property	\$0
Traffic and pedestrian management (28days)	\$66,000
Cost of consultancy (feasibility studies, REF, design, structural investigations, etc)	\$300,000
Contingency (30%)	\$2,260,000
Contractor's Prelims and Indirect Costs (25%)	\$1,884,000
Grand Total	\$12,043,000

Draft Floodplain Risk Management Study and Plan



Table D-4: Summary of the implementation cost of Option 8B

Item	Total
Site Preparation	
-Clearing vegetation, and disposal	\$2,000
Debris Control Installation	
Debris control screen	\$10,000
Sub Total	\$12,000
Other	
Cost of consultancy (feasibility studies, design)	\$2,000
Contingency (30%)	\$4,000
Contractor's Prelims and Indirect Costs (25%)	\$3,000
Grand Total	\$21,000

Draft Floodplain Risk Management Study and Plan



Table D-5: Summary of the implementation cost of Option 9B

Item	Total
Site Preparation	
-Demolish existing road and driveway, trees cut, clearing vegetation, and disposal; spread and level soil within 10km	\$42,000
-Excavation in clay in trench (150m long and 1.5m deep) for new culverts and cartage within 10km and side protection	\$130,000
-Dispose of demolished mixed materials	\$45,000
-Turf, laid, rolled and watered for two weeks	\$10,000
-Safety fencing	\$2,000
Stormwater Drainage	
-Installation of 2x -3000mmX1200mm concrete precast box culverts	\$1,173,000
-Construction of headwall- foundation	\$6,000
-Construction of headwall- 200mm wingwall	\$9,000
-Rock protection and debris control screen	\$10,000
-Nominal allowance for culvert inlet rock debris trap	\$200,000
Construction of Driveway	
-Reinstate 2 driveways	\$9,000
Service Relocation/Protection	
-Allowance for relocation/protection for existing utilities - (optus, sewer pipes, etc)	\$10,000
Road Construction	
-Road re-construction	\$8,000
Sub Total	\$1,654,000
Other	
Allowance for works on private property	\$0
Traffic and pedestrian management (7days)	\$16,000
Cost of consultancy (feasibility studies, REF, design, structural investigations, etc)	\$200,000
Contingency (30%)	\$497,000
Contractor's Prelims and Indirect Costs (25%)	\$414,000
Grand Total	\$2,781,000

Mark Edenborough

From: Tina Clemens <tina.clemens@crownland.nsw.gov.au>
Sent: Tuesday, 30 March 2021 2:03 PM
To: Mark Edenborough
Cc: Toong Chin
Subject: DPIE Crown Lands - early review of Crown land within the North Brother FRMSP area
Attachments: Option 9B.pdf; Option 8B.pdf; Option 6A - 6D .pdf; Option 4B .pdf; North Brother Local Catchments Flood Study_PMHC.xlsx

Greetings Mark

Please find the DPIE – Crown Lands (Crown Lands) summary ([spreadsheet](#)) of Crown Lands issues for inclusion in the North Brother Flood study constraints analysis, as well as [maps](#) of these considerations. We have been busy during the current event, so apologies on this arriving today not yesterday.

There are many interests in Crown land other than the registered owner's interest, hence Crown Lands' requests at recent PMHC CFEC meetings for this opportunity of early review – to ensure there are no unforeseen procedural delays or unforeseen barriers per se – especially given this relates to Natural Disasters.

Where Council intends to occupy any Crown land or waterways with a construction or structure it must apply to acquire land the area of the structure occupying the Crown land and any upgrades or areas required additionally that facilitate the existence of the works. Until an acquisition takes place, a Crown Lands authorisation (Licence) should be sought for the occupation of the Crown land by the works.

Pre-acquisition procedures require the authority to be satisfied that all interests in the land have been identified. The rights and interests of Aboriginal people and communities must be considered as part of the pre-acquisition procedures. Compulsory acquisition cannot proceed where there is an undetermined Aboriginal Land Claim over the land. There are a number of Crown land parcels subject to the options which have undetermined Aboriginal Land Claims ([listed in the Spreadsheet](#)).

All Crown land is considered to be subject to Native title unless a determination of Native title has been made by the Federal Court. Native Title matters should be considered by Councils Native Title officer.

For further information on acquisition of Crown Land, see:

- https://www.industry.nsw.gov.au/_data/assets/pdf_file/0010/325864/Guideline-compulsory-acquisition-of-Crown-land.pdf
- <https://www.industry.nsw.gov.au/lands/access/compulsory-acquisition/notification-of-proposed-compulsory-acquisition-of-crown-land/online-form>
- <https://www.industry.nsw.gov.au/lands/access/compulsory-acquisition>

We note in one suite of options the presence of a Bushfire Asset Protection Zone (Peach Grove). Please consider comments regarding this APZ (contained in the Spreadsheet).

Many thanks for allowing Crown Lands to assist by providing this early feedback for Council.

Regards

Tina Clemens | a/Senior Bush Fire Officer - North Coast

CROWN LANDS | Department of Planning, Industry and Environment
T 6591-3572 | E tina.clemens@crowland.nsw.gov.au
98 Victoria Street | TAREE NSW 2430
PO Box 2155 | DANGAR NSW 2309
www.industry.nsw.gov.au/lands | www.dpie.nsw.gov.au

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Mark Edenborough <Mark.Edenborough@pmhc.nsw.gov.au>
Sent: Thursday, 25 March 2021 7:45 AM
To: Tina Clemens <tina.clemens@crowland.nsw.gov.au>
Subject: RE: FW: Follow-up from last week's Committee Meeting - North Brother FRMSP

Thanks for the update Tina,

Regards,
Mark

Mark Edenborough BEng (Civil) | MEnvPlan
Senior Stormwater Engineer
Infrastructure



p (02) 6581 8645





From: Tina Clemens <tina.clemens@crowland.nsw.gov.au>
Sent: Wednesday, 24 March 2021 3:54 PM
To: Mark Edenborough <Mark.Edenborough@pmhc.nsw.gov.au>
Cc: Toong Chin <Toong.Chin@environment.nsw.gov.au>
Subject: RE: FW: Follow-up from last week's Committee Meeting - North Brother FRMSP

Hi Mark

We will be able to have this to you by close of business on **Monday 29 March**.

Apologies for the delay – we have been inundated with a backlog and commencing saturation during last week.

Thanks for your understanding.

With regards

Tina Clemens | a/Senior Bush Fire Officer - North Coast

CROWN LANDS | Department of Planning, Industry and Environment
T 6591-3572 | E tina.clemens@crowland.nsw.gov.au
98 Victoria Street | TAREE NSW 2430
PO Box 2155 | DANGAR NSW 2309
www.industry.nsw.gov.au/lands | www.dpie.nsw.gov.au

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Mark Edenborough <Mark.Edenborough@pmhc.nsw.gov.au>
Sent: Wednesday, 24 March 2021 8:35 AM

To: Tina Clemens <tina.clemens@crowland.nsw.gov.au>

Cc: Toong Chin <Toong.Chin@environment.nsw.gov.au>

Subject: RE: FW: Follow-up from last week's Committee Meeting - North Brother FRMSP

Good morning Tina,

Further to my email below, I'm just writing to see if your team has had a chance to review the structural mitigation options proposed within the North Brother Draft Floodplain Risk Management Study and Plan yet?

Regards,

Mark

Mark Edenborough BEng (Civil) | MEnvPlan

Senior Stormwater Engineer

Infrastructure



p (02) 6581 8645



From: Mark Edenborough

Sent: Tuesday, 2 March 2021 10:48 AM

To: 'Tina.Clemens@crowland.nsw.gov.au' <Tina.Clemens@crowland.nsw.gov.au>

Subject: CM: FW: Follow-up from last week's Committee Meeting - North Brother FRMSP

Good morning Tina

Further to last week's Coast, Estuary and Floodplain Sub-Committee Meeting, following is a link to download a copy of the Draft North Brother Local Catchments Floodplain Risk Management Study and Plan for comment. Please also find attached a copy of the shapefiles of the proposed flood mitigation measures for your review for impacts on Crown Land as requested at last week's meeting.

Download Floodplain Risk Management Study and Plan here: https://pmhcouncil-my.sharepoint.com/:b:/g/personal/mark_edenborough_pmhc_nsw_gov_au/Efvahy7lqP1Pp_Jc_ywC7KIBBUyB178rQ03876moAMdmlw

It would be appreciated if you could review and advise of any impacts of the mapped concept works on Crown Lands at your earliest convenience and at least prior to 22 March to enable us to meet Council reporting deadlines.

Please contact me by return email or at PH: 6581 8645 if you would like to discuss further.

Regards,

Mark

Mark Edenborough BEng (Civil) | MEnvPlan
Senior Stormwater Engineer
Infrastructure



p (02) 6581 8645



We acknowledge the Birpai people, the traditional owners of the land in which we work and live, and pay our respects to Elders past, present and emerging. We extend our respect to all Aboriginal and Torres Strait Islander people who choose to call Port Macquarie-Hastings home.

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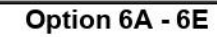
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Lot /DP	RESERVE NUMBER	PURPOSE/USES	ALC current (Y/N)
7303// 1149398	754405 Gazetted 29 Jun 2007	Future Public requirements, sewerage pipeline, access, port facilities and services	Claim 41288 - Incomplete
7303// 1149398 - Eastren Boundary of Reserve 754405, being	Loreton APZ Pach Grove	Bushfire Asset Protection Zone currently maintained by Crown land	Claim 41288 - Incomplete
1/11//758603	76255 Gazetted 25 Sep 1953	Camping, public recreation, resting place	Claim 29688 - Refused
29//704856	97725 Gazetted 8 March 1985	Public recreation	Claim 29669 - Incomplete

Crown Land Manager/Direct DPIE - Crown Lands management	Current Tenures	Native Title
Crown Lands	Licence LGWF 312700 (1/2/1999) Port Macquarie Hastings Council	N/A
Crown Lands	N/A	N/A
Port Macquarie-Hastings Council as CLM	Permissive Occupancy 166478 (18/11/1985) Marine rescue	N/A
Crown Lands	N/A	N/A

Option affected by Crown land/water	Potential constraints posed by Option proposed over Crown land/water
Option 6A, Option 6B & 6C	Works options intersect Crown land under Aboriginal Land Claim. There will be a requirement for negotiation by Council with the claimant Land Council alongside the easement Acquisition process, should these works be pursued.
Option 6B & 6C	<p>* The channel must be sited such that the following RFS standards could be met by PMHC Council at all times. www.rfs.nsw.gov.au/__data/assets/pdf_file/0010/13321/Standards-for-Asset-Protection-Zones.pdf</p> <p>* Currently the APZ is subject to slashing 4-6 times per year plus other tree maintenance works to reduce bushfire fuels within the zone.</p> <p>* Additionally, access off Peach Grove road for RFS fire fighting appliance must be maintained.</p> <p>* Issues with this drain may be indicated by challenges regarding current drain: drain has no maintenance, rocks and soil structure may make drain construction difficult, many trees present, residents have been encroaching on the current drain.</p>
Option 6E, Option 6D	Works should not impede access at any time to the foreshore of this Reserve in either construction or maintenance.
Option 6D, Option 6E	Works options intersect Crown land under Aboriginal Land Claim. There will be a requirement for negotiation by Council with the claimant Land Council alongside the easement Acquisition process, should these works be pursued.

1. **Answer:**

- **Option 6A**—Construct 1m high bund to retain flows in natural gully. Reduce overflows to Tunis Street flow path.
- **Option 6B**—Increase existing diversion channel capacity to 6-10m base width.
- **Option 6C**—Construct new diversion channel approx. 4 m base width behind Peach Grove properties, with 0.3m high berm on low side channel.
- **Option 6D**—New trunk drainage line with 5% AEP capacity. 3 x 1.35m diameter pipes. Retain existing drainage lines.

Option 6E – Upgrade Gow Place drainage.
Additional 3m lint pit (plus existing 3m lint pit)
Upgrade pipe to 1.05m and extend gully to prevent
backflow during flood.
New 0.9m pipe connected to new trunk drainage.

-  Crown Reserve 76255 CLM – PMH Council
ALC 29688 Refused.
-  Crown Reserve 97725 CLM – Crown Lands
ALC 29669 Incomplete.
-  Asset Protection Zone – Peach Grove.
-  Crown Reserve 754405 CLM – Crown Lands
ALC 41288 Incomplete.

 Draft FAFT Fire Trail - Class 1

Parish: CAMDEN HAVEN
County: MACQUARIE
LGA: PORT MACQUARIE-HASTINGS
Suburb: LAURIETON

Author: DPL/stokesle
Map Created: 29/03/2021 12:34:37 PM

Planning,
Industry &
Environment

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Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

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Option 9B

Legend

Aboriginal Land Claim Boundary	Non Crown Land
Licence (Structure Point)	Crown Land - Undefined Status
Licence (Structure Line)	Crown Road
Licence (Structure Polygon)	Shared Crown / Council Road
Licence (Land Area)	Crown Road - Undefined Status
Crown Lease	Crown Waterway
Enclosure Permit	All Crown (Land, Road & Water)
Crown Reserve	Local Government Area
Crown Land (Other)	Suburb
Crown Land	National Parks Reserve
Crown Land - Status Unknown	State Forest

Crown Account Details

Option 9B - New trunk drainage line 2 x 3m x 1.2m box culvert including upgrade of Ocean Drive culverts. Alternative to Option 9A. Retain existing shallow overland flow path through school. Provide inlet rock debris trap/basin.

Crown Reserve 87917 - CLM Crown Lands

ALC 41294 Incomplete
ALC 29639 Incomplete

Crown Reserves - CLM PMH Council

Parish: CAMDEN HAVEN
County: MACQUARIE
LGA: PORT MACQUARIE-HASTINGS
Suburb: LAURIETON

Author: DPI/stokesle
Map Created: 30/03/2021 7:14:01 AM



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0 23 46 69 92 m
Scale 1: 2257

Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere

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Attachment 4: Draft Prioritised Mitigation Measures

ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Priority Ranking
FM 1	Option 9B St Joseph's School, Laurieton	Council. Possible co-funding contribution from School	\$2,781,000	Council maintenance costs	<ul style="list-style-type: none"> • Install 2x 3m x 1.2m box culvert in the middle flow path through the School, including upgrade of Ocean Street culvert crossing. Inlet rock debris trap basin required 	High
FM 2	Option 4B Koonwarra Street to Pelican Court, West Haven	Council	\$2,787,000	Council maintenance costs	<ul style="list-style-type: none"> • New additional trunk drainage line 2x 2.1m x 1.2m box culverts, intercepting flows at downstream end of channel on Captain Cook Bicentennial Drive villas, cross Ocean Drive and run under The Gateway. Inlet debris trap basin required. • Reprofile grassed verge of access road stub to increase surface outflow capacity from Pelican Court sag 	High
FM 3	Option 6B – 6E Tunis Street Overland Flow Path, Laurieton	Council	\$12,043,000	Council maintenance costs	<ul style="list-style-type: none"> • Increase existing diversion channel capacity behind Blackbutt Crescent properties. Widen and remove/maintain vegetation • Construct new diversion channel behind Peach Grove properties north of Tunis Street • Install new 3 x 1.35m trunk drainage line from the easement down Tunis Street to discharge to the river (approximately 740m). Inlet debris trap basin required. • Upgrade and extend drainage in Gow Place to 1.05m dia pipe. Upgrade pit inlets. Install new 900mm pipe connection from the gully to the new trunk drainage line. • Feasibility study is recommended to investigate constructability, constraints and opportunities in greater detail. 	Medium

Attachment 4: Draft Prioritised Mitigation Measures

ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Priority Ranking
FM 4	Option 8B Lake Street at Seymour Street, Laurieton	Council	\$21,000	Council maintenance costs	<ul style="list-style-type: none"> • Install debris control structure at existing or proposed upgraded culvert inlet 	Medium
PM 1	LEP amendments	Council	Staff costs	N/A	<ul style="list-style-type: none"> • Amendment of LEP 2011 to include the North Brother local catchments flood mapping on the LEP Flood Planning Map. The current flood prone land mapping and flood planning area mapping does not include this study area. • The Section 10.7 certificates are recommended to provide flood information for properties such as flood levels and flood planning levels across the lot, in addition to the flood hazard and hydraulic categories present on each lot. 	High
PM 2	Flood Policy Amendments and new Overland Flood Policy	Council	Staff costs	N/A	<ul style="list-style-type: none"> • A new Overland Flood Policy is recommended to be developed to provide greater flexibility for Council to administer development controls which are better tailored for areas affected by overland flooding only. The Overland Flood Policy would apply to areas where an overland flood study has been adopted, and any other areas deemed applicable by Council. The flood mapping prepared in this North Brother Local Catchments Flood Study including Overland Hydraulic Categories mapping and FPL1 – FPL4 mapping, including <ul style="list-style-type: none"> • should be referenced by the Overland Flood Policy as appropriate. • The Flood Policy should be updated to 	High

Attachment 4: Draft Prioritised Mitigation Measures

ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Priority Ranking
					<p>reference the Overland Flood Policy.</p> <ul style="list-style-type: none"> Both flood policies should state that both the mainstream and overland flooding conditions need to be considered for development and re-development of properties. Design flood events are referred to in the Flood Policy in terms of Average Recurrence Interval (ARI) which is not in line with current floodplain management best practice of referring to events by Annual Exceedance Probability (AEP). Update to the Flood Policy should include reference to AEP terminology and/or definitions on conversion in its glossary (i.e. 5% AEP = 20 year ARI, and 1% AEP = 100 year ARI). Consider incorporation of the ARR 2019 flood hazard categorisation system into the Flood Policy to reflect the current best practice in defining flood hazard conditions. "High flood hazard" could be considered as H3 or higher hazard (ARR 2019 hazard categories). The lower threshold for H3 hazard is similar or slightly lower than the high and transitional hazard categories in the 	

Attachment 4: Draft Prioritised Mitigation Measures

ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Priority Ranking
					Floodplain Development Manual method.	
PM 3	Scoping study on a voluntary redevelopment scheme for high flood hazard properties	Council	Staff costs	\$0K	<ul style="list-style-type: none"> • Further investigation on feasibility of a voluntary redevelopment scheme for high flood hazard properties, as an alternative to voluntary purchase • Council to investigate and develop resolution of the identified policy and probity issues related to such a scheme. • Scheme is to recommend engineering and economic assessments be undertaken for flood-durable development designs to determine feasibility. • Include development controls such as provision of floor levels above PMF level and flood-free emergency access for such developments. • Being a voluntary scheme, current residents may not be in favour of participating. 	Low
RM 1	Develop flood management plan for selected sensitive properties	Council (advocacy only), property operator (funding and implementation)	Cost to be borne by property operator	N/A	<ul style="list-style-type: none"> • Council should consider consultation with operators of sensitive properties (schools, pre-schools and retirement villages) affected by high hazard flooding regarding management of flood risk on the site. Development of a flood management plan for the sites should be considered. • The plans should contain procedures for monitoring weather and warnings and evacuation of occupants to flood-safe spaces within the property if possible. • Emergency and evacuation 	High

Attachment 4: Draft Prioritised Mitigation Measures

ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Priority Ranking
					procedures shall include a flood risk management procedure.	
RM 2	Update of Local Flood Plan	SES	Staff costs	N/A	<ul style="list-style-type: none"> It is recommended that Port Macquarie Hastings EMPLAN be updated based on the findings of this study, including intelligence on flood behaviour, impacted and sensitive properties, affected roads etc. 	High
RM 3	Development of flood education and awareness program	Council, SES	\$20K	Staff costs	<ul style="list-style-type: none"> It is recommended that Council develops a flood education program to promote flood awareness and readiness in the community. Measures may include: <ul style="list-style-type: none"> Promotion of FloodSafe brochures to help residents understand the flood risk and prepare their property and personal plans for a flooding event. Promotion of flood proofing measures should also be included in flood education and awareness programs Section 10.7 certificates to inform property owners about flood risk to their properties Provide flood mapping on an interactive mapping portal on Council's website for easier viewing Promotion and support for SES information events Enhanced messaging on flood risk on Council's floodplain management webpage. The program should be reviewed on a regular (e.g. 5 yearly) 	Medium

Attachment 4: Draft Prioritised Mitigation Measures

ID	Measures considered	Responsibility	Initial Cost	Ongoing Cost	Features of the Measure	Priority Ranking
					basis or after each major flood event.	
RM 4	Road flood depth signage	Council	\$5K per location, five locations	\$0K	<ul style="list-style-type: none"> • Install new flood depth signage at selected locations: • Ocean Drive 70m east of Sirius Drive • Ocean Drive 380m east of Fairwinds Avenue • Ocean Drive 30m east of The Gateway • Bold Street sag between Laurie Street and Mill Street • Bold Street sag between Mill Street and Hanley Street. 	High

AGENDA

DEVELOPMENT ASSESSMENT PANEL
18/03/2021

Item: 07

Subject: DA2018 - 353.3 MODIFICATION TO COMMERCIAL PREMISES AND TOURIST AND VISITOR ACCOMMODATION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 123 DP 1219042, NO 17 CLARENCE STREET, PORT MACQUARIE

Report Author: Development Assessment Planner, Benjamin Roberts

Applicant: David Pensini
Owner: Yogi Bear Holdings Pty Ltd
Estimated Cost: N/A
Parcel no: 65374

Alignment with Delivery Program

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

RECOMMENDATION

That the Development Assessment Panel recommend to Council that modification to DA2018 - 353.3 for a Commercial Premises and Tourist and Visitor Accommodation including clause 4.6 variation to clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a modification to a previous approved commercial premises and tourist and visitor accommodation including clause 4.6 variations to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, ten (10) submissions were received.

The site is considered suitable for the proposed modified development and the proposal adequately addresses relevant planning controls as justified. 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.



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DEVELOPMENT ASSESSMENT PANEL
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This report recommends that the modification application be approved subject to the amended conditions included in **Attachment 1**.

1. BACKGROUND**Previous consideration of the proposal and applications prior to current modification**

The first development application was originally reported to the Development Assessment Panel on 23 January 2019 where the Panel was unable to reach consensus as follows:

"That DA2018 – 353 be refused on the grounds that:

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

For: Robert Hussey

Against: Paul Drake and Dan Croft.

The dissenting recommendation was:

"That DA2018 – 353 be deferred to allow the applicant to readdress noncompliance with development standards and provide further evidence to support parking provision on site so as to avoid significant dependence on contribution offsets."

Given the Development Assessment Panel was unable to reach consensus at its meeting on 23 January 2019 the matter was reported to Council in accordance with the DAP charter on 20 February 2019 with the following recommendation from staff:

"That DA2018 - 353 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions."

In considering the matter at its meeting on 20 February 2019 Council resolved as follows:

RESOLVED: Intemann/Alley

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

CARRIED: 6/1

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

AGAINST: Levido



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The applicant subsequently lodged revised plans on 19 April 2019 to include a further level of basement parking to the proposed development.

The revised application was re-considered by the Development Assessment Panel on 22 May 2019 where it was again unable to reach consensus as follows:

The following motion was put to the panel:

"That it be recommended to Council that DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions."

For: Paul Drake and Dan Croft

Against: Robert Hussey

The dissenting recommendation was:

"That DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by refusing consent for the following reason:

1. Insufficient car parking is provided on site. To vary the Development Control Plan (DCP) car parking provisions by 18% has significant implications on parking in the CBD, will lead to an undesirable precedent and undermine the DCP. Council should consider amending the DCP if such variations are to be considered acceptable."

Given the Development Assessment Panel was unable to reach consensus at its meeting on 22 May 2019 the matter was reported to Council in accordance with the DAP charter on 19 June 2019. The extent of the Clause 4.6 variation also required the application to be determined by Council.

In considering the matter at its meeting on 19 June 2019 Council resolved as follows:

RESOLVED: *Hawkins/Turner*

That DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

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

AGAINST: Nil

A modification application was subsequently approved by the Development Assessment Panel on 27 November 2019. The modification made the following changes:



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- Increase to ground floor commercial floor space from 195.3m² to 347.73m², which also included a reduction in parking at the ground floor level from 20 spaces to 10 spaces;
- Increase to lower level basement area to provide for 13 additional parking spaces;
- Increase to the conference room area on the sixth floor from 96.2m² to 105.4m²;
- Relocation and reconfiguration of amenities and gymnasium areas on sixth floor;
- Incorporation of external signage to the building;
- Change consent condition A13 regarding water metering requirements; and
- Change consent condition F4 regarding reception operating hours.

Existing Sites Features and Surrounding Development

The site has an area of 1518m².

The site is zoned B3 Commercial Core in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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

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DEVELOPMENT ASSESSMENT PANEL
18/03/2021**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposed modification include the following:

- Increase in building height;
- Relocation of electricity substation;
- Relocation of vehicle entry and exit;
- Relocation of discharge of internal fire stairs (south-eastern aspect);
- Reduced ground floor commercial area;
- Changes to the design of the basement car parking levels;
- Extension of external balcony (L1 - south-eastern corner of building);
- Enlargement of units (north-eastern aspect L4 - L6 inclusive);
- Changes to the reception area of the hotel;
- Change of level 6 roof over fire stairs;
- Minor changes to the southern façade appearance;
- Minor changes to the northern façade appearance;
- Internal changes to apartment layouts;
- Changes to location of service area; and
- Incorporate staging.

Refer to **Attachment 2** at the end of this report for plans of the proposed modified development.

Application Chronology

- 6 April 2020 - Application lodged.
- 23 April to 6 May 2020 - Public exhibition via neighbour notification.
- 25 May 2020 - Additional information request.



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- 11 September 2020 - Additional information response.
- 4 December 2020 - Additional information request.
- 21 December 2020 - Additional information provided.
- 14 January 2021 - Additional information request.
- 28 January 2021 - Additional information response.

3. STATUTORY ASSESSMENT

Section 4.55 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modification into three categories - 4.55(1) for modifications involving minor error, mis-description or miscalculation; 4.55(1A) for modifications involving minimal environmental impact; and 4.55(2) for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented to. The application has been lodged as a Section 4.55(1A).

Is the proposal substantially the same?

The subject application is being considered under the provisions of Section 4.55(1A).

The applicant has provided the following details in regards to the substantially the same test against relevant case law:

- The modified proposal is not a radical transformation from the development originally approved. The overall layout and appearance of the building remains the same. The land use and numbers of units remains unchanged;
- A qualitative and quantitative assessment of the proposed changes against the approved development.

Having regard to guidance principles set out in NSW Land and Environment Court case law *Moto Projects (No 2) Pty Ltd v North Sydney Council 1999*, the proposal is considered to be substantially the same development as the development originally approved. A comparison of the qualitative and quantitative elements of the originally approved development to the modified proposal reveals the proposal will present materially and essentially the same. The changes will not result in a radical transformation from that originally approved. Specifically, the use of the site as a commercial premises and tourist and visitor accommodation and building footprint remains relatively unchanged. The fundamental characteristics and essence of the development remain essentially the same.

Does the application require notification/advertising in accordance with the regulations and/or any Development Control Plan?

Neighbour notification has been undertaken.

Any submissions made concerning the modification?

Ten (10) submissions were received following completion of the neighbour notification period. The submissions are considered later in this report.

Any matters referred to in section 4.15(1) relevant to the modification?**Section 4.15(1) Matters for Consideration**

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

(a) The provisions (where applicable) of:

(i) Any Environmental Planning Instrument

Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011)

- Clause 4.3 - The maximum overall building height of the modified proposal above ground level (existing) is 24.65m. The approved building height is 23.65m. The proposed increase being 1m. The maximum building height standard applicable to the site is 19m. As a result, the applicant has submitted a modified Clause 4.6 variation to the standard. The proposed modified building height represents a 29.7% departure from the standard.
- Clause 4.6(3) - Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a modified Clause 4.6 variation to the standard based on the following reasons:

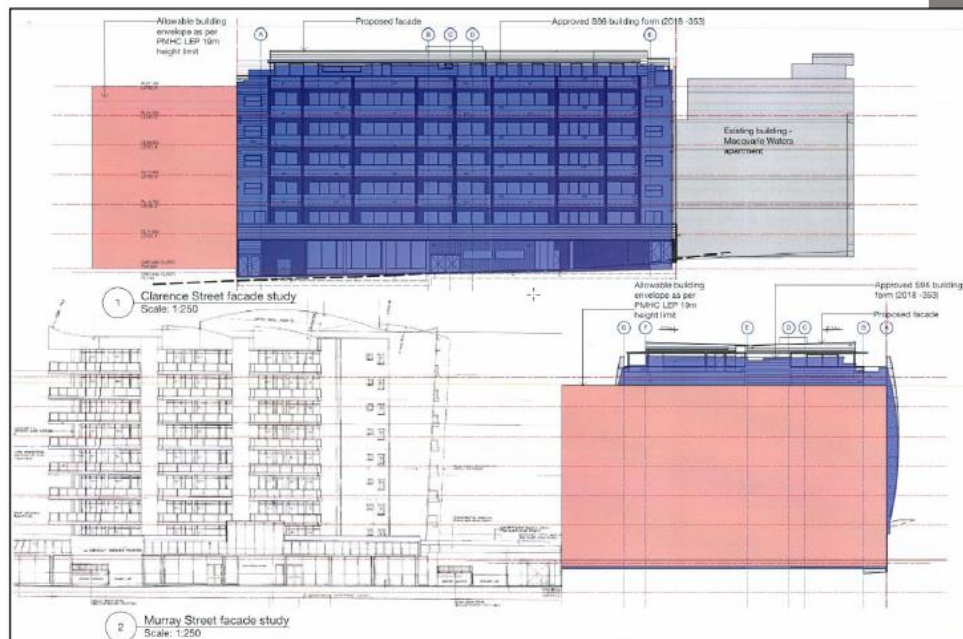
- In gaining an appreciation of the extent of the modified building height variation it is important to note the site has been excavated under a prior development consent. The plans provided as an attachment to this report illustrate the extent of the modified height variation proposed. The plans illustrate the building height limit, approved building height and the modified building height proposed.
- The modified building design and height remains consistent with the existing and future character of the locality in relation to height, bulk and scale.

Having consideration to the above, the applicant has satisfactorily demonstrated the proposal is consistent with the objectives of the height of building clause and will have limited additional impacts on the environment. In addition, it is also considered that:

- The proposal remains consistent with the objectives of the LEP and is unlikely to have any implications on State related issues or the broader public interest.
- When viewed from the street it will present as a six storey building. The 6th floor is adequately setback from the perimeter of the main building, add minimal bulk and will articulate the built form.
- The proposal remains consistent with established buildings in terms of height and storeys. The screenshot below extracted from the supporting façade study illustrates the building height comparison to the adjoining Macquarie Waters and North Point buildings:



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- As per Planning Circular PS 20-002, Council can assume the Director-General's Concurrence for variations to height limits. The height variation is more than 10% deviation from the standard and therefore the application needs to be determined by full Council rather than under staff delegation.
- Clause 4.4 - The floor space ratio of the modified proposal is 3.69:1. The current approved (as modified) floor space ratio is 3.61:1. The maximum floor space ratio standard applicable to the site is 3.5:1. As a result, the applicant has submitted a modified Clause 4.6 variation to the standard. The variation represents a 5.4% variation from the standard and equates to an additional floor area of 286.8m² above the standard for the site.
- Clause 4.6(3) - Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a modified Clause 4.6 variation to the standard based on the following reasons:

- The extent of the floor space variation is minor.
- The building design is consistent with the existing and future character of the locality in relation to building height, bulk and scale.
- The proposal is consistent with the floor space ratio objectives.

Having consideration to the above the applicant has demonstrated the proposal is sufficiently consistent with the performance objectives of the floor space ratio clause. It is also noted that the site is located within a B3 non-residential zone. In addition, it is also considered that the proposal is unlikely to have any implications on State related issues or the broader public interest.

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As per Planning Circular PS 20-002, Council can assume the Director-General's Concurrence for variations to floor space ratios. The floor space ratio variation is less than a 10% deviation from the standard and may be determined by staff under delegation. However, noting the building height variation proposed the application will be required to be determined by full council in any event.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

Applicable general provisions:

Off-street parking

Requirements	Modified Proposal	Complies
<ul style="list-style-type: none"> Off-street parking in accordance with Table 3: Motel accommodation requires 1.1 per unit + 1 per 2 employees (onsite at any one time) + 1 for on-site manager. Commercial premises require 1 per 30m² of Gross Leasable Floor Area (GLFA). Function room requires 1 per 30m² serviced floor area in commercial zones. 	<p>Motel accommodation with dual key arrangement:</p> <ul style="list-style-type: none"> 79 units = 86.9 No onsite manager = 0 6 employees = 3 <p>Total for motel = 89.9 spaces.</p> <p>Commercial premises:</p> <ul style="list-style-type: none"> 310m² = 10.33 spaces. <p>Function Room</p> <ul style="list-style-type: none"> 105.4m² = 3.51 spaces. <p>Total required parking = 103.74 spaces i.e. 104 complete spaces.</p> <p>Total parking proposed = 88 spaces.</p>	No*

The modified proposal incorporates a reduction in commercial floor space on the ground floor. The changes to floor space results in an overall minor decrease in parking demand from that already approved.

The parking demand of the previous approval was 105 spaces. The parking demand of the modified proposal is 104 spaces (i.e. 1 space less). The application makes no change to the total parking proposed i.e. 88 spaces.

The modified proposal still includes a variation to clause 2.5.3 which requires onsite parking to be provided in accordance with Table 2.5.1. In accordance with the table above 104 spaces are required to serve the development with 100% occupancy of all units inclusive of 32 dual key units. The modified proposal includes 88 spaces. Thus resulting in a parking shortfall of 16 spaces. Previous shortfall was 17 spaces.

Section B24 of the DCP provides that Council may consider a reduced level of parking where it is supported by a parking demand study that assesses the peak parking demands for the overall development and completed by a suitably qualified and experienced person.

The relevant objectives of the plan are:



AGENDA**DEVELOPMENT ASSESSMENT PANEL
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- Adequate provision is made for off-street parking commensurate with volume and turnover of traffic likely to be generated by the development.
- To ensure no adverse impacts on traffic and road function.

The subject application was supported by a traffic impact assessment that included a parking demand analysis. The assessment included a dual occupancy (i.e. dual key) parking sensitivity assessment with an assumed 80% occupancy rate which was considered reasonable and adopted in determining off-street parking demand for the development.

Revised calculations of parking demand for the modified proposal based on the adopted 80% occupancy rate is provided as follows:

- 79 lettable units at 80% occupancy equates to 63.2 units (i.e. $79 \times 0.8 = 63.2$).
 $63.2 \text{ unit's} \times 1.1 \text{ spaces per unit} = 69.52 \text{ spaces.}$
- Employees: 6 at 1 per 2 employees ($6/2$) = 3 spaces.
- Commercial premises: 310m^2 (1 per 30m^2) = 10.33 spaces.
- Function Room: 105.4m^2 (1 per 30m^2) = 3.51 spaces.
- Total parking demand required = 86.36 spaces.

Parking proposed is 88 spaces. Having regard to the overall findings of the traffic impact assessment it is considered the proposal as modified will not result in any significant adverse impacts to traffic, parking or road function.

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

Context and setting

Having regard to existing development with the locality and adopted building height and floor space ratio controls, the proposal as modified is considered to be sufficiently consistent with the locality and adequately addresses planning controls for the area, including the additional variations.

The modified proposal is considered appropriate in terms of density and will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

(c) The suitability of the site for the development

The proposal as modified will fit into the locality. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

Ten (10) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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



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Submission Issue/Summary	Planning Comment/Response
No further increase in building height should be approved as the building already exceeds the maximum permitted. The proponent is trying to circumvent the controls by applying for minor increases over time. The proposal provides no benefit to the community.	Refer to comments under LEP heading of this report surrounding the height of building and variation sought. On merit the proposed building height is considered to be sufficiently consistent with the height of buildings objectives and existing high rise buildings adjoining and within vicinity of the site. It would be unreasonable to refuse the application on these grounds.
The modified building will be out of character and context with surrounding buildings.	Refer comments under Height of Buildings section of this report. The height context and façade study images illustrate the height and scale of existing adjoining buildings relative to the proposed modified building height. On merit the proposed building height is considered to be sufficiently consistent with the height of buildings objectives and existing high rise buildings adjoining and within vicinity of the site.
Overshadowing impacts to immediately surrounding area.	Having regard to the sites north south orientation it is evident that the adjoining properties will not be adversely overshadowed by the development for more than 3 hours between 9am -3pm on 21 June.
Overshadowing impacts to Macquarie Waters building and its rooftop solar.	During assessment the applicant has provided shadow diagrams which satisfactorily demonstrate the change to the extent of overshadowing impacts from the proposed further 1m increase in building height upon the roof of the adjoining Macquarie Water's building. The change has been assessed as minimal. There is no adopted planning controls that aim to protect solar access to solar panels.
Privacy impacts to both to Northpoint units and Macquarie Waters building from the rooftop terrace area and removal of planter boxes to units 406, 506 and 602B.	There is no change to the rear or side building setback from that already approved. Therefore, it is anticipated that there will be no change to privacy impacts. The removal of the planter boxes from units 406, 506 and 606B also includes the extension of the associated units wall. The wall contains no windows. No privacy impacts would result.
Removal of planter boxes and greenery from eastern elevation of levels 4 to 6 will result in a view of concrete walls from the Macquarie Waters building.	The extension of the eastern concrete wall to the previous balcony area and planter boxes of units 406, 406 and 602B is considered minor given the

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Submission Issue/Summary	Planning Comment/Response
	extent of the concrete wall along the boundary. The change is not considered to be significant or result in any adverse effect to a view or the perception of overbearing/bulk from the Macquarie Waters building.
Noise impacts from use of rooftop terrace area and pool pump.	No change to what is already approved under this modification. Appropriate consent condition already exists to manage this potential issue.
Stormwater management.	There is no increase/change to impervious areas under this modification. Stormwater remains capable of being managed pre and post construction. Consent conditions remain the same requiring full stormwater design details being approved by Council prior to any construction.
Construction impacts like waste management (i.e. location of skip bins during construction), noise dirt and dust.	Like all development there will be building noise and associated building activity during construction. Standard building construction times apply as per the standard site management consent condition. No changes are proposed under the modification.
Impacts on structural integrity of Northpoint building during construction.	It is a prescribed condition of any development consent that possible damage from any excavation extending below the base of the footings of an adjoining building be protected and supported. Appropriate engineering details will form part of the Construction Certificate plans and approval process.
The building will block and overshadow signage located on the Macquarie Waters building.	It is unclear as to what signage would be blocked or shadowed. There is no signage on the western wall of the Macquarie Waters building.
Impacts to water views from the Port Pacific building.	Views across this site to the north from the Port Pacific building are already compromised by the existing North Point, Macquarie Waters and Tasman high-rise buildings. The façade study and height context images illustrate the height of the modified building in relation to the North Point and Macquarie Waters buildings. The proposed increase of 1m in building height will not result in perceptible view impacts due to the height of the existing buildings adjoining and beyond this site.



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DEVELOPMENT ASSESSMENT PANEL
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Submission Issue/Summary	Planning Comment/Response
The modification application needs to be considered against that originally approved and not that previously modified as avoid creeping from the controls.	Refers comments under section 3 of this report regarding "substantially the same test".
The proposal is not substantially the same development to that originally approved.	Refers comments under section 3 of this report regarding "substantially the same test".
The changes to floor areas would appear to affect the floor space ratio of the development.	Refer to Floor Space Ratio comments under Port Macquarie-Hastings Local Environmental Plan 2011. There is a minor increase in floor space ratio.
There are no visuals or photomontages from surrounding key vantage points that justify how the modified proposal is consistent with the height, bulk and scale of adjoining and surrounding buildings.	The applicant has provided height context images and a façade study images, which illustrate the height and scale of existing adjoining buildings relative to the proposed modified building height.
No attempt has been made to conceal the lift overrun within the roof design.	No changes to the current approved lift overrun and roof design are proposed.
What is the breakdown of parking between residential, visitors and commercial?	Refer to updated parking calculations under Port Macquarie-Hastings Development Control Plan 2013 heading of this report.
What are the changes to setbacks on all boundaries?	There is no change to boundary setbacks proposed.
The proposal will adversely impact on adjoining property and investment values.	Impact upon property values is not a relevant planning consideration.

(e) The Public Interest

The modified proposed development satisfies relevant planning controls including justified variations and will not adversely impact on the wider public interest.

Climate change

The modified proposal is not considered to be vulnerable to any risks associated with climate change.

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. The slight reduction in commercial floor area of ground floor tenancy 2 will result in reduced water and sewer charges.
- Development contributions will be required in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
- A copy of the revised contributions estimate is included as **Attachment 3**.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.55 of the Environmental Planning and Assessment Act 1979.



AGENDA**DEVELOPMENT ASSESSMENT PANEL
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Issues raised during assessment and public exhibition of the application have been considered in the assessment of the modification application.

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

Attachments

1. [!\[\]\(f2fdbbba686c1099e6b2b8779766e2d3_img.jpg\) DA2018 - 353.3 Recommended Conditions](#)
2. [!\[\]\(b3cfbfd04368a71f4c64e073908d25d7_img.jpg\) DA2018 - 353.3 Plans](#)
3. [!\[\]\(4f8bc95274d4d489592709b569351eb7_img.jpg\) DA2018 - 353.3 Contribution Estimate](#)

ATTACHMENT

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18/03/2021

<<Date>>

Parcel Number: 65374

Bamford Engineering
CARE David Pensini Building Cert.
PO Box 5581
PORT MACQUARIE NSW 2444

Dear Sir/Madam

DA 2018/353.3 - Modification of Consent Pursuant to Section 4.55 (1A) of the Environmental Planning & Assessment Act 1979

I refer to your application dated 8 August 2019 to modify commercial premises and tourist and visitor accommodation under DA 2018/353 at LOT: 123 DP: 1219042 for No. 15 Clarence Street PORT MACQUARIE.

Please be advised that pursuant to Section 4.55 (1A) of the Act, your application to modify the consent has been granted, subject to:

- A. Amend the following conditions:
 - A1, B5, B6
- B. Add the following conditions:
 - A15.
- C. Reimposition of all other previously approved conditions of consent as originally determined 19 June 2019 and as modified on 27 November 2019 and with this approval dated 18 March 2021.

The applicant is advised that Section 8.9 of the Act confers on an applicant who is dissatisfied with the determination, right of appeal to the Land and Environment Court.

A revised schedule of development consent conditions is attached.

SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2018/353 are as follows:

<No.1>	Modification No.1	27 November 2019
<No.2>	Modification No.2	18 March 2021

PRESCRIBED CONDITIONS

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects as modified	17 Clarence Street	David Pensini	June 2018, 9 July 2019 and 3 April 2020
Site Plan	Project No: 1977 Drawing No: A102 Revision D	Architects Becerra	21 January 2021
Basement 2 Plan	Project No: 1977 Drawing No: A105 Revision C	Architects Becerra	29 January 2021
Basement 1 Plan	Project No: 1977 Drawing No: A106 Revision C	Architects Becerra	29 January 2021
Ground Floor Plan	Project No: 1977 Drawing No: A107 Revision C	Architects Becerra	9 December 2020
Level 1 Floor Plan	Project No: 1977 Drawing No: A108 Revision B	Architects Becerra	20 April 2020
Level 2 Floor Plan	Project No: 1977 Drawing No: A109 Revision B	Architects Becerra	20 April 2020
Level 3 Floor Plan	Project No: 1977 Drawing No: A110 Revision C	Architects Becerra	9 December 2020

Level 4 Floor Plan	Project No: 1977 Drawing No: A111 Revision B	Architects Becerra	20 April 2020
Level 5 Floor Plan	Project No: 1977 Drawing No: A112 Revision B	Architects Becerra	20 April 2020
Level 6 Floor Plan	Project No: 1977 Drawing No: A113 Revision B	Architects Becerra	20 April 2020
Roof Plan	Project No: 1977 Drawing No: A114 Revision B	Architects Becerra	20 April 2020
North Elevation Plan	Project No: 1977 Drawing No: A200 Revision C	Architects Becerra	21 April 2020
South Elevation Plan	Project No: 1977 Drawing No: A201 Revision C	Architects Becerra	21 April 2020
East and West Elevation Plan	Project No: 1977 Drawing No: A202 Revision C	Architects Becerra	21 April 2020
Section Plan	Project No: 1977 Drawing No: A210 Revision C	Architects Becerra	21 April 2020
Section Plan	Project No: 1977 Drawing No: A211 Revision B	Architects Becerra	20 April 2020
Area Calculations	Project No: 1977 Drawing No: A900 Revision B	Architects Becerra	21 January 2021
External Signage Concept Plans	Quest Apartments	BEST	15 July 2018

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail. ²

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and

proposed public infrastructure.

- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (11) (A049) The existing footpath/verge area in Clarence Street is to be raised to contain stormwater in the street. Design plans must be approved by Port Macquarie-Hastings Council pursuant to Section 138 of the Roads Act 1993.
- (12) (A195) Prior to the preparation of any engineering plans or submission of any applications for construction to Council, the applicant is to contact Councils Engineering Development to ensure any design accords with Town Centre Master Plan works already carried out on Clarence Street across the subject property frontage. Works to be carried out as part of this development include raising verge, carriageway and kerb levels to improve surface drainage conditions for the full frontage of the development.
- (13) (B196) Water meters shall be either located on the road frontage or in the building with remote reading facility located adjacent to the road frontage or in an easily accessible area such as a foyer. Details to be provided as part of the section 68 application.¹
- (14) Development consent shall be sought for the first use of the ground floor commercial tenancy 1.
- (15) (A007) The development must only proceed in accordance with the approved stages as set out below:
 - Stage 1: Piling, excavation, and construction of basement levels (including ground floor slab).
 - Stage 2: Completion of development above ground floor slab.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable. An occupation certificate shall not be issued until completion of the stage 2 works.²

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development.
 2. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 3. Sewerage reticulation. Council records indicate that the development site is connected to sewer via an end of line connection in the north western corner of the lot. A sewer reticulation supply strategy shall be submitted as part of the infrastructure construction certificate.
 4. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies. Final water service sizing will need to be assessed by a hydraulic consultant to suit the commercial, domestic and fire service components of the proposed development, as well as backflow protection requirements.
 5. Retaining walls
 6. Stormwater systems.
 7. Erosion and Sediment controls.
 8. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 9. Traffic Management Control Plan.
 10. Erection of hoardings and buildings in and/or over the public road verge.
 11. Landscaping.
 12. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202 and ASD 207, Port Macquarie-Hastings Council current version.
 13. All roadworks along the full frontage including full width paving, lighting and any necessary kerb construction or reconstruction in accordance with the current Town Centre Master Plan.
 14. Provision of a full width concrete footpath across the full road frontage of the property.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to

be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving
- Footway and gutter crossing
- Functional vehicular access

- (4) (B009) The applicant shall surrender the consents relating to DA No.2016/149 for Shop Top Housing, DA No. 2015/332 for car park associated with shop top housing and DA No.2014/410 for shop top housing at Lot 123 DP 1219042 by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2000, prior to release of the Construction Certificate.

- (5) (B010) Payment to Council, prior to the issue of the Construction Certificate for any building works in stage 2 of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. However, where a construction certificate in respect of the erection of any building to which this consent relates has been issued before or on 25 September 2022, the s7.11 monetary contributions may be paid prior to release of the first occupation certificate in respect of any building to which this consent relates. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Administration Building Contributions Plan 2007
- Hastings S94 Administration Levy Contributions Plan
- ~~Port Macquarie-Hastings Contributions Plan 1993~~
- ~~Part C – Car Parking~~
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council. ²

- (6) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000,

the payment of a cash contribution, prior to the issue of a Construction Certificate for any building works in stage 2, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:

- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks ²
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B032) Details of the proposed slab/flooring and wall construction for structural independency are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
- (9) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (10) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (11) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.
- (12) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining structures supporting the road reserve is to be submitted to Port Macquarie-Hastings Council prior to the release of the building Construction Certificate.
- (13) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

- (14) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.
- In this regard, Council's piped drainage system must be extended by an appropriately sized pipeline to the frontage of the site to allow direct piped connection from the development site into the public drainage system.
- The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
- b) The design is to be generally in accordance with the preliminary stormwater drainage concept plan being drawing No 2018-51 prepared by David Johnson Consulting Engineer and dated 21 June 2018.
 - c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - d) Where works are staged, a plan is to be provided which demonstrates which treatment measures are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
 - e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - f) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (15) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (16) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (17) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (18) (B195) The building Construction Certificate shall not be issued over any part of the site requiring a controlled activity approval (i.e. dewatering) until a copy of the approval has been provided to Council.
- (19) Illuminated signage shall be fitted with a time switch to dim by 50% or turn off by 11pm each night. Details shall be clearly illustrated on the building construction certificate plans.¹

C – PRIOR TO ANY WORK COMMENCING ON SITE

ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
18/03/2021

- (1) (C001) A minimum of one (1) weeks' notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (5) The proponent is to prepare a construction management plan which includes the following at a minimum:
 - Schedule of works and approximate timing;
 - Contact number for construction site supervisor/manager; and
 - Mechanism for providing a minimum of 24 hours' notice to immediately adjoining land owners of scheduled noisy works.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. prior to commencement of site clearing and installation of erosion control facilities;
 - b. at completion of installation of erosion control measures
 - c. prior to installing traffic management works
 - d. at completion of installation of traffic management works
 - e. at the commencement of earthworks;
 - f. when the sub-grade is exposed and prior to placing of pavement materials;
 - g. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - h. at the completion of each pavement (sub base/base) layer;
 - i. before pouring of kerb and gutter;
 - j. prior to the pouring of concrete for sewerage works and/or works on public property;
 - k. on completion of road gravelling or pavement;
 - l. during construction of sewer infrastructure;

- m. during construction of water infrastructure;
- n. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D010) Reduced levels prepared by a registered surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.
- (3) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (4) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (5) (D046) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (E021) Pool to be fenced in accordance with the Swimming Pools Act, 1992.
- (6) (E022) Depth markers are to be installed on the swimming pool.
- (7) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all

matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

- (9) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.

- (10) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b. The Proprietor shall have the OSD inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (11) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the adjoining property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.

- (12) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

- (13) (E053) All public infrastructure works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.

- (14) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (15) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (16) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (17) (E068) Prior to the issue of an Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the development (including street lighting and fibre optic cabling where required).
- (18) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (19) A roof top management plan for use of the rooftop space is to be prepared and approved by Port Macquarie-Hastings Council prior to the issue of any occupation certificate.
- (20) Parking spaces numbered 55 to 58 shall be clearly marked and sign posted as staff parking.

F – OCCUPATION OF THE SITE

- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (2) (F005) The units are approved for short term accommodation.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (F025) Hours of operation of the motel reception is restricted to the following hours:
- 7am to 11pm – Seven days a week. ¹
- (6) (F027) The swimming pool filtration motor shall be operated between the following hours only:
Monday to Friday (other than a public holiday)
7.00 am – 8.00 pm

Saturday to Sunday and Public Holidays
8.00 am – 8.00 pm

Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.

- (7) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (8) The approved plan of management for use of the rooftop space is to be displayed in a prominent position on the rooftop at all times.
- (9) A noise/nuisance complaints register must be kept up to date at all times by management and must be made available to Council on request. The register must contain:
 - Complaint date and time;
 - Name of person making the complaint;
 - Contact details (phone and address) of person lodging the complaint;
 - Nature of complaint;
 - Name of staff managing the complaint;
 - Action taken (by whom and when); and
 - Outcome and or further action required;
 - A telephone number is to be provided on the front of the building to enable the public to register a complaint with the property manager.

The reason for this decision is that 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 interest and will not result in significant adverse social, environmental or economic impacts. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Policies and Development Control Plan or any other ancillary Act or Regulation in force at the time of the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.

Rights of Appeal

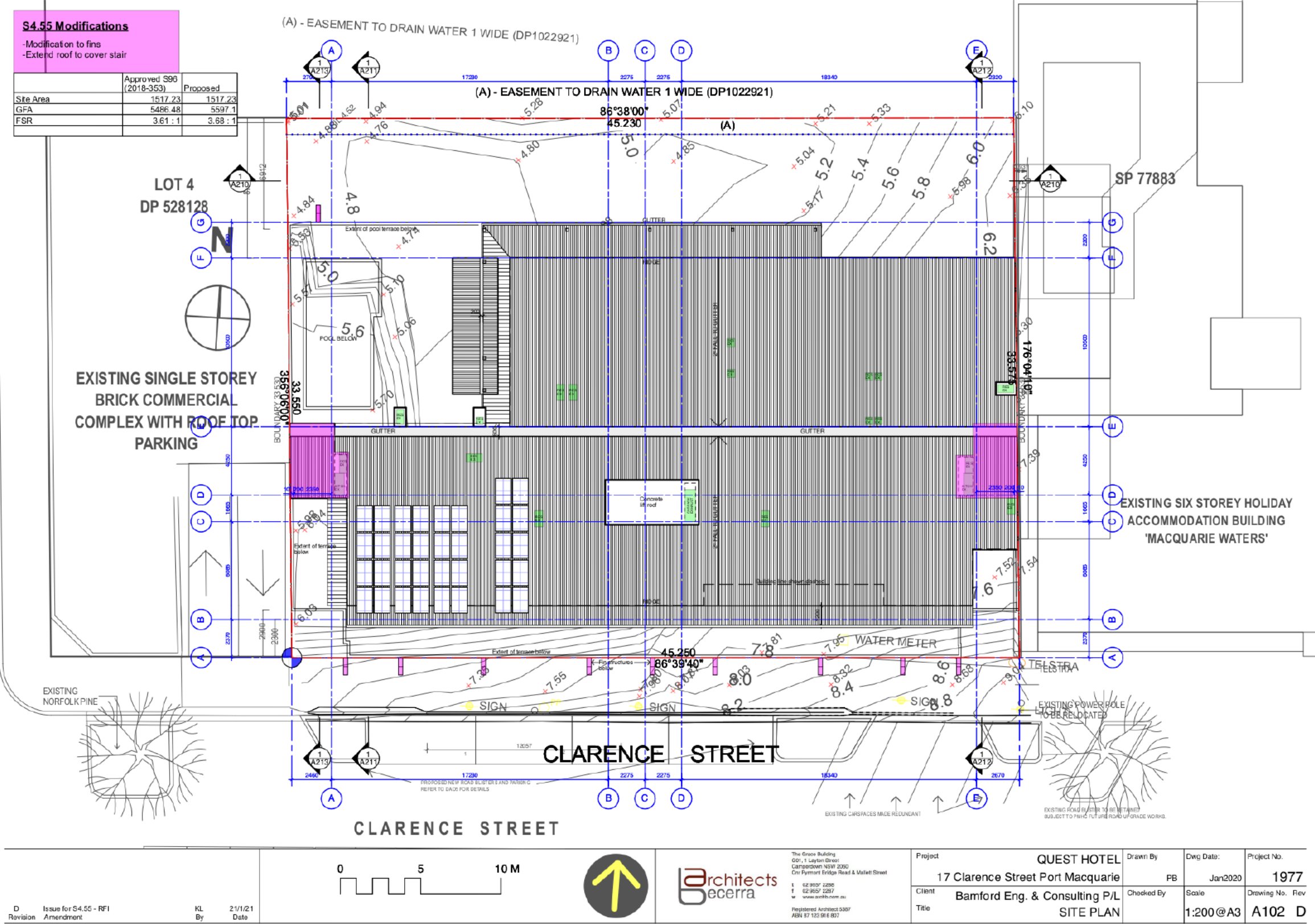
If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979.

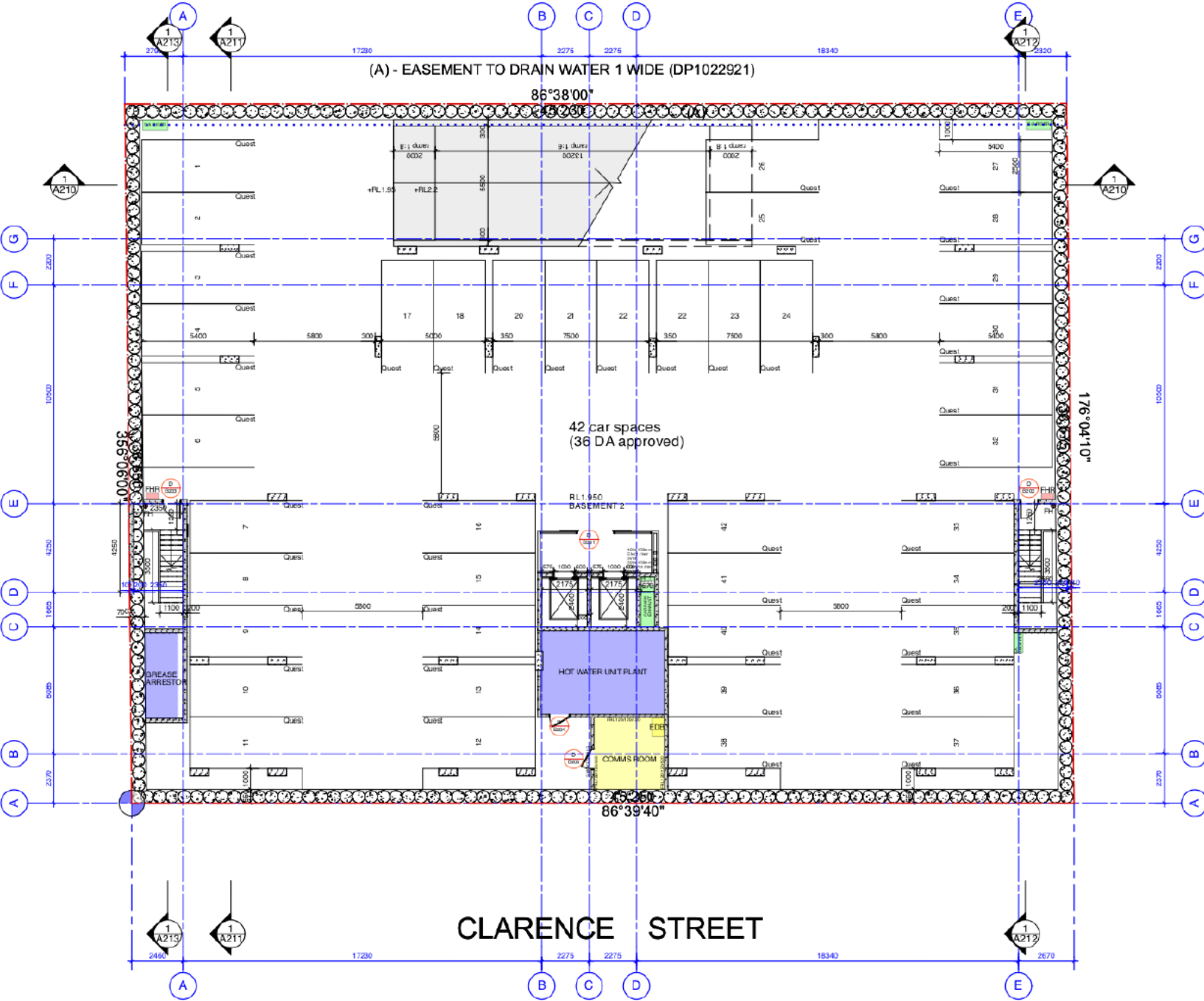
If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely

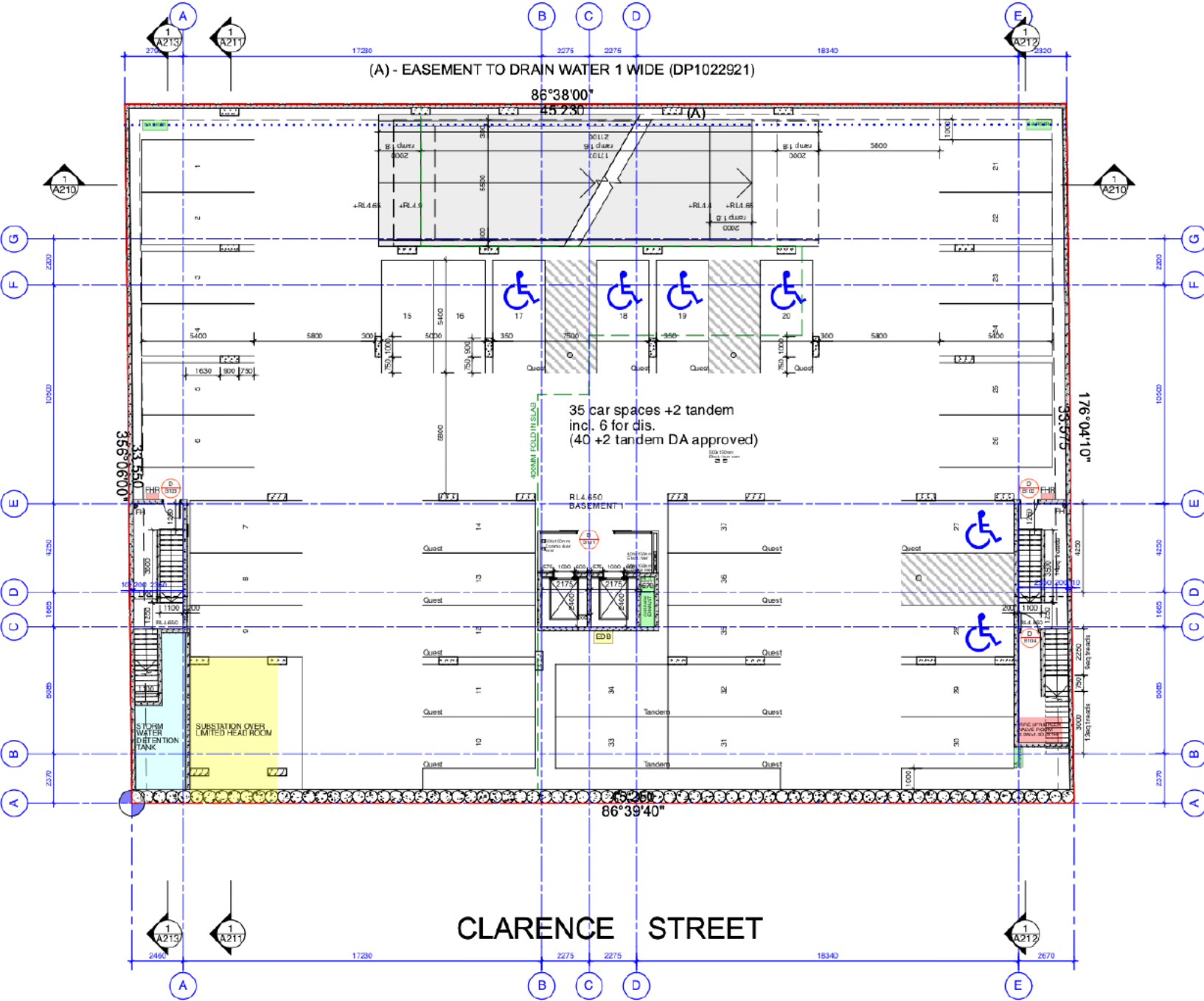
Apply electronic signoff

DRAFT

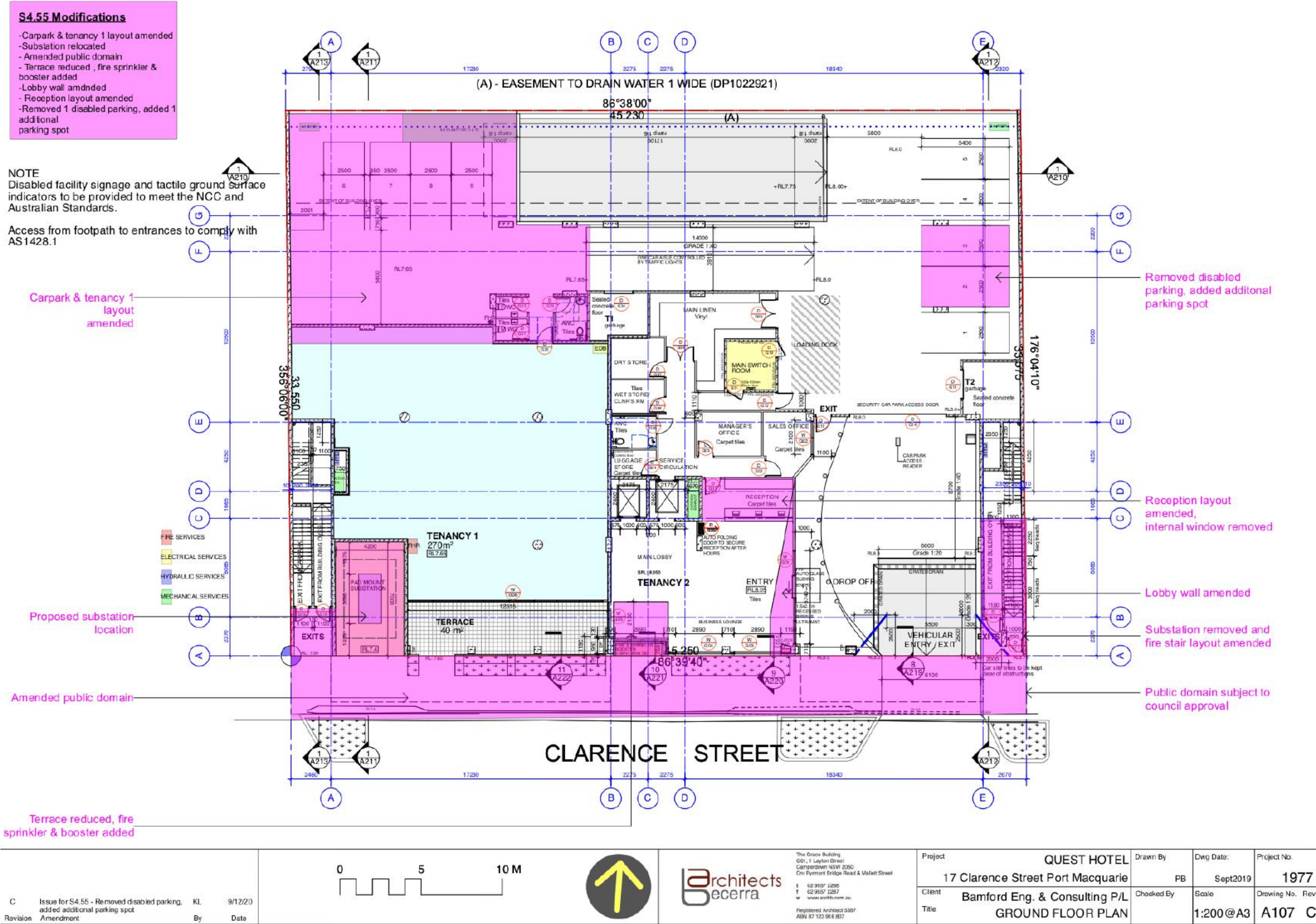


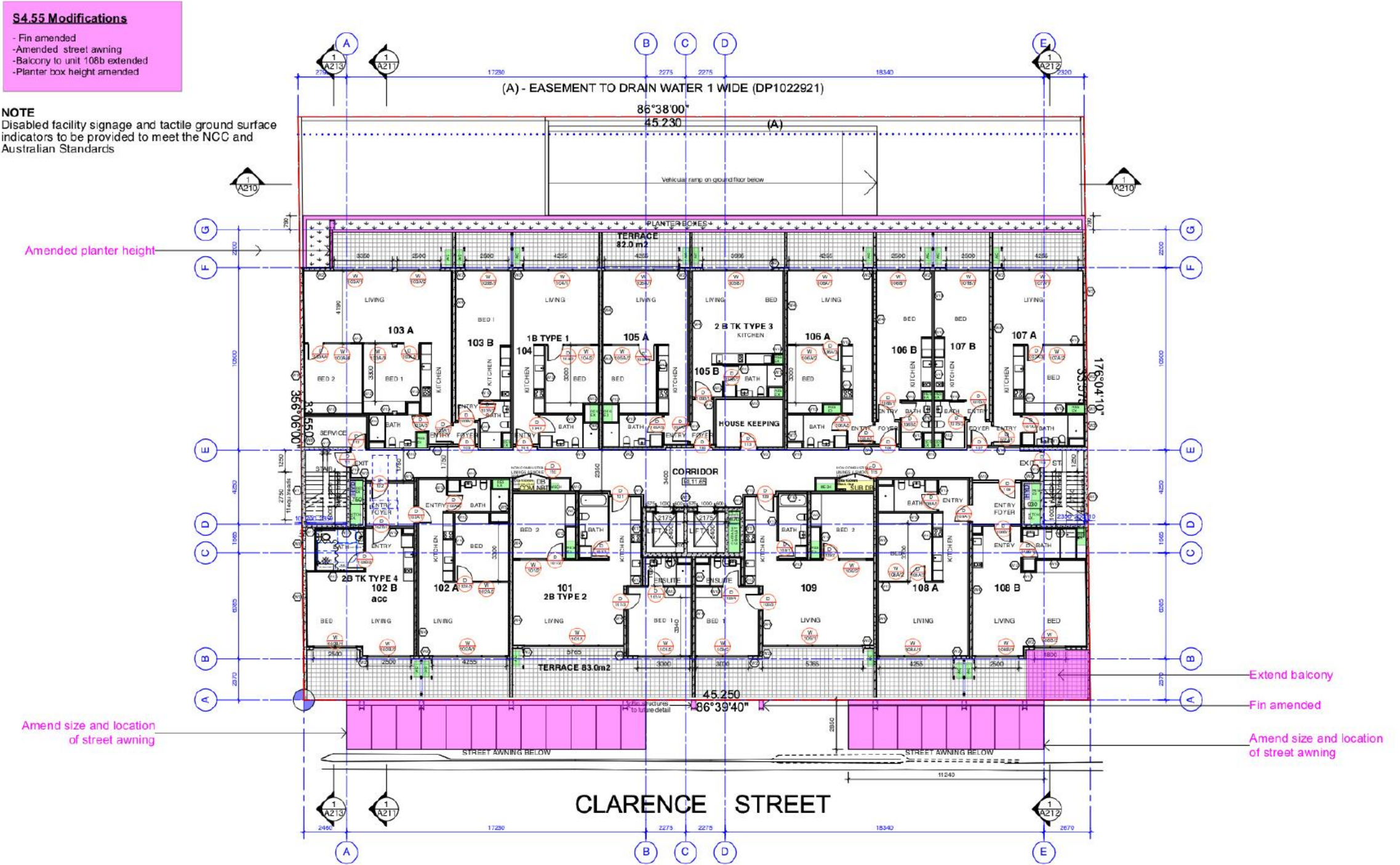


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									Client	Bamford Eng. & Consulting P/L	Checked By	Scale	Drawing No. Rev
Title		BASEMENT 2 PLAN				1:200@A3		A105 C					



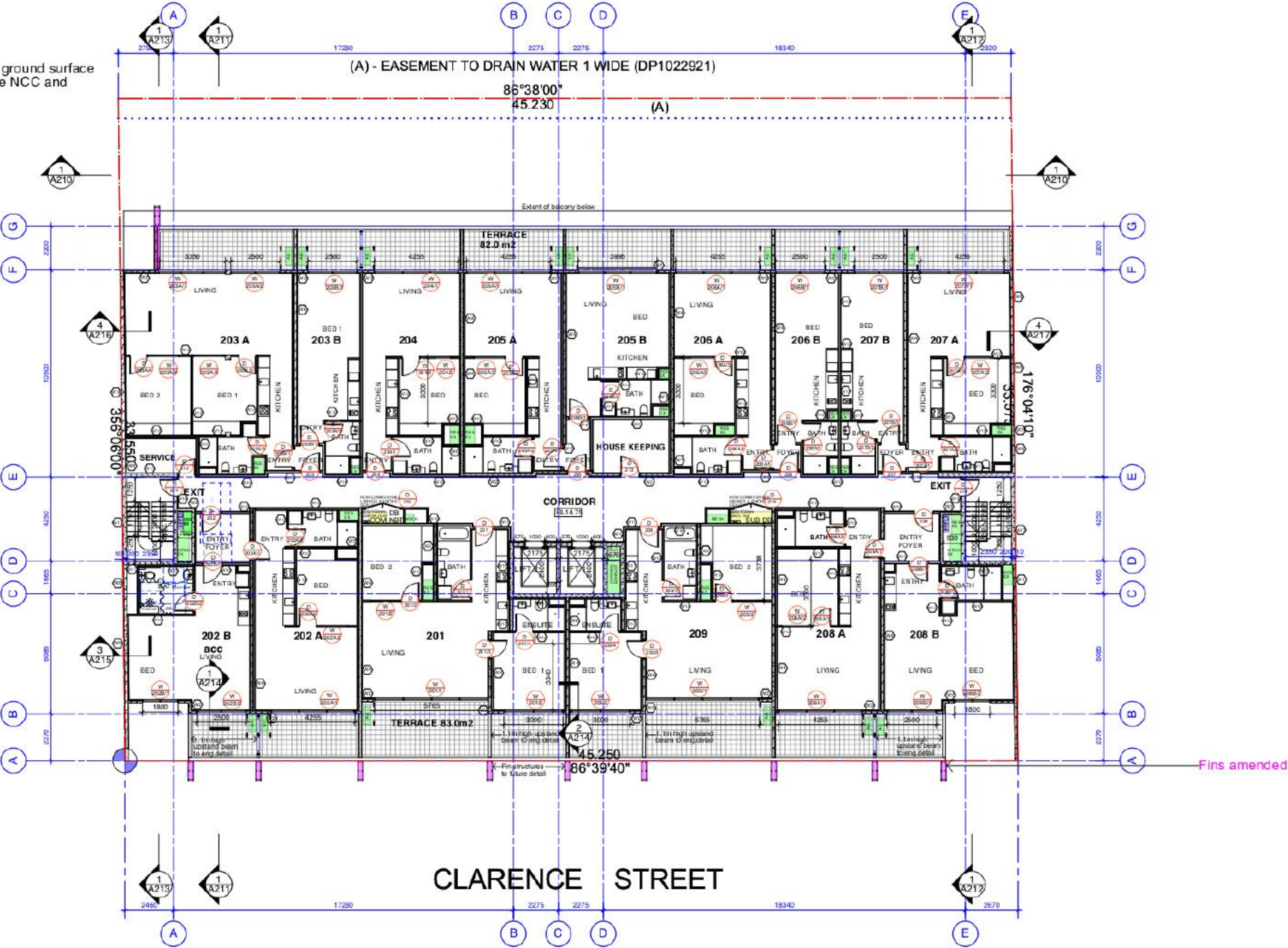
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								Client	Bamford Eng. & Consulting P/L	Checked By	Scale	Drawing No. Rev	
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S4.55 Modifications
- Fins amended

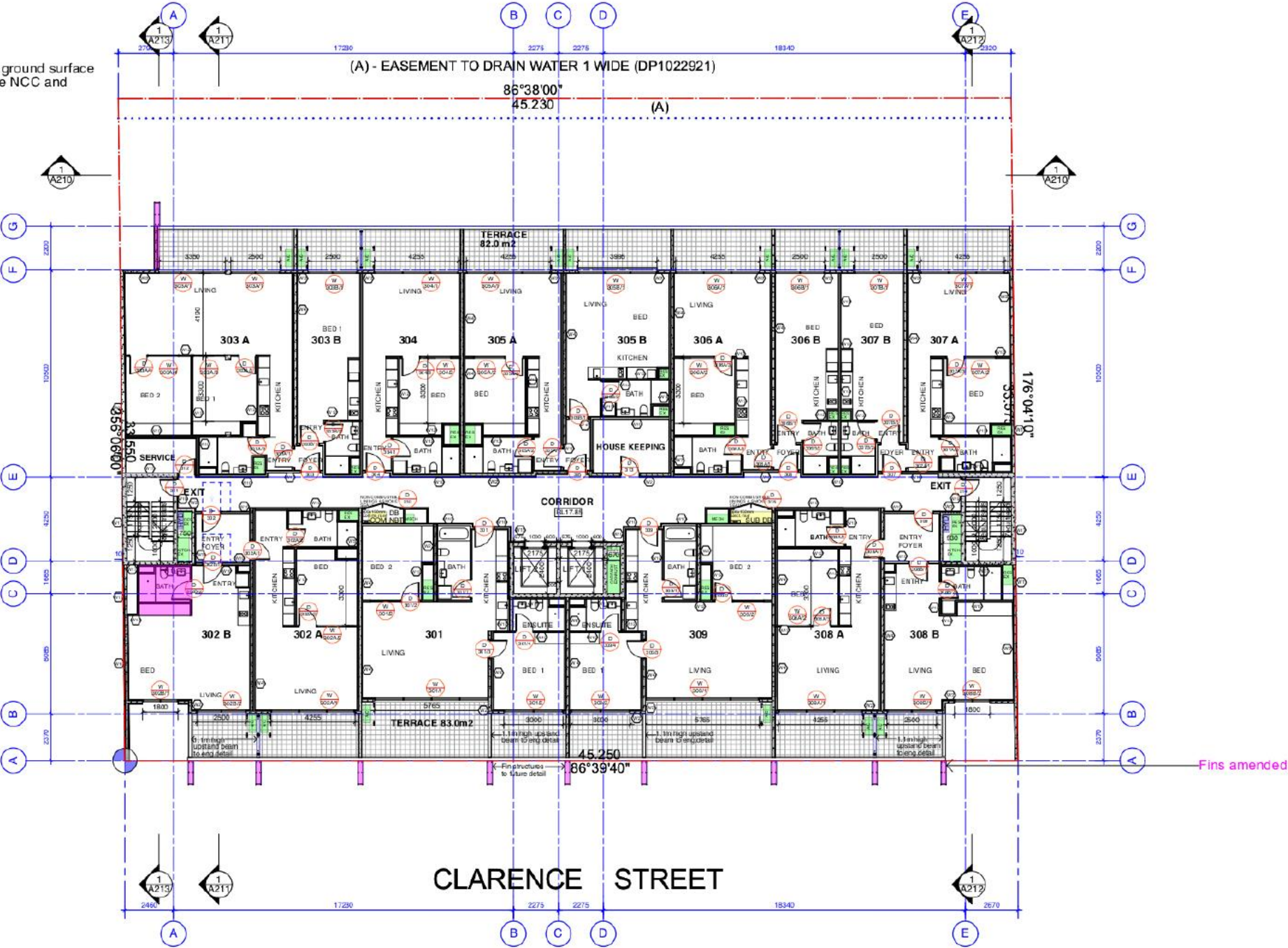
NOTE
Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards



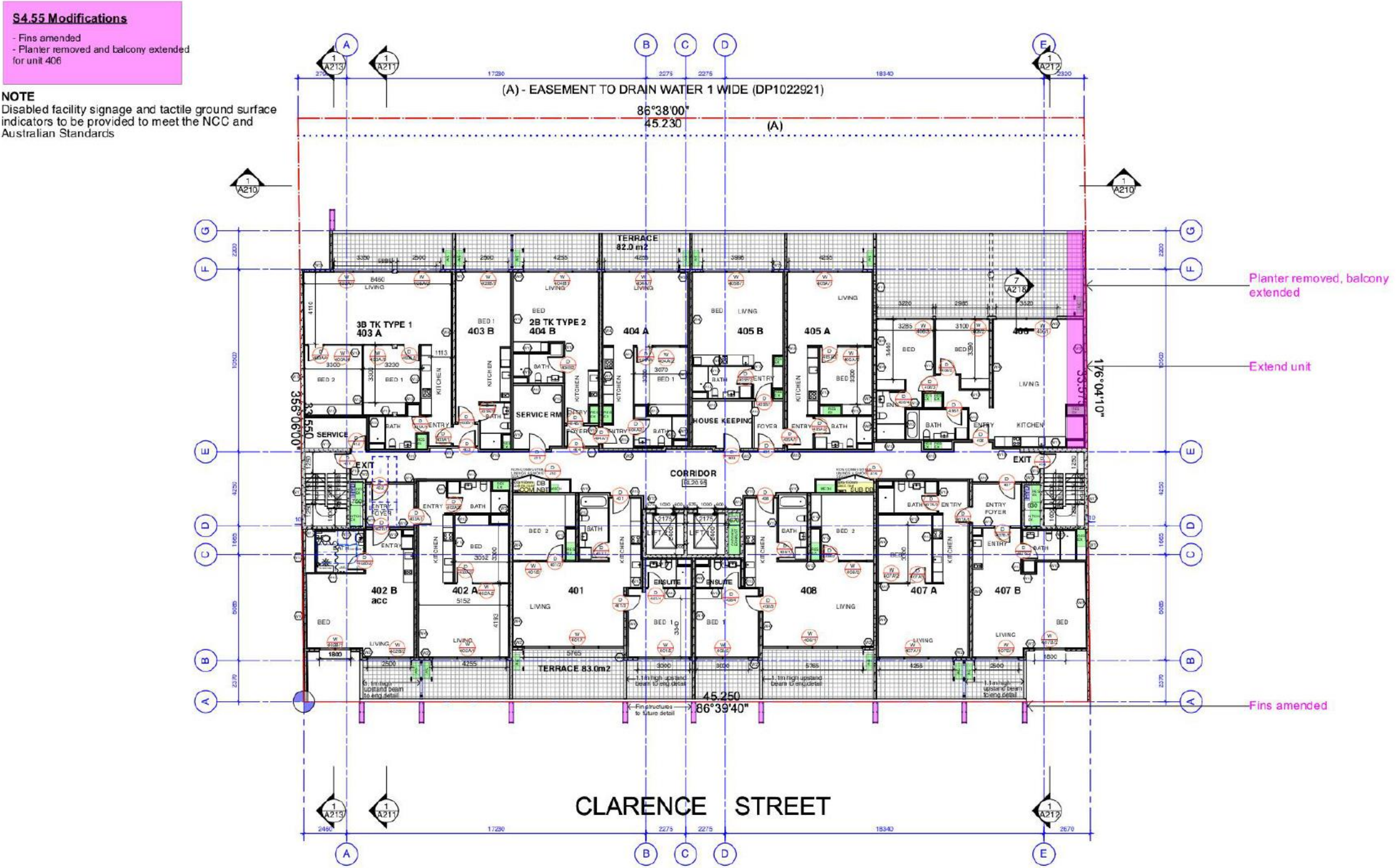
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Revision	Amendment	By	Date					Client	Bamford Eng. & Consulting P/L	Checked By	Scale	Drawing No.	Rev	
				Title	LEVEL 2 FLOOR PLAN		1:200@A3	A109	B					

S4.55 Modifications
- Fins amended
- Unit 302B amended from accessible unit to regular unit

NOTE
Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards



<p>C Issue for S4.55 - Amended unit 302b from accessible unit to normal unit</p> <p>Revision Amendment</p> <p>KL 9/12/20</p> <p>By Date</p>	<p>0 5 10 M</p> <p>↑</p> <p>Architects Becerra</p> <p>The Grace Building G01, 1 Layton Street Carrington NSW 2203 On Payment Enbridge Road & Mallett Street</p> <p>1 62 9157 2280 1 62 9157 2287 W www.abcbs.com.au</p> <p>Registered Architect 5307 ABN 97 123 98 6 807</p>	<p>Project QUEST HOTEL 17 Clarence Street Port Macquarie</p> <p>Client Bamford Eng. & Consulting P/L</p> <p>Title LEVEL 3 FLOOR PLAN</p>	<p>Drawn By PB</p> <p>Checked By</p>	<p>Dwg Date: Sept2019</p> <p>Scale 1:200@A3</p>	<p>Project No. 1977</p> <p>Drawing No. Rev A110 C</p>
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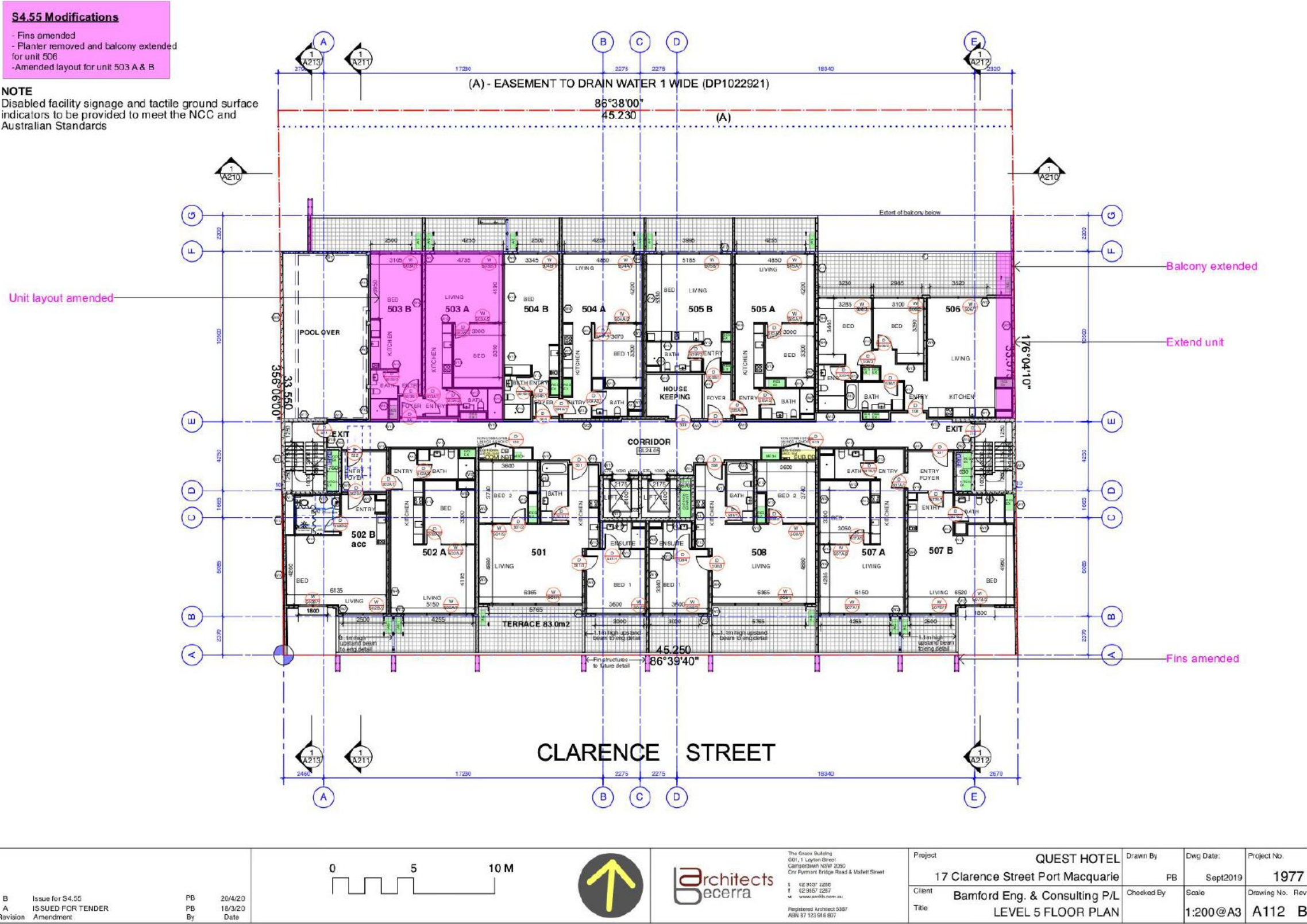


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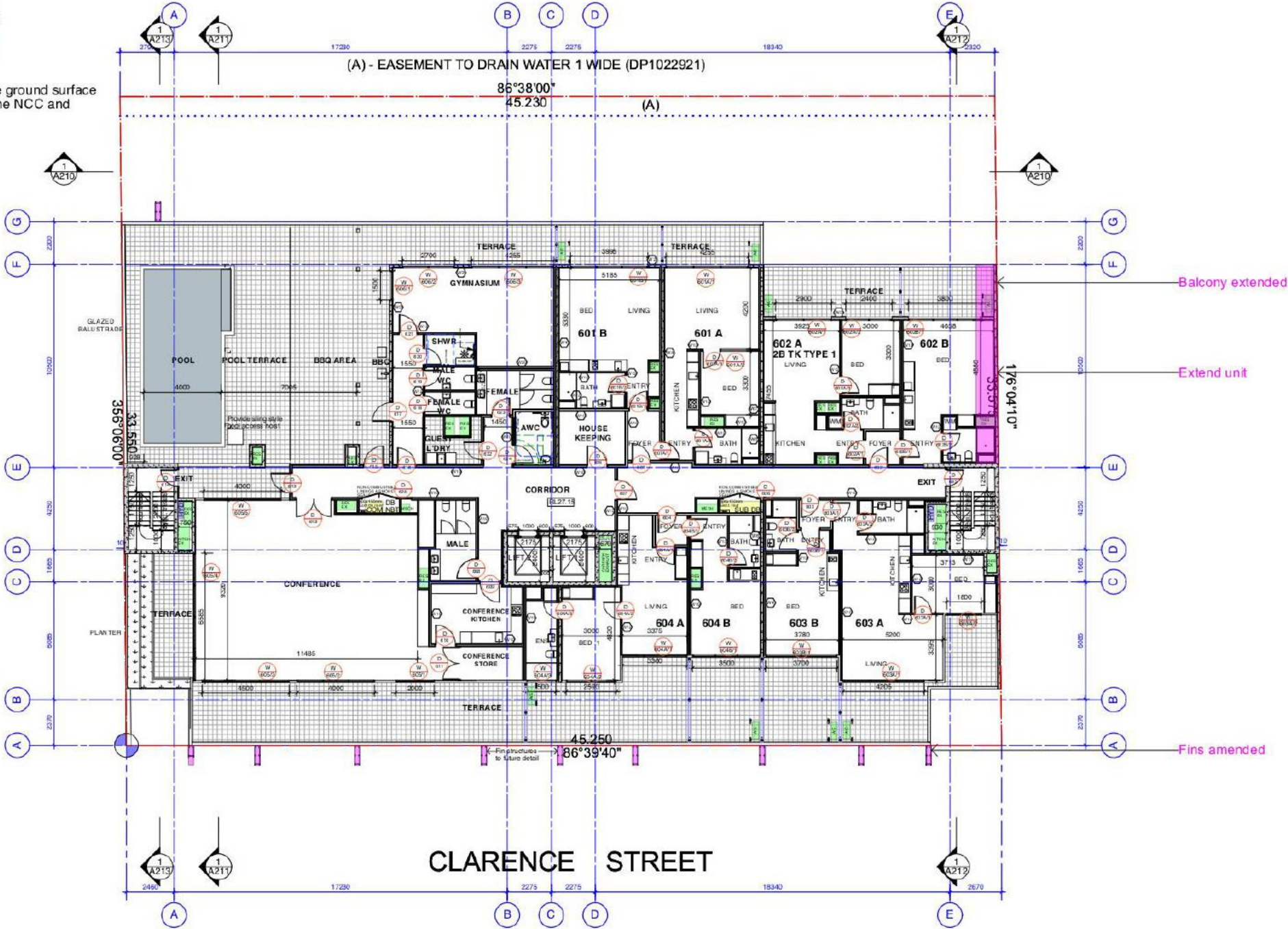
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	LEVEL 4 FLOOR PLAN						



S4.55 Modifications

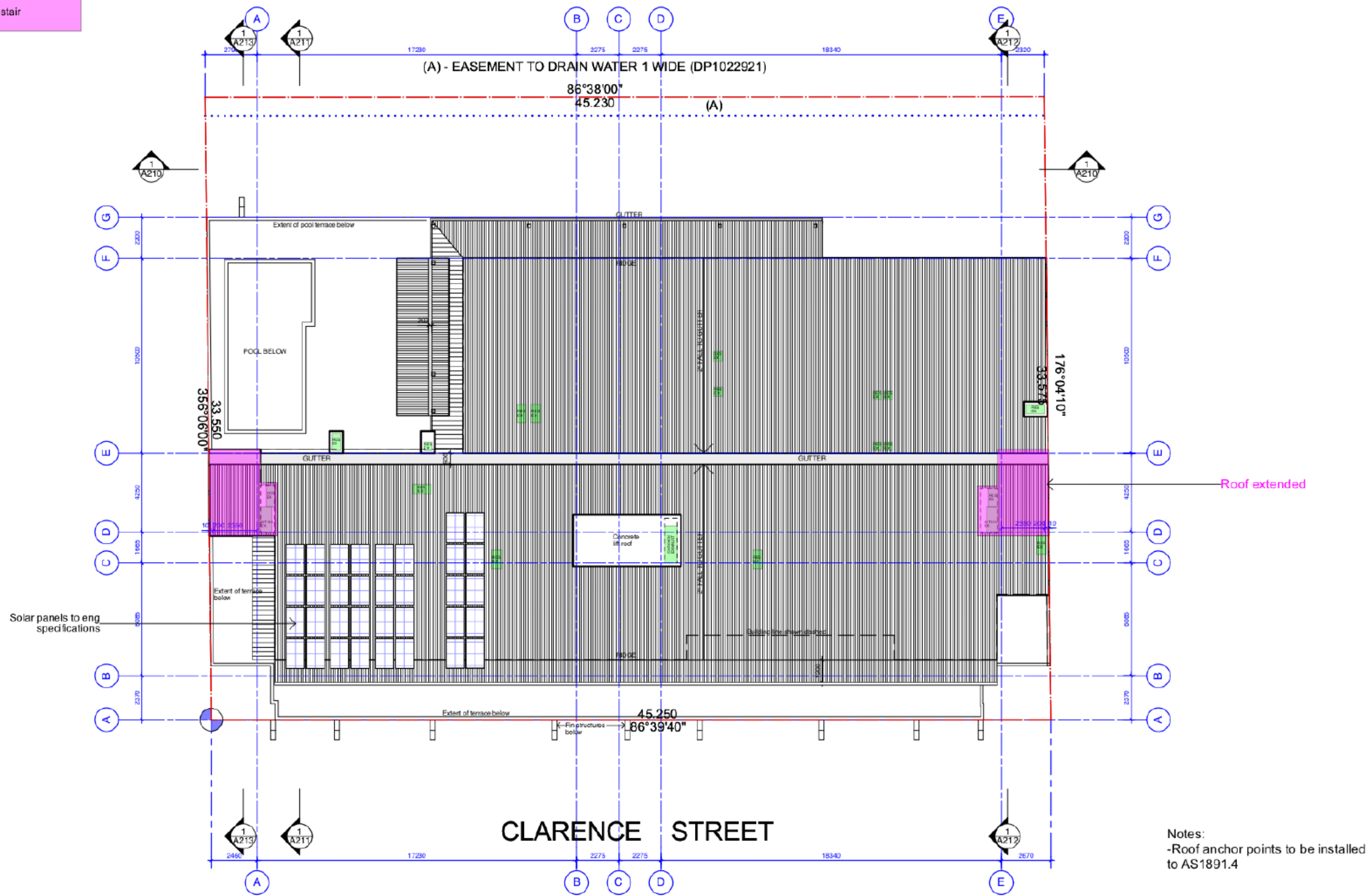
- Fins amended
- Planter removed and balcony extended for unit 506
- Amended layout for unit 503 A & B

NOTE
Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards



B Issue for S4.55		PB 20/4/20					The Grace Building G01, 1 Layton Street Carrington NSW 2203 Cnr Pyrmont Bridge Road & Viallet Street 1 62 955 2280 1 62 955 2287 www.architectsdecerra.com.au Registered Architect 5387 APN 97 123 98 6 807	Project QUEST HOTEL		Drawn By	Dwg Date:	Project No.	
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Revision	Amendment	By	Date					Client	Checked By	Scale	Drawing No. Rev		
				Bamford Eng. & Consulting P/L					1:200@A3		A113 B		
				LEVEL 6 FLOOR PLAN									

S4.55 Modifications
-Extend roof to cover stair



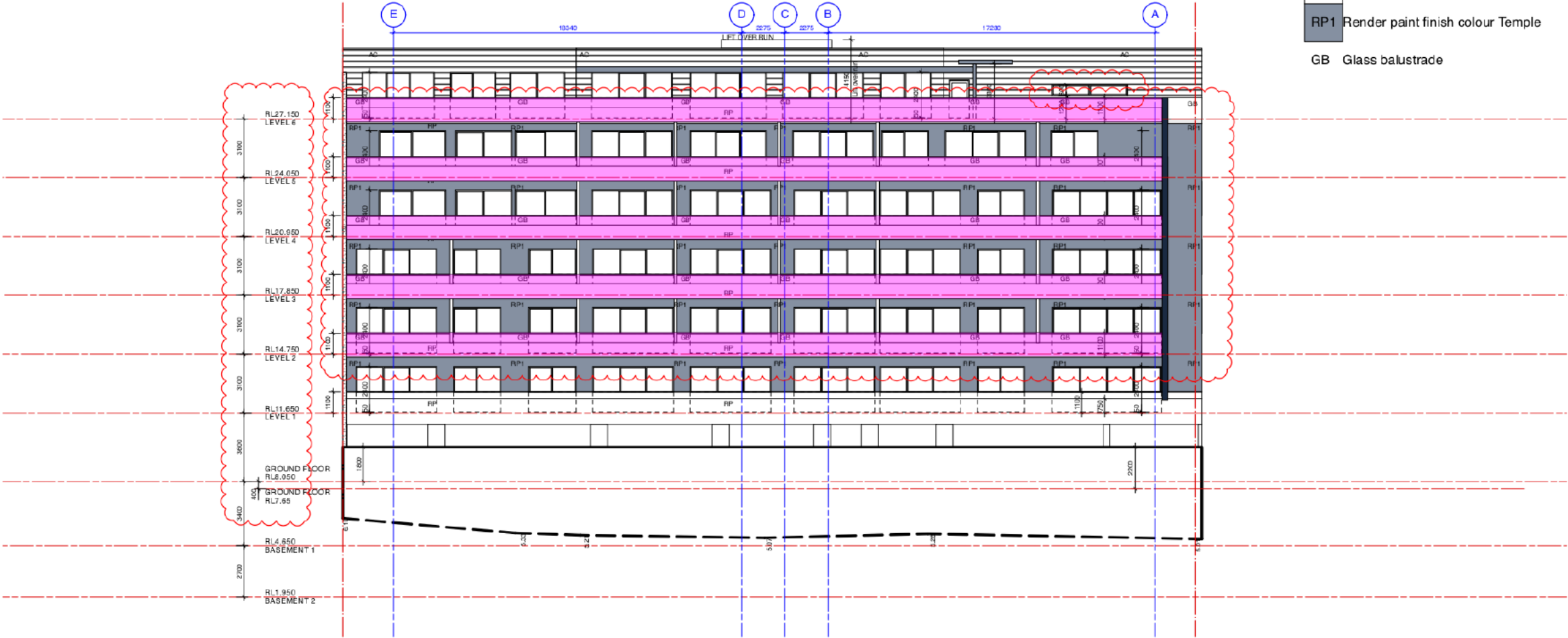
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ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
18/03/2021

S4.55 Modifications
- Amended floor levels
- Amended balustrade

- LEGEND**
- PC Precast concrete panel Class 2 finish with applied seal
 - AC Aluminium cladding PowderCoate finish Timber Panelling
 - FB Face brick running bond Designer Charcoal
 - AR Aluminium Colorbond roof colour Surfmist
 - Window frames, exposed steel & balustrade framing colour Powdercoate Ironstone
 - RP Render paint finish colour White
 - RP1 Render paint finish colour Temple
 - GB Glass balustrade



C Issue for S4.55		KL	21/4/20
B Issue for S4.55		PB	20/4/20
A ISSUED FOR TENDER		PB	18/3/20
Revision	Amendment	By	Date

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ABN 97 123 98 6 807

Project	QUEST HOTEL	Drawn By	PB	Dwg Date:	Sept2019	Project No.	1977
Client	17 Clarence Street Port Macquarie	Checked By		Scale	1:200@A3	Drawing No.	A200 C
Title	Bamford Eng. & Consulting P/L					Rev	
	NORTH ELEVATION						

ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
18/03/2021

S4.55 Modifications

- Amended floor levels

- amended substation location

- amended balcony and window on L1

- added fire hydrant

- lobby extended

- balustrade amended

NOTES
Window restrictors to be added where required to meet the requirements of Cl.D2.24 of the NCC.

Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards

LEGEND

PC

Precast concrete panel Class 2 finish with applied seal

AC

Aluminium cladding PowderCoate finish Timber Panelling

FB

Face brick running bond Designer Charcoal

AR

Aluminium Colorbond roof colour Surfmist

Window frames, exposed steel & balustrade framing colour Powdercoate Ironstone

RP

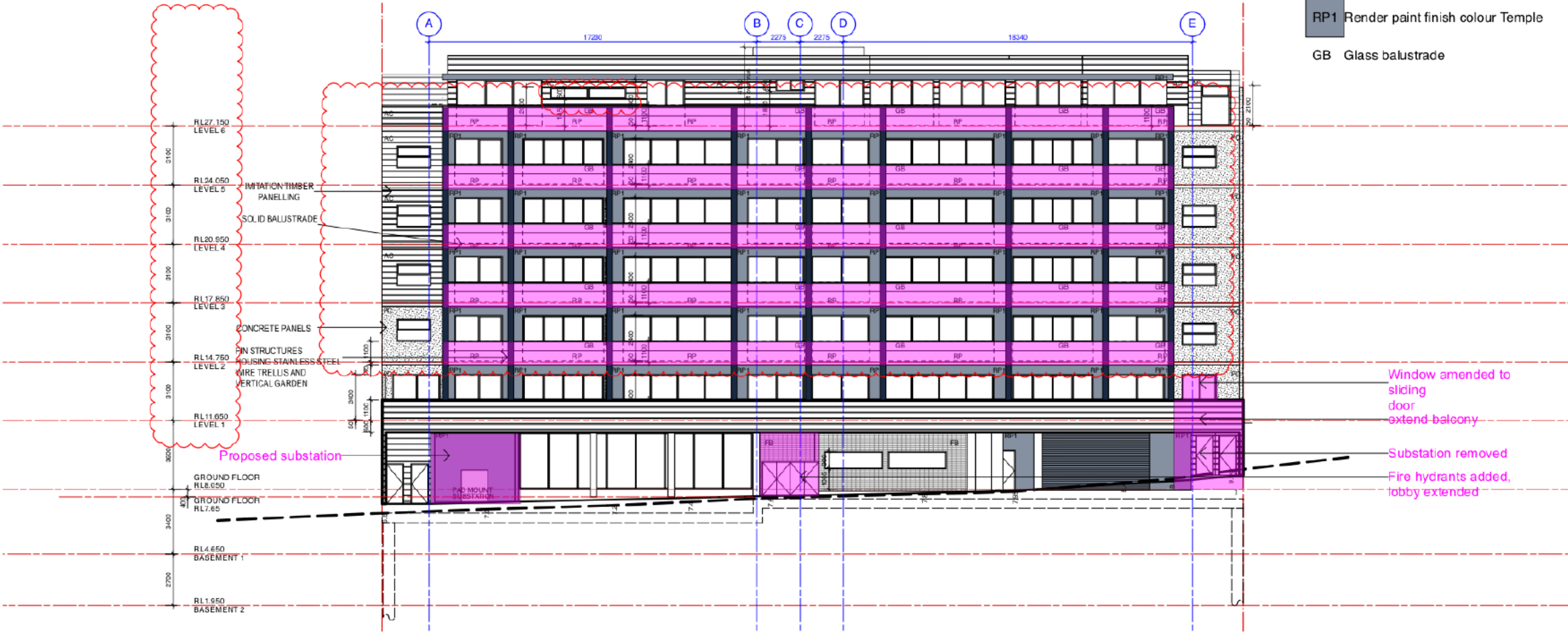
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RP1

Render paint finish colour Temple

GB

Glass balustrade



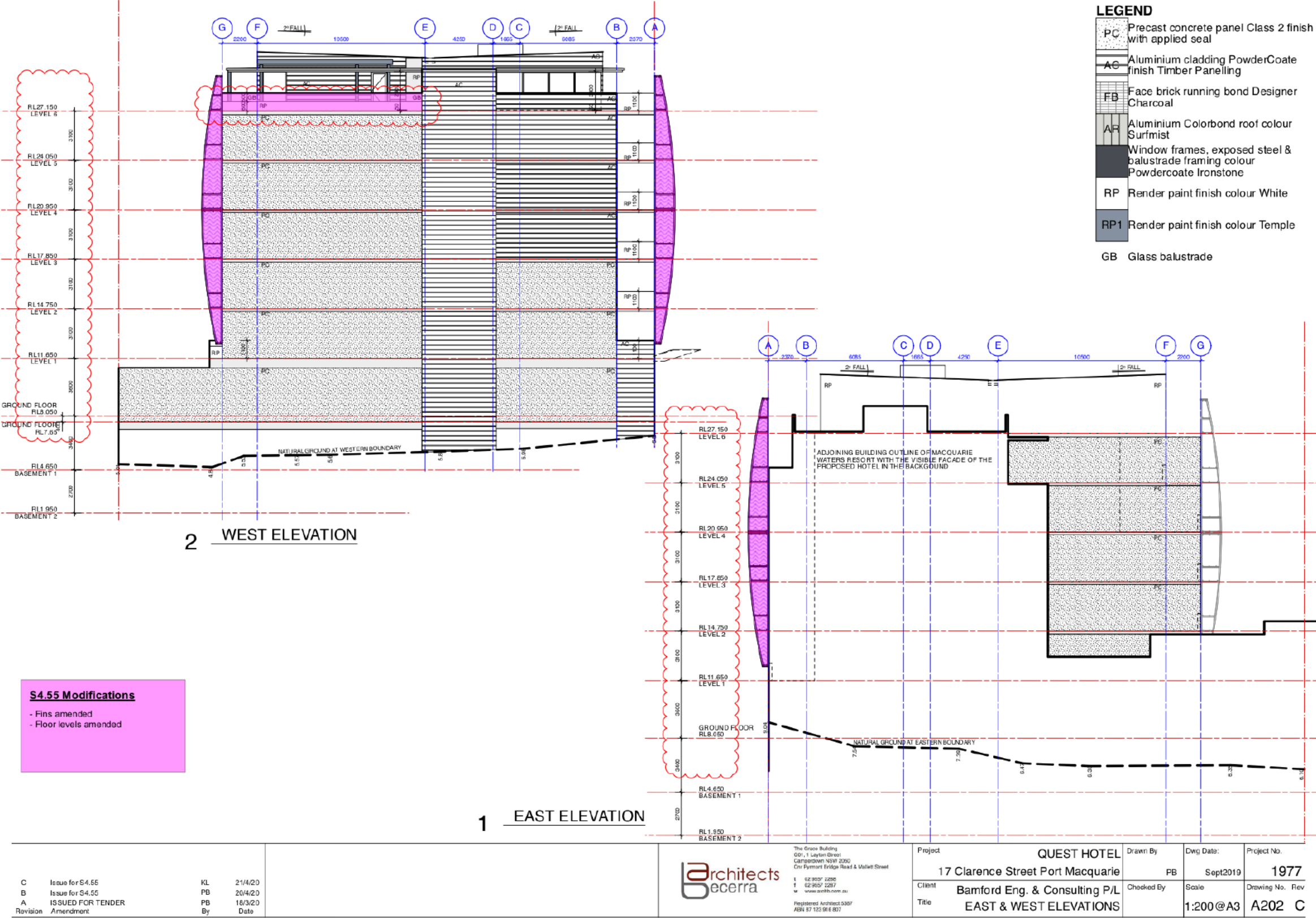
Window amended to sliding door
extend balcony

Substation removed
Fire hydrants added, lobby extended

<div><div><div>C</div><div>Issue for S4.55</div><div>KL</div><div>21/4/20</div></div><div><div>B</div><div>Issue for S4.55</div><div>PB</div><div>20/4/20</div></div><div><div>A</div><div>ISSUED FOR TENDER</div><div>PB</div><div>18/3/20</div></div><div><div>Revision</div><div>Amendment</div><div>By</div><div>Date</div></div></div>				<div><div><div>Architects</div><div>ecerra</div></div><div><div>The Grace Building</div><div>601, 1 Layton Street</div><div>Cammerglen NSW 2205</div><div>On Pymont Bridge Road & Mettett Street</div><div><div>1</div><div>62 9157 2286</div></div><div><div>1</div><div>62 9157 2287</div></div><div><div>W</div><div>www.architects.ecerra.com.au</div></div><div><div>Registered Architect 5387</div><div>ABN 97 123 98 6 807</div></div></div></div>	<div><div>Project</div><div>QUEST HOTEL</div><div>17 Clarence Street Port Macquarie</div></div> <div><div>Client</div><div>Bamford Eng. & Consulting P/L</div></div> <div><div>Title</div><div>SOUTH ELEVATION</div></div>
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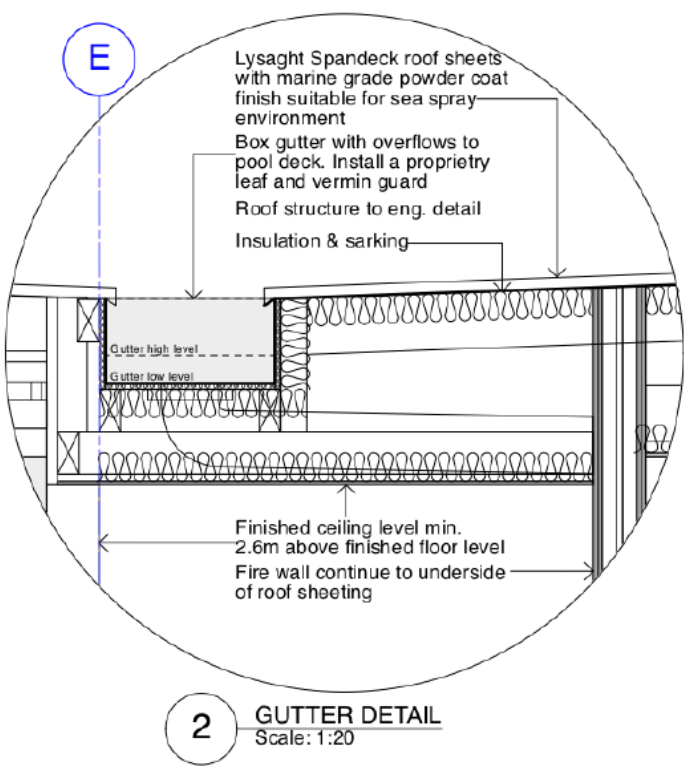
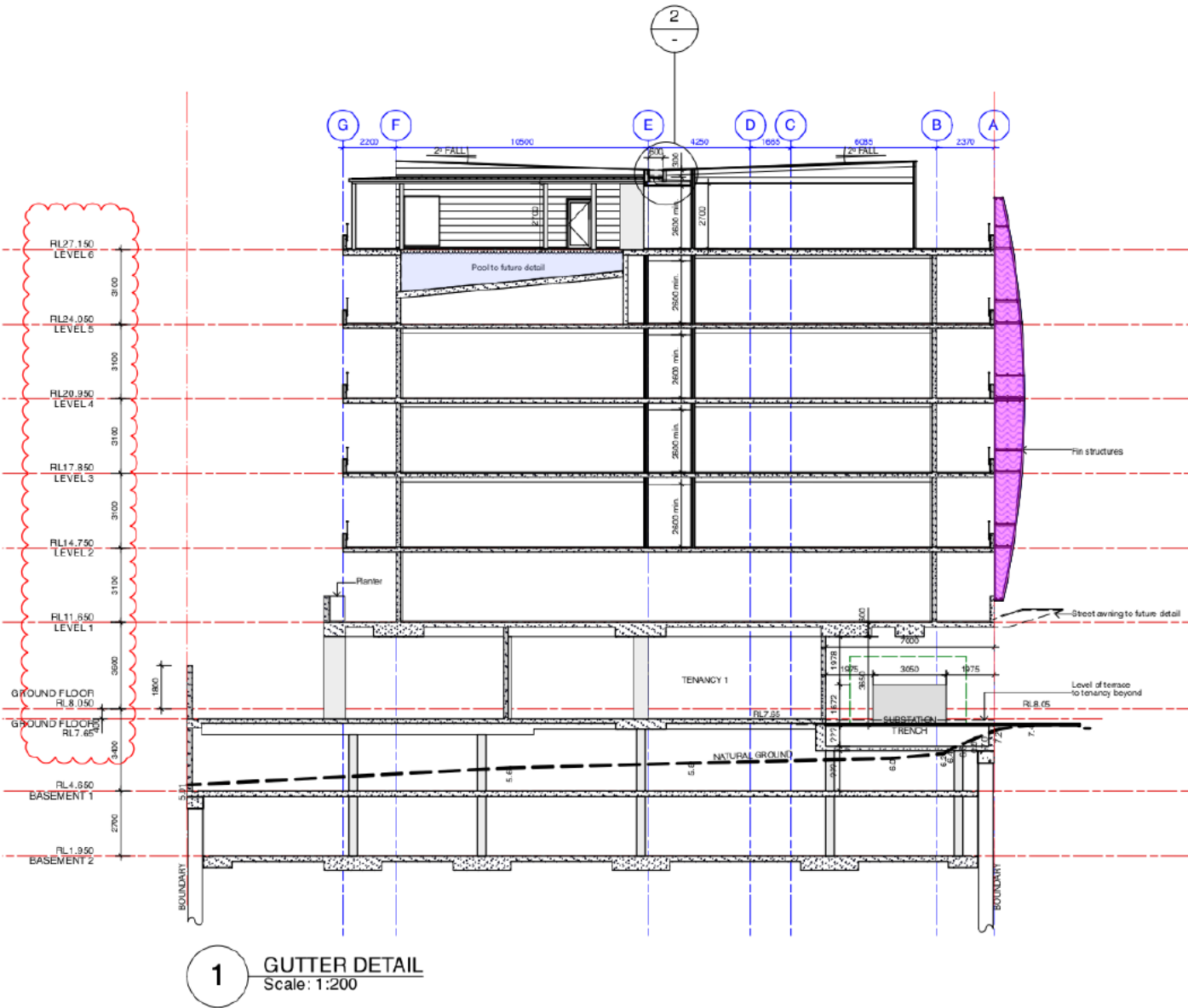
DEVELOPMENT ASSESSMENT PANEL
18/03/2021



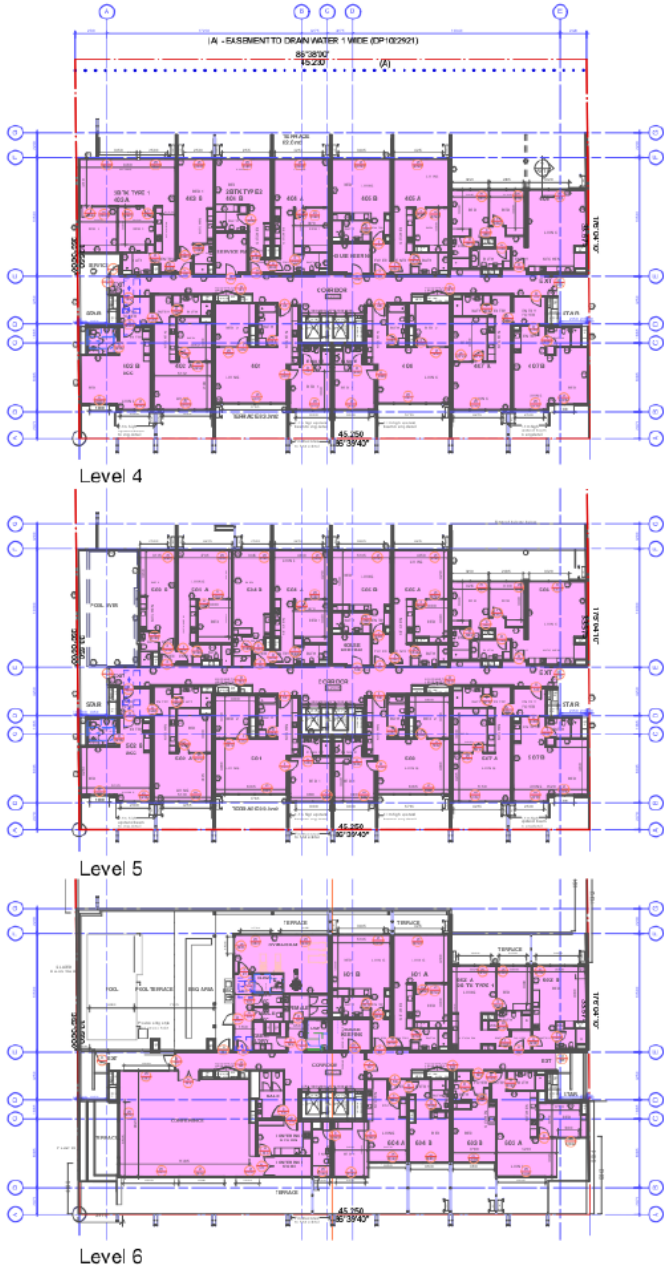
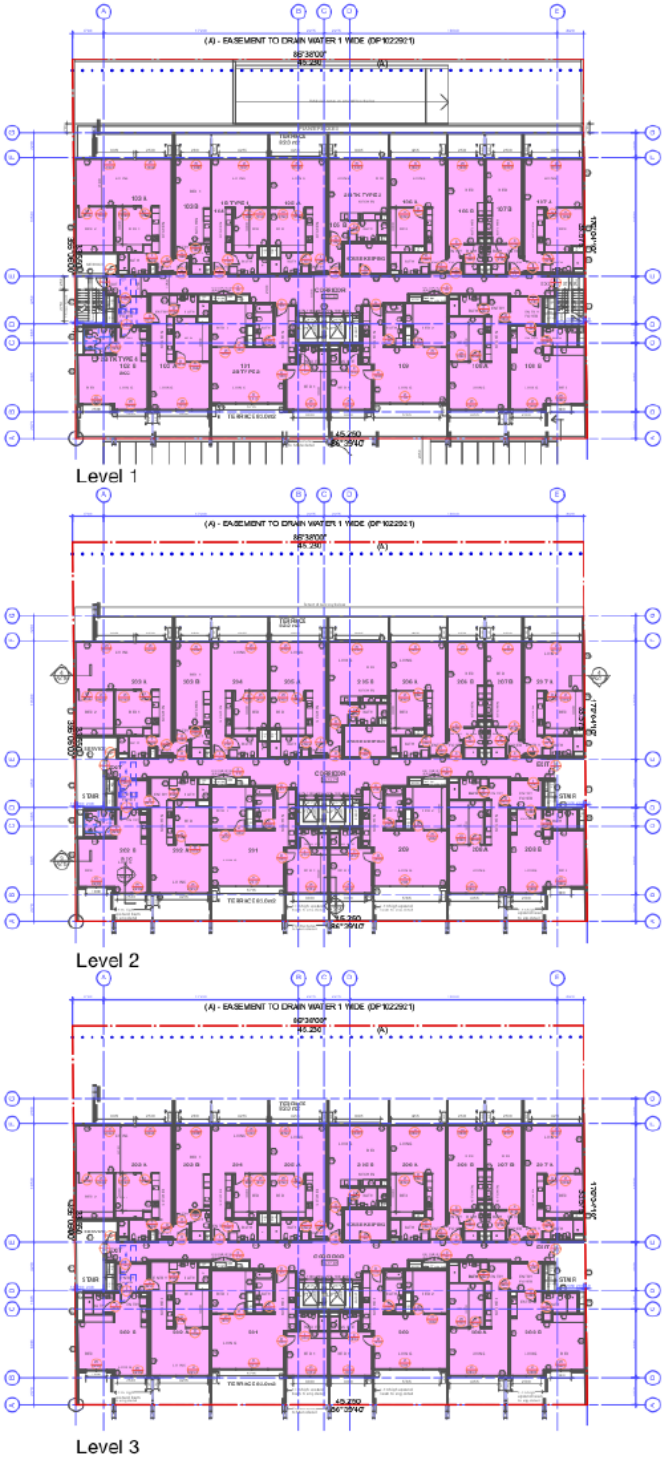
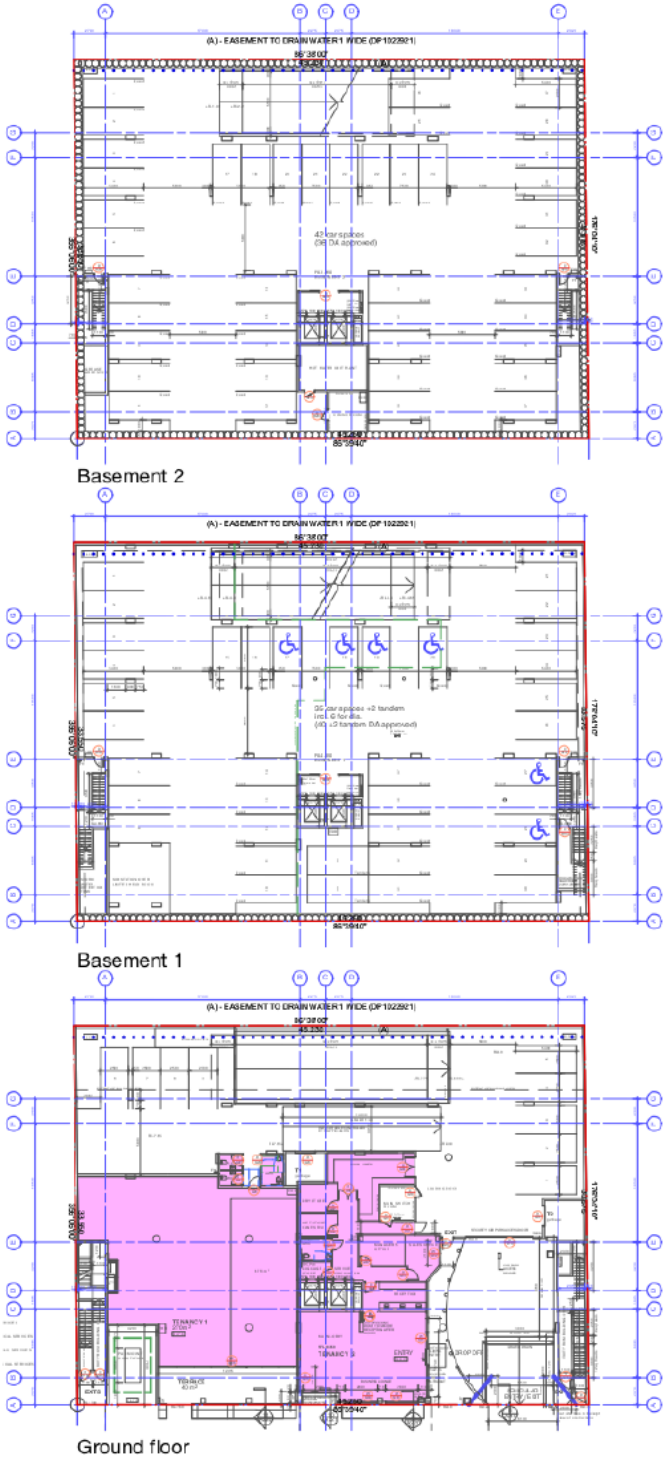


S4.55 Modifications

- Amended floor levels
- Amended fins



					The Grace Building G01, 1 Layton Green Carrington NSW 2203 Cnr Pyrmont Bridge Road & Mallett Street t 62 9157 2280 f 62 9157 2287 w www.architectsdecerra.com.au Registered Architect 5387 ABN 97 123 98 6 807	Project QUEST HOTEL		Drawn By	Dwg Date:	Project No.
						17 Clarence Street Port Macquarie		PB	Sept2019	1977
B Issue for S4.55		PB	20/4/20			Client Bamford Eng. & Consulting P/L		Checked By	Scale	Drawing No. Rev
A ISSUED FOR TENDER		PB	18/3/20			Title SECTIONS			1:200@A3	A211 B
Revision Amendment		By	Date							



	Approved S96 (2018-353)	Proposed
Site Area	1517.23	1517.23
GFA	5486.48	5597.1
FSR	3.61 : 1	3.68 : 1

B

Issue for S4.55 - RF1

Revision

Amendment

KL

By

21/1/21

Date



The Grace Building

001, 1 Layton Grove

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Cnr Pyrmont Bridge Road & Mallett Street

1 62 9157 2280

1 62 9157 2287

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Registered Architect 53057

ABN 97 123 98 6 807

Project

17 Clarence Street Port Macquarie

Client

Bamford Eng. & Consulting P/L

Title

Area Calculations

QUEST HOTEL

Drawn By

PB

Checked By

Scale

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Dwg Date:

Jan2020

Drawing No.

A900

Rev

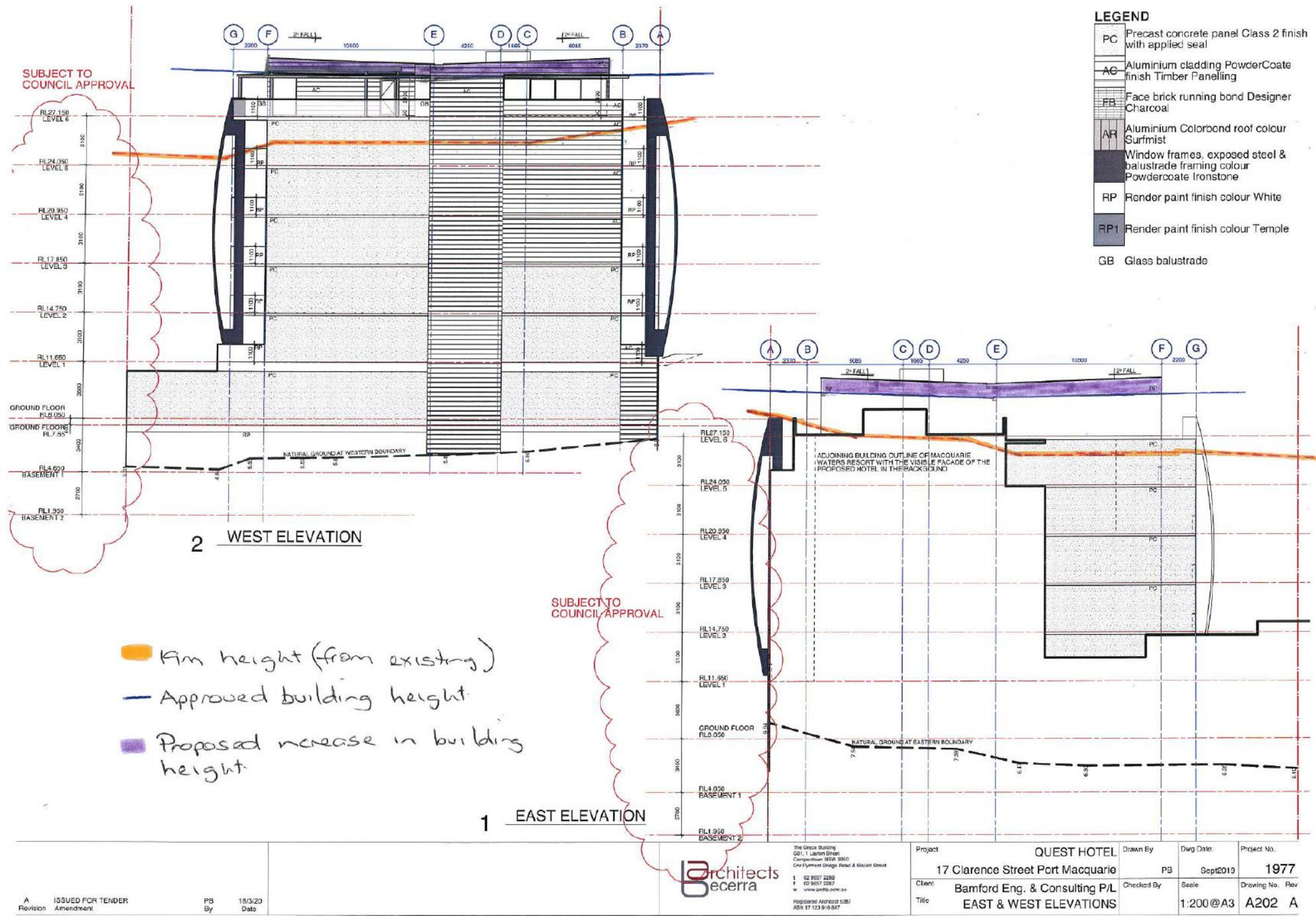
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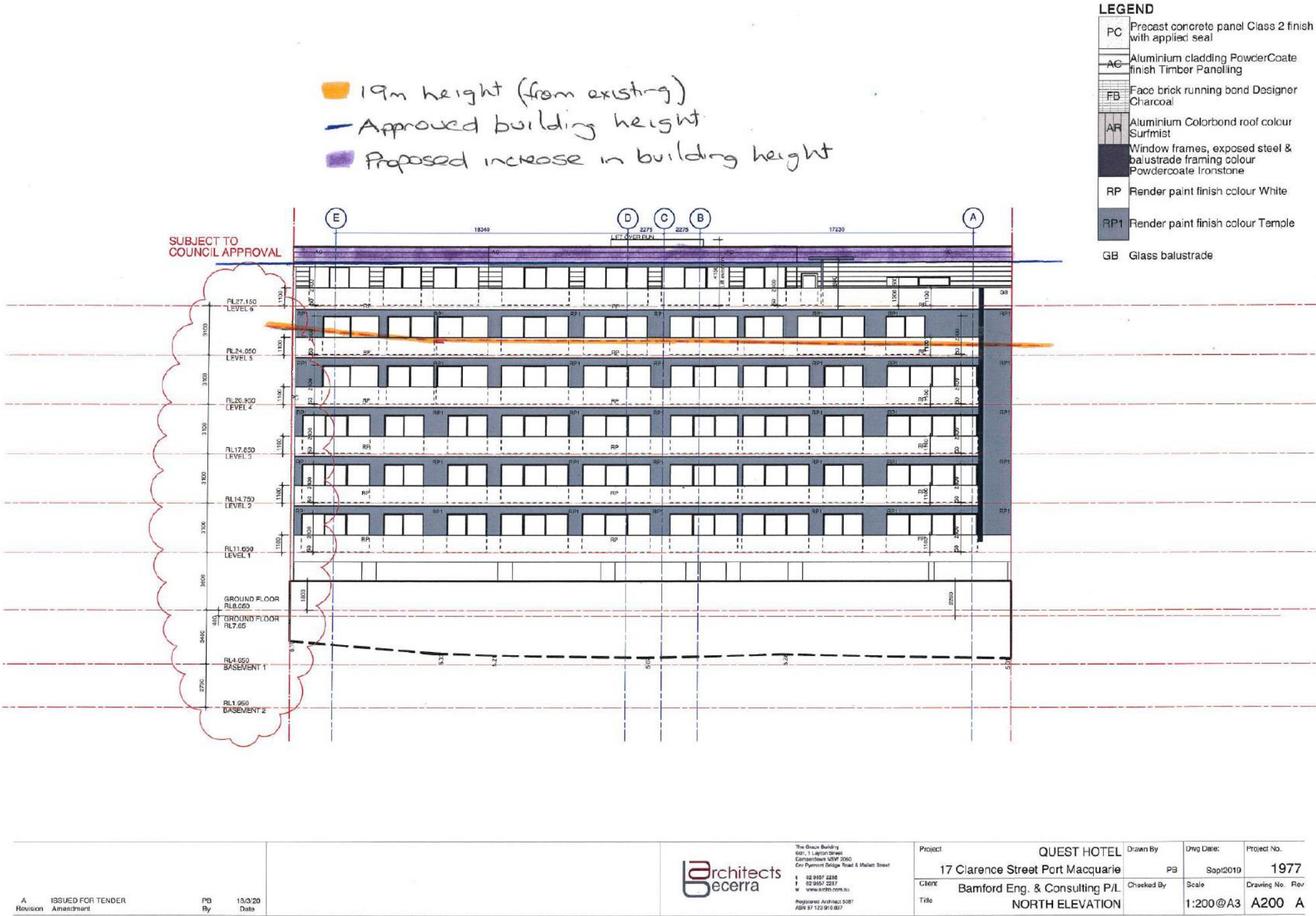
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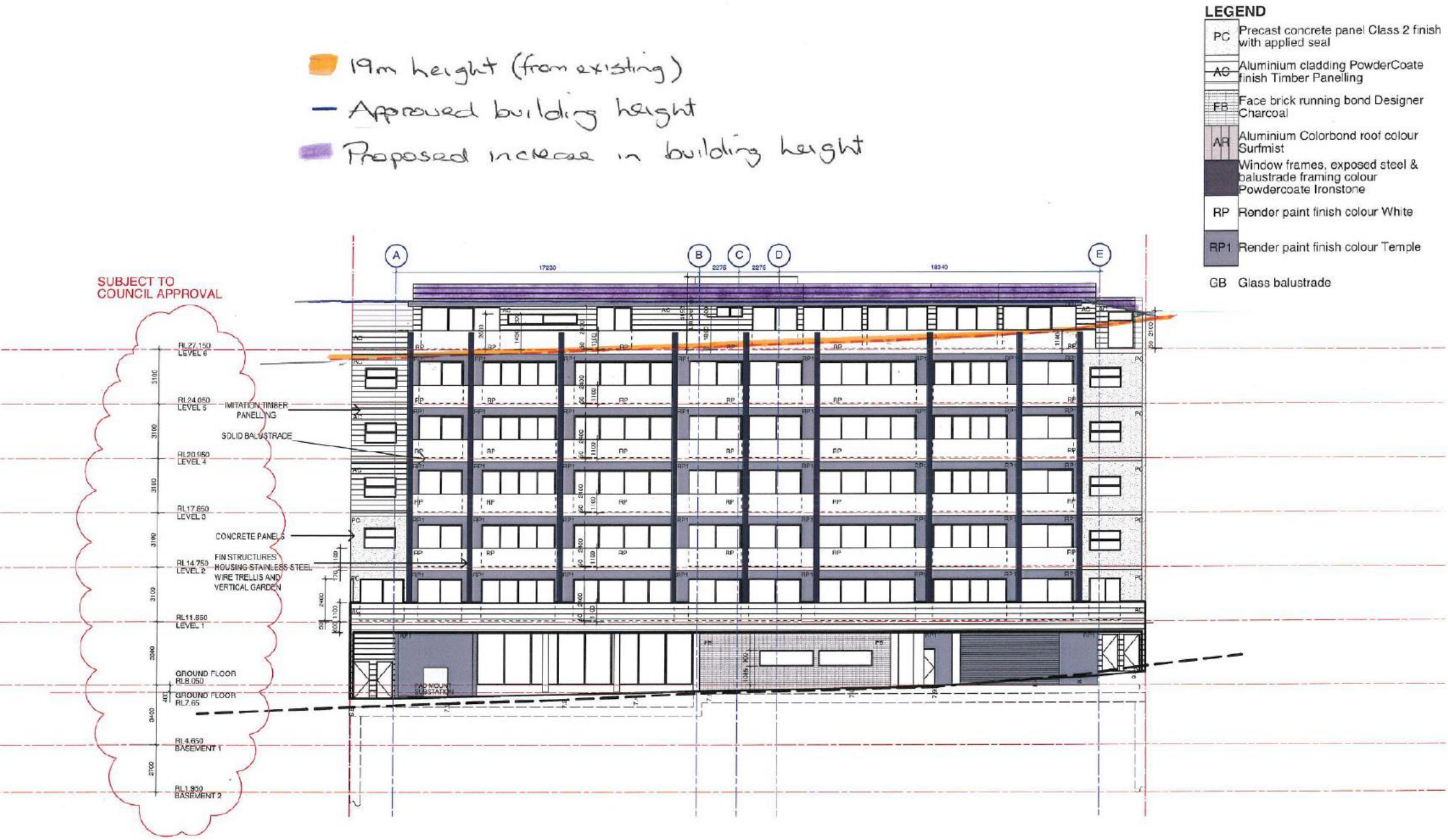
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18/03/2021





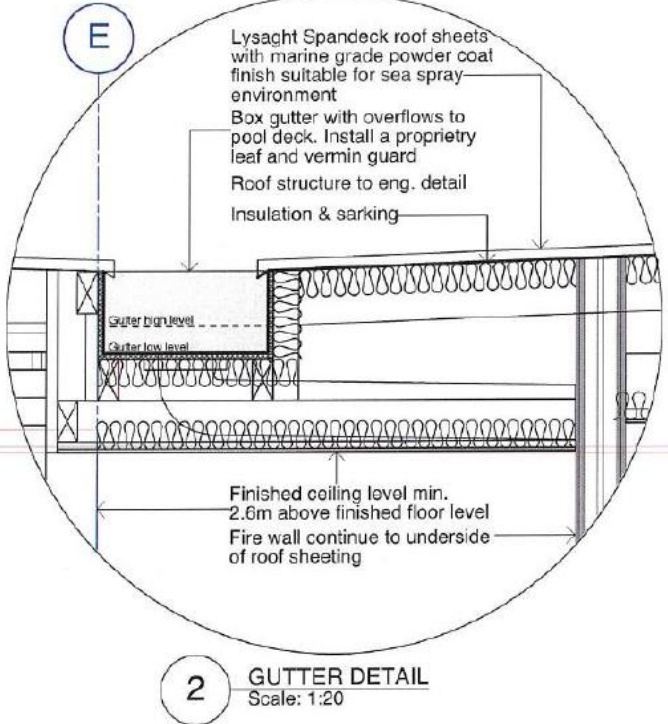
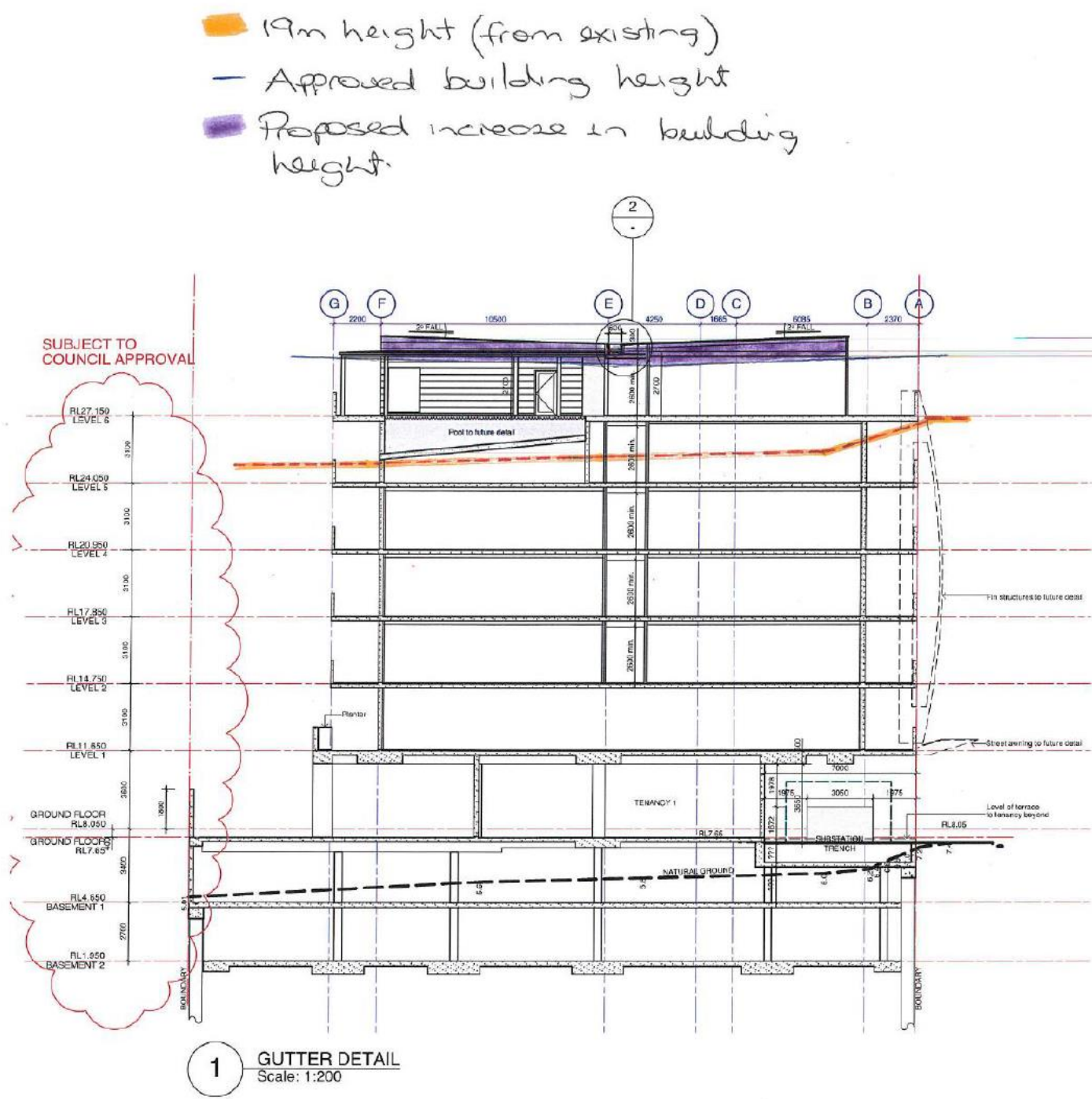
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DEVELOPMENT ASSESSMENT PANEL
18/03/2021



A ISSUED FOR TENDER		PB 18/3/20	
Revision	Amendment	By	Date

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Project QUEST HOTEL 17 Clarence Street Port Macquarie		Drawn By PB Dwg Date: Sept 2019	
Client Bamford Eng. & Consulting P/L		Checked By	
Title SOUTH ELEVATION		Scale 1:100 @ A3	
		Project No. 1977	
		Drawing No. Rev A201 A	



A Revision		ISSUED FOR TENDER Amendment		PB By		16/3/20 Date		 The Shire Building 401-1 Layton Street Camperdown NSW 1500 On Pyrmont Bridge Road & Market Street t 02 9557 2286 f 02 9557 2287 www.becerra.com.au Registered Architects 5587 AS/NZS 1261:2017		Project QUEST HOTEL 17 Clarence Street Port Macquarie		Drawn By PB		Dwg Date: Sept 2019		Project No. 1977			
										Client Bamford Eng. & Consulting P/L		Checked By		Scale 1:200@A3		Drawing No. A211		Rev A	
										Title SECTIONS									

**Justification of Variation to
Development Standard
Building Height –
Report Pursuant to Clause 4.6 of
Port Macquarie–Hastings Local
Environmental Plan (2011)**

**PROPOSED TOURIST
ACCOMMODATION &
COMMERCIAL DEVELOPMENT AT
17 - 19 CLARENCE STREET,
PORT MACQUARIE NSW**

APRIL 2020

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Attachment 2
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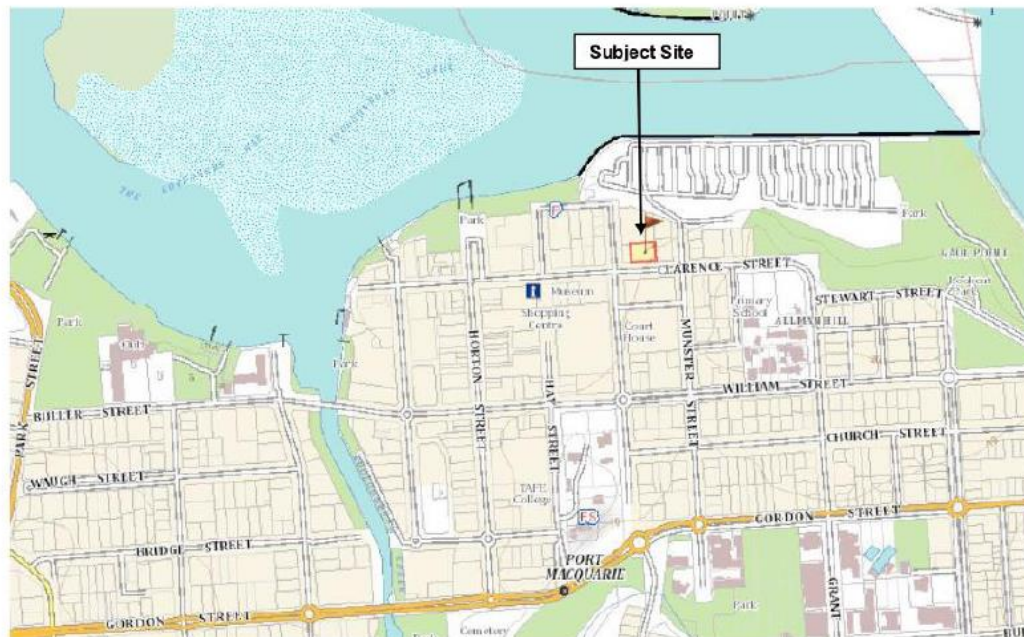
APPENDIX 1 – 19M HEIGHT PLAN

APPENDIX 2 – BULK AND SCALE CONTEXT PLAN

1. INTRODUCTION**1.1 Purpose of Report**

Port Macquarie Hastings Council has granted development approval for a mixed tourist accommodation and commercial development on land known as Lot 123 DP 1219042, 17 Clarence Street, Port Macquarie.

Figure 1 – Site Location



In granting development consent for the proposed mixed tourist accommodation and commercial development, Council approved a variation to the LEP height standard which is applicable to development on the subject site.

As a result of the detailed construction design of the approved building an additional 200mm of ceiling height is required each for L1 – L5 of the building so as to accommodate required building services. As a consequence, the overall height of the proposed development will be 1m higher than that already approved by the council.

The purpose of this report is to provide justification for a variation to the Building Height provisions of Port Macquarie-Hastings Councils Local Environmental Plan, (LEP) 2011 for the mixed-use development which is proposed to be undertaken on the subject site.

1.2 Background

The proposed includes the construction of a seven (7) Storey tourist accommodation and commercial building with a basement level to accommodate onsite carparking.

A commercial tenancy, (270m²), together with the tourist accommodation reception and building access infrastructure, (vehicle and pedestrian), will occupy the ground floor of the building. Eight (8) carparking spaces together with, loading dock, amenity and waste management storage areas are also proposed for this level.

Motel/Serviced Apartment accommodation comprising 48 apartments and associated infrastructure are distributed over Levels 1 – 7 of the building. The proposed development provides for the following apartment configuration;

- 4 x 3 bedroom/2-bathroom apartments (twin key); and
- 27 x 2 bedroom/2-bathroom apartments (twin key); and
- 12 x 2 bedroom/2-bathroom apartments; and
- 5 x 1-bedroom apartment.

The usage arrangements of the proposed apartments provide for a maximum of 79 lettable apartments.

Each apartment is proposed to be provided with lift access with each of the proposed apartments provided with an external balcony.

The floor areas of the apartments are variable ranging from 48m² to 106.4m².

Two (2) basement level of car parking, (providing Seventy-nine (79) spaces), is proposed with access via a single vehicular driveway off Clarence Street utilizing the ground floor level of the proposed development. As well as the car parking areas the basement level will include general and dedicated service areas for the proposed development. Lift access to the basement level is proposed.

The proposed development also provides for motel/serviced apartment ancillary use areas on Level 7 of the proposed development. In this regard a Conference Room, Gymnasium, BBQ area, amenities and a swimming pool are located on the top floor area of the development.

The subject site has approximately 2m fall from south to the north (from Clarence Street to the rear of the property). A 1m east to west cross fall is also present.

It is however noted that the topography of the subject site has been altered as a result of the historic development of the subject site and recent demolition works and required heritage and geotechnical assessment.

The topography of adjoining and adjacent land contains east to west down slopes and a northerly cross-fall.

This report therefore provides justification as to why Port Macquarie-Hastings Council should support the variation to the building height standard as proposed which is 1m higher than which Council has already approved. In this regard Council has approved the following building heights.

Table 1 – Council Approved Building Heights

GROUND LEVEL REFERENCE	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
Existing site ground levels	20.8m	23.65m	1.8m – 4.65m
Historical ground levels	20.8m	22.95m	1.8m – 3.95m
Finished Clarence Street Town Centre Masterplan Levels	19.77m	23.95m	0.77m – 23.95m

2. LEP 2011 REQUIREMENTS**2.1 Introduction**

Port Macquarie – Hastings LEP 2011 specifies a number of principle development standards that are applicable for the erection of buildings in the Port Macquarie-Hastings Local Government Area.

In this regard Part 4 of the LEP provides for development standards related to;

- Lot size;
- Rural Subdivision;
- Building Height;
- Floor Space Ratio;

Being a “performance based” document the LEP provides for a series of objective together with specific design provisions that are ‘Deemed to Satisfy’ the performance objectives. Adoption of the specified design provisions would therefore provide for a building solution to be approved by Council as this specified solution is ‘deemed’ to meet the relevant performance objectives.

However, Clause 4.6 of the LEP recognizes the need to allow for exceptions to the specified design provisions. In this regard Clause 4.6 (2) of the LEP provides that;

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

It is noted that issues pertaining to the height of buildings is not expressly excluded from the operation of Clause 4.6.

In addition to establishing a framework for the consideration of variations to the LEP development standards, Clause 4.6 (3) – (5) of the LEP establishes the process by which variations to development standards are to be lodged, assessed and determined. The LEP provisions which are applicable are as follows;

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

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

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by sub clause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

This report will provide justification for the variation of the acceptable design solution for the Height of the proposed building having regard to the relevant provisions of the LEP.

2.2 Building Height Development Standard

Clause 4.3 of the LEP provides that the height of a building erected on the subject site is not to exceed 19m, refer to **Figure 1** below;

Figure 2 - Building Height 'Deemed to Satisfy' Standard for Subject site.

It is noted that the following definition applies to the determination of the actual height of building;

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

2.3 Proposed Development Standard Variation

Along the Clarence Street frontage of the subject site the roof of the proposed building above existing ground level ranges between 18.8 meters (south-eastern corner of boundary) and 20.5m (south-western corner of boundary). Along the northern elevation of the proposed building, (which is setback approximately 8.7m from the northern property boundary), the building height above ground level ranges between 23.65m and 24.65m.

It is noted that the top floor of the proposed building is setback from the Clarence Street frontage with the height of the building at this point above ground level being 21.55m (south eastern corner) and up to 23.65m (south western corner)

It is noted that the differences in building height reflect the significant changes in the topography of the subject site.

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The following table summarizes the development standard together with the now proposed height of the building together with the quantum of the variation which is sought. The following table has been prepared having regard to the building height definition provided for in Section 2.2 of this report;

Table 2 – Worst Case Building Height Summary (worst case existing site ground levels)

BUILDING HEIGHT DEVELOPMENT STANDARD	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
19m	21.8m	24.65m	2.8m – 5.65m

The height of the proposed building and its relationship to the 19m height standard is illustrated in **Appendix 1** of this report – Height Plane Plan.

It is however noted that the determination of the height of the building has been based upon existing ground levels. In this regard it is noted that the subject site has been the subject of significant excavation in conjunction with archaeological and geotechnical assessments which were carried out in early 2017 as part of planning for the commencement of construction of the previously approved residential flat building on the subject site (DA 410/2014 and DA 149/2016) of significance is the changes in topography in the western central portion of the subject site whereby current ground levels are at least 700mm lower than historic natural ground levels. This is significant in the context of considering the quantum of the height variation which is relevant to the proposed development. The following table therefore summarizes the development standard together with the proposed height of the building together with the quantum of the variation which is sought having regards to the historical ground levels.

Table 3 – Building Height Summary (historical ground levels)

BUILDING HEIGHT DEVELOPMENT STANDARD	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
19m	21.8m	23.95m	2.8m – 4.95m

It is also noted that Councils Town Centre Masterplan works require that the Clarence Street frontage road reserve height be raised in order to accommodate revised finished levels for the northern portion of the Clarence Street carriageway and associated footpath area. Accordingly, the finished ground level adjacent to the southern elevation of the building will be approximately 800mm above the existing ground levels. Accordingly, the height, bulk and scale of the building when viewed from the southern and western aspects will have a context to the required new ground levels along Clarence Street and not the existing ground levels. Accordingly, the height of the proposed building, (at its highest 3.0m behind the southern property boundary), when viewed from the southern aspect and having regard to the new Clarence Street road

reserve levels will be in the range of 20.77m and 22.9m. This again is an important consideration in the context of quantifying and qualifying the height of the proposed development and its actual bulk and scale impacts.

It is also noted that Council has already approved building heights which are greater than the 19m LEP standard. In this regard the variation which is now sought represents only 1m more than that which Council has already assessed and accepted as being appropriate for the subject site and locality. Therefore any assessment of the buildings now proposed height must have regard to the significance of the additional 1m in building height above that which has already been deemed to be acceptable.

3. MERIT ASSESSMENT

3.1 Background

As has already been identified the structure of Port Macquarie Hastings LEP 2011 provides for merit assessment of variations to development standards.

This structure is reflected in;

- The inclusion of Clause 4.6 into the LEP which recognizes the need to allow for exceptions to the specified design provisions.
- The inclusion of performance objectives in relation to development standards. The inclusion of specific performance objectives provides for a design solution to be approved on the basis that its outcomes will be consistent with the nominated performance objectives.

It is however noted that the LEP does not indicate the manner by which a merit assessment is to be carried out.

It is however noted that, NSW Planning via its Guide to Varying Development Standards, 2011 provides that;

In deciding whether to approve a development application and associated application to vary a standard, council must consider whether non-compliance with the development standard raises any matter of significance for State and regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. As part of the consideration, council should examine whether the proposed development is consistent with the State, regional or local planning objectives for the locality, and, in particular, the underlying objective of the standard.

Additionally, the Guide provides that Clause 8 of SEPP 1 requires council to assess whether non-compliance with the development standard raises any matter of significance for State and Regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. Councils must furnish written evidence that they had considered the matters referred to in clause 8 of SEPP 1 in their assessment of an application.

Additional guidance regarding the assessment of variations to development standards can also be taken from the 'five-part test' established by the NSW Land and Environment Court which are outlined as follows;

- 1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Having regard to the above, it is proposed to demonstrate that the proposed variation to the LEP development standard as it pertains to the revised height of the subject building continues to be acceptable in the circumstances as the design solution;

- Maintains compliance with the relevant objectives of the LEP development standard.
- Renders compliance with the development standard unnecessary and unreasonable in the circumstances.
- Does not raise any matter of significance for State and regional planning, and the public benefit.

3.2 Development Standard Objectives

NSW Planning's Guide to Varying Development Standards (August 2011) provides that when assessing applications involving variations to development standards under Clause 4.6 of the Standard Instrument, council should take into account both the mandatory zone objectives as well as any additional objectives.

The zone objectives that are relevant to the requested variation are contained within Clause 4.3(1) of LEP (2011) as follows;

'(1) The objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- (d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan'.*

It is therefore considered that where a building design solution is consistent with the above objectives it can be assessed as being consistent with the requirements of PMHC LEP (2011) and as such development consent can be issued on the basis that the proposed development is in accordance with the relevant development standards.

The following justification is provided in respect of each of the performance objectives provided for in the LEP and listed above;

Table 4 – Performance Assessment

PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
<i>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	<p>The existing and future character of the locality is mixed with tourist and residential development dominating the immediate area with cafes and other tourist and residential uses fronting Clarence Street.</p> <p>The relevance of the proposed building height design solution to the existing and future character of the locality is assessed as follows;</p> <p><u>Existing Character</u></p> <p>It is noted that the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to landform.</p> <p>Whilst lower density development is present on immediately adjoining land to the west the predominant building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this aspect (e.g. Rydges).</p>

*Northern backdrop (viewed from the south)**Southern backdrop (viewed from the north)**Eastern backdrop (viewed from the west)*

*Western backdrop*

The relationship of the proposed increase in building height above that which has been assessed as acceptable is illustrated in **Appendix 2** of this report – Bulk and Scale Plan.

As can be seen in **Appendix 2** the building design outcome which is now proposed remains entirely consistent with the historical development in the locality, recently constructed buildings, (within the past 10 – 15 years) and the design outcome already approved for the subject site by Council.

Having regard to the above the outcomes provided for by the proposed building height design solution remains entirely consistent with the existing character of the locality in relation to height, bulk and scale.

As can be seen in **Appendix 2** the design outcome now proposed provides for a building height outcome which is entirely consistent with and in some areas less than that previously approved by Council. This is important in quantifying and qualifying the impacts of the proposed development above that which has already been assessed by Port Macquarie Hastings Council as being acceptable via the issuing of development approval DA 2018/353.

Future Character

The building height development standards provided for by LEP 2011 for the subject site and surrounds provide for a 'Deemed to Satisfy' standard of 19m which would typically

	<p>provide for a 6 – 7 storey building. In this regard it is noted that the proposed development is entirely consistent with this development standard on the Clarence Street frontage with the roof of the main building being between 21.8m and 23.65m which taking into account the topography of the area provides for a seven (7) storey building. The stepping back of the top floor of the development together with the integration of open space areas on this level, (swimming pool/BBQ area), is a feature intended to reduce the perceived scale of the building by disrupting the layering effect of each storey. In this regard when viewed from the street the top floor of the building will not be visible from the northside footpath and will only be partially visible from the southside footpath along Clarence Street.</p> <p>It is also noted that Councils Town Centre Masterplan works require that the Clarence Street frontage road reserve height be raised in order to accommodate revised finished levels for the northern portion of the Clarence Street carriageway and associated footpath area. Accordingly, the finished ground level adjacent to the southern elevation of the building will be approximately 800mm above the existing ground levels. Accordingly, the height, bulk and scale of the building when viewed from the southern and western aspects will have a context to the required new ground levels along Clarence Street and not the existing ground levels. Therefore, the height of the proposed building when viewed from the southern aspect and having regard to the new Clarence Street road reserve levels will be in the range of 20.77m and 22.9m. This again is an important consideration in the context of quantifying and qualifying the resulting height, bulk and scale of the proposed development and its impacts.</p> <p>It is noted that the majority of the height exceedance associated with the main bulk of the building is associated with the south to north topography of the subject site. In the context of the topography of the subject site and adjoining and adjacent land the bulk and scale of the lower elevated areas of the building will be masked by adjoining development to the north, east and west with the height, bulk and scale with the southern and western elevations providing the visual context for the height, bulk and scale rather than the northern aspect of the proposed building whereby the existing Northpoint building dominates the height, bulk and scale landscape.</p>
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	<p>Similarly, the height, bulk and scale of the eastern aspect of the proposed building is obscured by the existing Macquarie Waters building with the proposed building retaining a consistent height, bulk and scale with the adjoining Macquarie Waters building.</p> <p>Additionally, the top storey of the proposed building is setback from the main bulk and scale of the building with enclosed areas not occupying the entire area of the top storey. This approach greatly assists in reducing the overall bulk and scale of the top storey area with stepping down of the building's height, bulk and scale towards the western boundary of the subject site. Therefore, when viewed from the Clarence Street frontage the additional building height associated with the top storey will remain largely obscured and as such will have a minimal impact on the existing and future character of the area. As can be seen in Appendix 2, the height, bulk and scale of the top storey is moderated through the setbacks which have been incorporated at this level.</p> <p>As can be seen in Appendix 2 the major elements of the top storey which will be evident from Clarence Street will continue to be portion of the roof structure of the building which is consistent with the visual impacts assessed and approved by Council through the issuing of development approval for the serviced apartment development for the subject site (DA 2018/353)</p> <p>The future development of adjoining land to the west of the subject site has the potential to provide for a built form which significantly shields the height, bulk and scale of the proposed building with the future development of the land on the corner of Murray and Clarence Streets being the dominant factor in terms of height, bulk and scale impacts associated with the proposed development when viewed from the western aspect. In this regard the stepping back of the top floor of the subject building provides for a logical transition in building heights with distance towards the western property boundary. The positioning of open space areas associated with the swimming pool and the setbacks to the conference room allows for a transition in building height so as to integrate with the future desired development on the corner of Clarence and Murray Streets.</p> <p>It is also noted that Clarence Street is a main connector</p>
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	<p>road within the Port Macquarie CBD 'being some 30m wide and can clearly accommodate development of greater densities and heights through site redevelopment within the framework of integrating good urban design principles. The width of the Clarence Street and its ability to accommodate developments of greater densities and heights is further reinforced by the significant setback of the existing bulk and scale of the building to the south of the Clarence Street road reserve adjacent to the subject site, (Port Pacific building).</p> <p>Similarly, when viewed from adjoining and adjacent buildings in the area the portion of the subject building which is in excess of the 19m development standard will have a negligible visual and amenity impacts in relation to the proposed buildings height, bulk and scale as it;</p> <ul style="list-style-type: none"> • Will be generally indiscernible from the main bulk of the building. • Will have a minimal impact when considered in the context of the height, bulk and scale backdrop which exists by virtue of existing multi storey buildings in the locality which already have a height beyond that contemplated for the proposed building. • Will be consistent with the height of buildings which could result through the redevelopment of adjoining land to the east of the subject site. <p>Having regards to the above it is considered that the impact on the future character of the locality of the proposed building design solution as it relates to building height will be minimal.</p> <p>It is also noted that notwithstanding the height development standards provided for in LEP 2011 the future character of the locality has to a large extent been significantly influenced by the height of buildings which have been constructed in the past ten (10) years particularly in relation to buildings in proximity to the subject site. In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.</p>
<i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar</i>	Solar access studies show acceptable results for June 22 as a result of the proposed development in relation to

<p><i>access to existing development</i></p>	<p>adjoining and adjacent existing development and an additional 1m in building height as proposed does not alter the outcomes of the solar access studies due to the orientation of the subject site and the positioning of the subject building in the southern portion of the subject site. Accordingly, the proposed building height design solution will have no significant impact on solar access beyond that contemplated by the 'Deemed to Satisfy' development standard.</p> <p>It is noted that when viewed from Clarence Street the proposed building will continue to present as a seven (7) storey building which is generally consistent with the 'Deemed to Satisfy' development standard. Accordingly, the visual impact of the proposed building height solution will be minimal.</p> <p>Given the dominance of existing buildings to the north, east and south the proposed building will have no greater visual impact than that which currently exists as the existing buildings define the bulk scale and scale backdrop when viewed from adjoining buildings. In this regard the bulk and scale of the proposed development is consistent, (even less), than that which currently exist.</p> <p>Views will not be impacted upon by the proposed development as view paths to the north, south and east are constrained by the existing buildings which form the backdrop in these aspects. View impacts to the west will be minimized due to;</p> <ul style="list-style-type: none"> • The location of the major bulk of the subject building in the southern portion of the site provides for view sharing promoted to the west. • The orientation of the adjacent buildings to take advantage of views to the north, northeast and east. In this regard the design of a number of buildings to the east of the proposed building do not seek to take advantage of view paths to the west. <p>Notwithstanding the variation to the building height development standard acceptable standards of solar access will continue to be provided to adjoining and adjacent buildings.</p> <p>Having regard to the above it is clear that quality urban and building design will be achieved as a result of the proposed</p>
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	development and that the proposed building height design solution will have negligible impact in relation to visual impact, views, loss of privacy and loss of solar access issues.
<i>(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,</i>	<p>Whilst the subject site forms part of an area which the LEP identifies as being of potential heritage importance the archeological assessment which has been completed for the subject site indicates that the proposed development will have no impact on the heritage values of the subject site.</p> <p>In a broader context identified items/issues of heritage significance are not located in the immediate area to the subject site and as such the height of the proposed development is appropriate in the context of existing and future height, bulk and scale of the locality.</p>
<i>(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan’.</i>	<p>The proposed building height design solution will continue to provide for a transition in built form and land use intensity within the area covered by this Plan.</p> <p>Being a CBD location, the proposed development provides for a density of development which is entirely consistent with that expected by the local community.</p>

Having regard to the above it is considered that the design solution of the subject building as it relates to the issue of building height is consistent to the relevant performance objectives of Port Macquarie – Hastings Council LEP 2011.

3.3 Reasonableness of Proposed Variation

As noted in **Table 2** of this report the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to changes in landform.

Whilst lower density development is present on immediately adjoining land to the west the predominant building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this aspect (e.g. Rydges). As can be seen in **Appendix 2** the building design height outcome which is now proposed is not only consistent with the historical development in the locality but also in relation to recently constructed

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buildings, (within the past 10 – 15 years). In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.

Having regard to the above the outcomes provided for by the proposed building height design solution are entirely consistent with the existing character of the locality in relation to height, bulk and scale with existing development defining the bulk and scale backdrop which is relevant to the subject site and immediate area. On the basis of the height of the existing development on adjoining and adjacent land the proposed height of the subject building remains entirely consistent with the existing and future desired character for the area and accordingly compliance with the development standard is unnecessary and unreasonable in the circumstances. This position is further supported in that the proposed variation to the development standard provides for;

- negligible visual and amenity impacts in relation to the proposed buildings height, bulk and scale having regards to the topography of the subject site;
- minimal visual and amenity impacts when considered in the context of the height, bulk and scale backdrop which exists by virtue of existing multi storey buildings in the locality which already have a height beyond that contemplated for the subject building.
- minimal visual and amenity impacts when considered in the context of streetscape and public vantage points.
- negligible impacts on near or far views.
- the maintenance of acceptable levels of privacy for residents and occupants of adjoining and adjacent developments as well as the general public.
- consistency with the height of buildings which could result through the redevelopment of adjoining land to the east of the subject site.
- the maintenance of acceptable solar access standards for adjoining and adjacent sites.
- the transition in built form and land use intensity within the area covered by the LEP.
- consistency with the existing and future character of the locality in relation to height, bulk and scale.
- achievement of high-quality urban design outcomes.

3.4 Significance of Proposed Variation

The very nature of place-based merit decision making is to have specific regard to the characteristics, features and constraints of a site and development proposal and to assess the specific impacts of same.

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Having regards to the specific characteristics of the subject site and its local context and the nature and impacts of the proposed development it is considered that non-compliance with the development standard does not raise any matter of significance for State and regional planning.

Additionally, given the information provided in support of the proposed variation to the development standard, there is minimal public benefit in maintaining the building height planning control which is relevant to the locality. On the contrary, as provided for in the Statement of Environmental Effects which accompanies this development proposal, there is considerable public benefit in approving the variation to the nominated height standard as the development will;

- provide for a positive development of high-quality design that will improve surveillance and safety of the adjoining and adjacent streets.
- assist in making the locality more of a lively area with an increased demand for localized services.
- have minimal impact on views, amenity, privacy and solar access
- reinforce and promote the trend for mixed tourist/visitor accommodation and commercial development in the locality complying with communities' strategic objectives and expectations for the area.
- have a positive economic impact through the serviced apartments which will represent a major injection into the local economy and generate significant employment opportunities and flow on benefits to other local businesses.
- provide benefits to the local construction industry and related services through the construction phase of the project.
- result in negligible cumulative impacts on or for the locality

3.5 Consistency with LEP Exception Requirements

Given that the proposed building height design solution is consistent with the relevant building height development standard objectives of the LEP it is considered that the issuing of development approval for the subject development, (as proposed), by Port Macquarie-Hastings Council is consistent with the requirements of Clause 4.3 of the LEP in that;

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the proposed alternative design solution satisfies the specific performance objectives which are relevant to the height of buildings; and*
- *there are sufficient environmental planning grounds to justify contravening the development standard as demonstrated in the performance assessment (Section 3.2 of this report); and*
- *the applicant's written request has adequately addressed the matters required to be demonstrated; and*
- *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and*

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- *the contravention of the subject development standard does not raise any matter of significance for State or regional environmental planning, and*
- *based upon merit assessment there is no public benefit in maintaining the development standard, and*

Accordingly, it is recommended that Port Macquarie-Hastings Council seek the concurrence of the Director-General (NSW Department of Planning) for the variation to the height standard as provided for by the proposed building design solution.

4. CONCLUSION

Having regard to the above it is considered that the proposed building design solution is consistent with the relevant building height performance standards as provided for by Clause 4.3 of the LEP and as such the requested exemption to the development standard is appropriate in the specific circumstances.

Accordingly, the proposed building design solution is able to be supported by Port Macquarie-Hastings Council pursuant to Clause 4.3 of the LEP.

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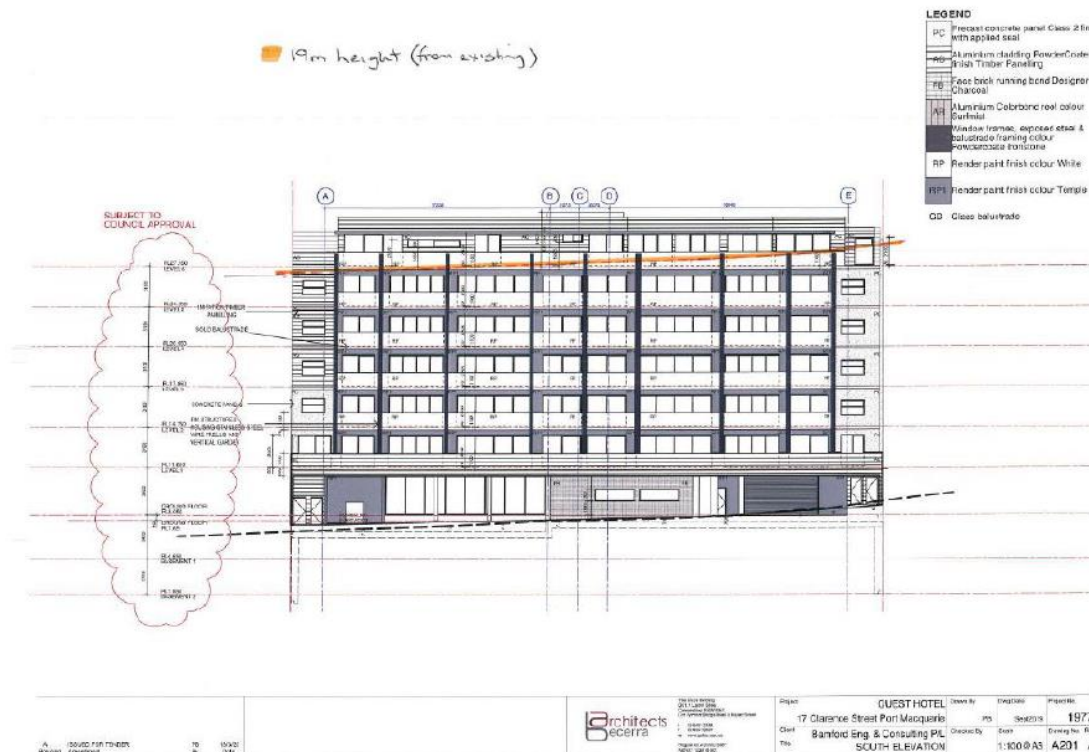


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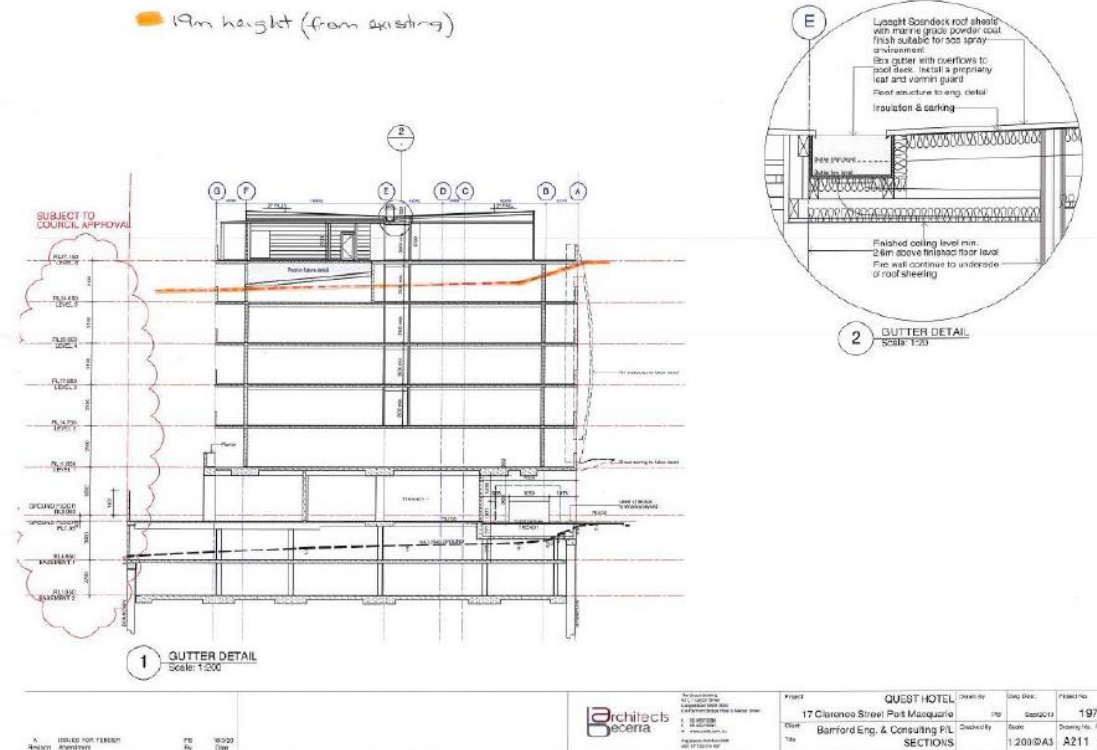


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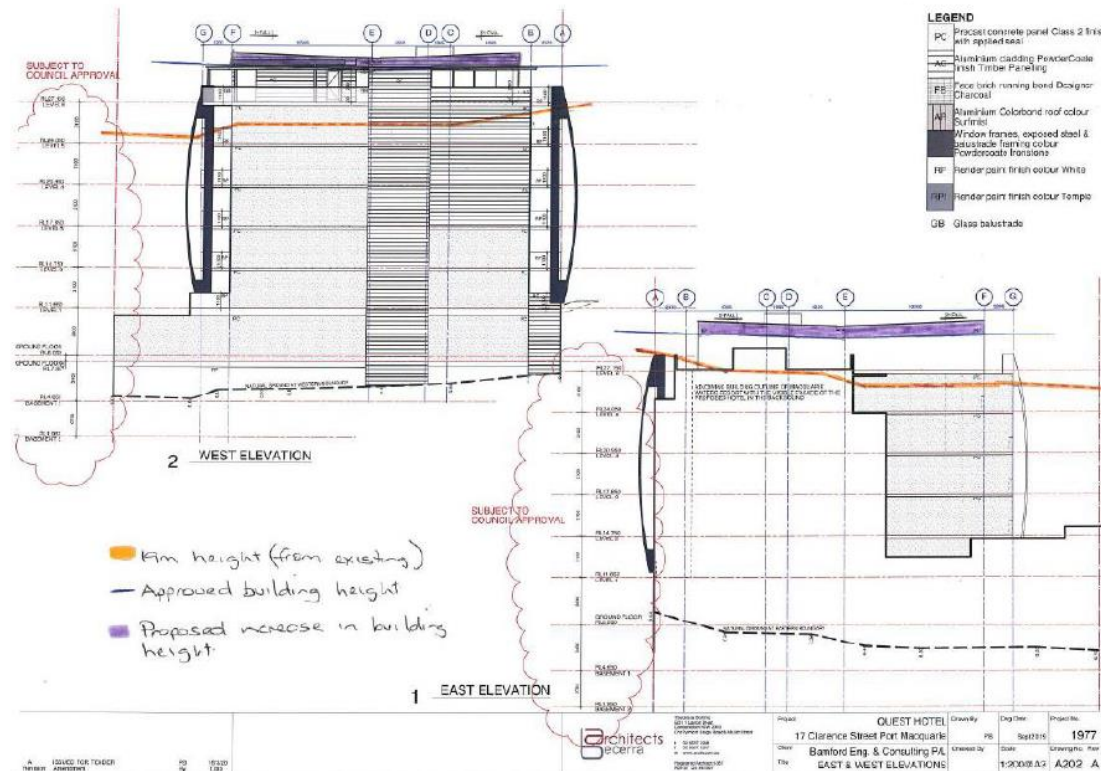
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Appendix 2 – Bulk and Scale Context Plan



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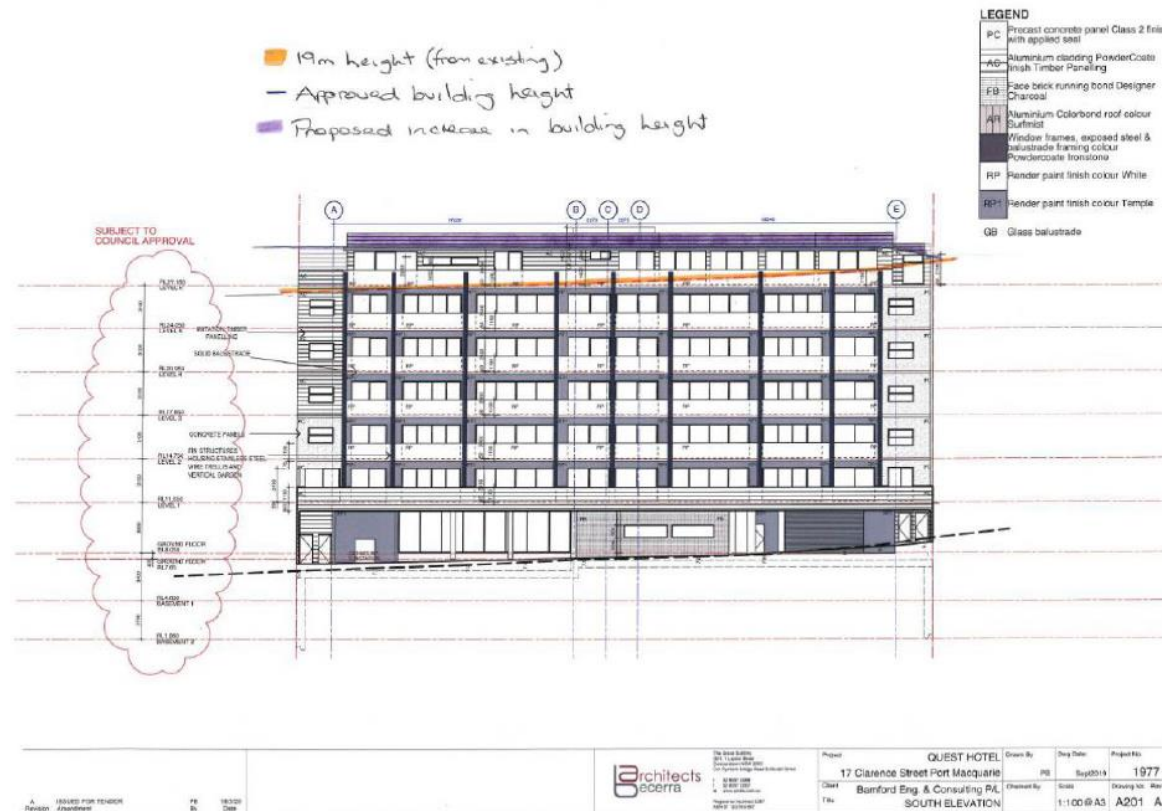
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**Justification of Variation to
Development Standard
Floor Space Ratio –
Report Pursuant to Clause 4.6 of
Port Macquarie–Hastings Local
Environmental Plan (2011)**

**PROPOSED TOURIST
ACCOMMODATION & COMMERCIAL
DEVELOPMENT AT
17 - 19 CLARENCE STREET,
PORT MACQUARIE NSW**

JANUARY 2021

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1. INTRODUCTION**1.1 Purpose of Report**

This report has been prepared to accompany a Section 4.55 application which seeks approval for modifications to the layout of the already approved, (DA 2018/353.2), mixed tourist accommodation and commercial development at Lot 123 DP 1219042, 17 Clarence Street, Port Macquarie.

Figure 1 – Site Location



The purpose of this report is to provide justification for a variation to the Floor Space Ratio provisions of Port Macquarie-Hastings Councils Local Environmental Plan, (LEP) 2011 for the proposed changes to the approved mixed-use development which is to be undertaken on the subject site.

1.2 Background**1.2.1 Original Development Approval**

In June 2019 Port Macquarie Hastings Council granted development approval for the construction of a seven (7) storey tourist accommodation and commercial building with two (2) basement levels to accommodate onsite carparking.

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The approved development provided for a commercial tenancy, (195m²), together with the tourist accommodation reception and building access infrastructure, (vehicle and pedestrian), on the ground floor of the building. Twenty-one (21) carparking spaces together with, loading dock, amenity and waste management storage areas are also approved for this level.

Motel/Serviced Apartment accommodation comprising 47 apartments and associated infrastructure are distributed over Levels 1 – 7 of the building. The approved development provides for the following apartment configuration;

- 4 x 3 bedroom/2-bathroom apartments (twin key); and
- 28 x 2 bedroom/2-bathroom apartments (twin key); and
- 12 x 2 bedroom/2-bathroom apartments; and
- 3 x 1-bedroom apartment.

The usage arrangements of the apartments provide for a maximum of 79 lettable apartments.

Two basement levels of car parking, (providing eighty-one (81) spaces), is provided with access via a single vehicular driveway off Clarence Street via the ground floor of the building. As well as the car parking areas the basement levels will include general and dedicated service areas for the development. Lift access to the basement levels is provided.

The approved development also provided for motel/serviced apartment ancillary use areas on Level 7 of the with a Conference Room, Gymnasium, BBQ area, amenities and a swimming pool located on the top floor area of the development.

The floor space ratio of the originally approved development being 3.57:1.

1.2.2 Section 96 Modification (November 2019)

In November 2019 Port Macquarie Hastings Council granted approval for modifications to the originally approved development concept with the approved modifications encompassing the following design changes.

- Lower Basement Level – increase in size of the floor area which provides for an additional 13 carparking spaces.
- Ground Floor Level – increase in area of commercial floor space from 141.63m² to 274.58m². The increase in commercial floor space has resulted in;
 - the reduction of carparking spaces at ground floor level (from 20 to 10)
 - reconfiguration of amenity and service areas associated with the commercial floor space.
 - reconfiguration of the back of house areas associated with the Tourist and Visitor Accommodation.
- Sixth Floor Level – enlargement of the Conference Room (from 96.2m² to 105.4m²) including relocation and reconfiguration of associated amenities. Reconfiguration of the gymnasium and associated amenities.
- External Signage – the hotel operators have finalized their external signage requirements for the proposed development and details of external signage form part of the Section 96 application.

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It is noted that the proposed changes to the approved development concept provided for an increase in floor area of 142.15m² above that which has already been approved via DA 2018/353.1.

In this regard the approved floor space ratio associated with the modification to consent was 3.67:1.

1.2.3 Section 4.55 Modification (April 2020)

In April 2020 a Section 4.55 application was lodged with Port Macquarie Hastings Council seeking to gain approval for the following changes to the approved mixed tourist accommodation and commercial development;

- **Increased building height;**

In order to accommodate all building services, the ceiling heights within all levels of the building accommodating serviced apartments (L1 – L5) has been increased by 200mm which has resulted in an increased building height from that approved by Council of 1m.

- **Relocation of Electricity Substation**

The originally proposed location of the substation did not practically accommodate the spatial and operating requirements for a substation without impacting upon the design of the southeastern portion of the proposed development.

The substation has been relocated to the southwestern corner of the proposed development. This revised location is considered to have minimal streetscape and amenity issues and provides a positive outcome in terms of the operation of the vehicle entry and exit for the development with improved site lines available.

- **Relocation of Vehicle Entry and Exit**

Because of the relocation of the electricity substation the vehicle entry and exit has been adjusted so as to be closer to eastern property boundary than originally approved. This revised location is considered to have minimal streetscape and amenity impacts and does not decrease the functionality of the driveway or drop off area.

- **Relocation of discharge of internal fire stairs (southeastern aspect).**

The relocation of the electricity substation allows for an improved design of the fire isolated stairs servicing the eastern portion of the building with the design of the development now providing for the discharge of these exits adjacent to the southern property boundary rather than within the development site.

- **Reduced commercial floor area**

As a consequence of the relocation of the electricity substation the floor area of the ground floor commercial tenancy has been reduced to 270m². Additionally, the size of the Terrace area servicing the tenancy has also been reduced to 40m². The GLF for the commercial tenancy has been reduced by approximately 27.73m² which reduces the carparking demand for the proposed development by 1.

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- **Changes to the design of the basement carparking levels**

The design of the basement carparking levels has been revised to reflect servicing requirements for the building.

In total 88 carparking spaces are provided which is consistent with that approved by Council.

- **Extension of external balcony (L1 – southeastern corner of building)**

The relocation of the electricity substation has now allowed for the extension of the balcony across the full Clarence Street frontage of Unit No. 108B.

- **Enlargement of Units (Northeastern Aspect L4 – L6 Inclusive)**

The size of the apartments located in the northeastern portion of Levels 4 – 6 inclusive has been increased via the easterly relocation of the external wall of the building to occupy the area approved as a planter box.

- **Changes to the Reception Area of the Hotel**

As a result of the redesign of the driveway and drop off areas the design of the reception area has been modified with the eastern external wall of the reception area 'squared off' rather than being splayed. This has resulted in a minor reduction in the floor area of the hotel reception area.

- **Change of Level 6 roof over fire stairs.**

The roof over the fire stairs has been approved on the basis of concrete construction. It is now proposed to change the building so that the main roof line of the building ends to include the areas over the fire stairs.

- **Minor changes to the southern façade appearance**

The design of the façade vertical fins has been modified to reflect constructability and functionality considerations.

Additionally, the design of the awning over the footpath along the southern elevation of the building has been modified in response to the proposed relocation of the electricity supply substation.

- **Minor changes to the northern façade appearance**

The design of the façade vertical fins has been modified to reflect constructability and functionality considerations.

- **Internal changes to Apartment Layouts**

There have been some minor internal changes to the layout of apartments with these changes reflecting a need to rationalize the provision of services within the building.

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- **Changes to location of service areas**

The location of services and amenity areas on the ground floor level has been reviewed and modified to reflect other changes to the building.

Additionally, service areas have been included in the basement areas of the building as part of the review of the design of these areas.

- **Staging of development approvals**

The proposed development will proceed on the basis of a staging of construction activities with the following stages being proposed:

- Stage 1 – piling, excavation and construction of basement levels (including ground floor slab).
- Stage 2 – completion of development above ground floor slab.

Reflecting the staging of the construction activities associated with the approved development it is proposed to restructure the conditions of consent to reflect the staged approach to construction.

It is noted that as a result of the proposed changes to the design of the building an additional 29.17m² of floor area has been added to the development thereby altering the floor space ratio of the building. In this regard the floor space ratio of the building has increased from 3.67:1 to 3.68:1

This report therefore provides justification as to why Port Macquarie-Hastings Council should support the variation to the buildings increased floor space ratio as now proposed.

1.2.4 Summary of Changes to FSR

The changes to the Floor Space Ratio (FSR) for the various design solutions submitted to Port Macquarie Hastings Council is summarized as follows;

Table 1 – Summary of Changes to FSR

APPLICATION NO.	PROPOSED FLOOR AREA	FLOOR SPACE RATIO	APPLICATION STATUS
DA 2018/353.1	5425.78m ²	3.57:1	Approved
DA 2018/353.2	5567.93m ²	3.67:1	Approved
DA 2018/353.2	5597.1m ²	3.68:1	Application

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2. LEP 2011 REQUIREMENTS**2.1 Introduction**

Port Macquarie – Hastings LEP 2011 specifies a number of principle development standards that are applicable for the erection of buildings in the Port Macquarie-Hastings Local Government Area.

In this regard Part 4 of the LEP provides for development standards related to;

- Lot size;
- Rural Subdivision;
- Building Height;
- Floor Space Ratio;

Being a “performance based” document the LEP provides for a series of objective together with specific design provisions that are ‘Deemed to Satisfy’ the performance objectives. Adoption of the specified design provisions would therefore provide for a building solution to be approved by Council as this specified solution is deemed to meet the relevant performance objectives.

However, Clause 4.6 of the LEP recognizes the need to allow for exceptions to the specified design provisions. In this regard Clause 4.6 (2) of the LEP provides that;

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

It is noted that issues pertaining to the floor space ratio of buildings is not expressly excluded from the operation of Clause 4.6.

In addition to establishing a framework for the consideration of exceptions to LEP development standards Clause 4.6 (3) – (5) of the LEP establishes the process by which exceptions to development standards are to be lodged, assessed and determined. The LEP which are applicable are as follows;

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by sub clause (3), and

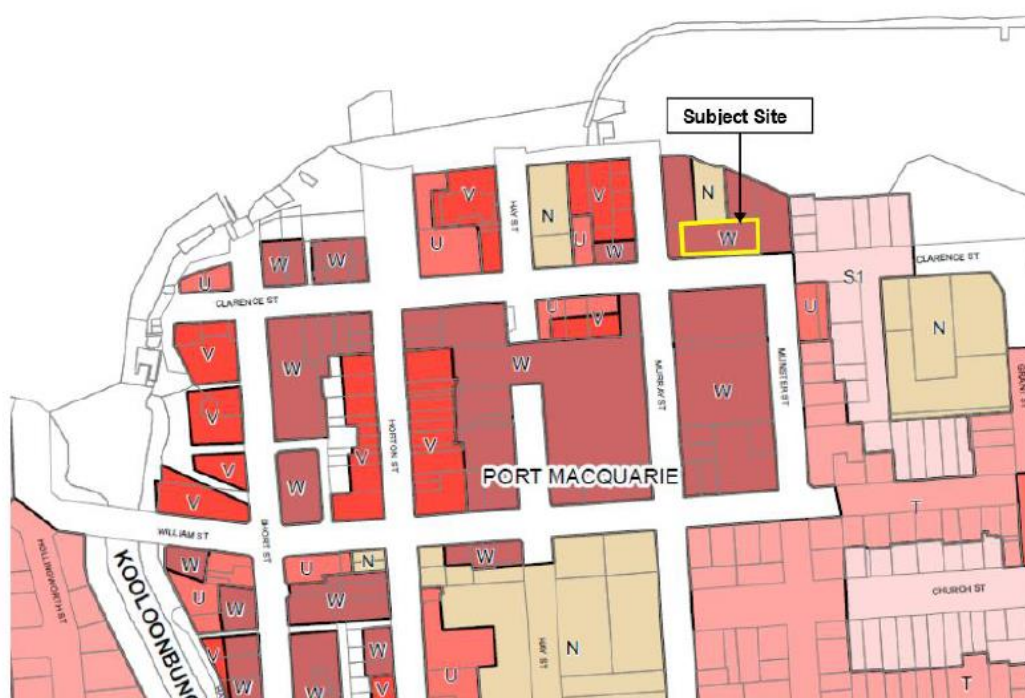
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- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General must consider:*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

This report will provide justification for the variation of the acceptable design solution for the Floor Space Ratio of the proposed building having regard to the relevant provisions of the LEP.

2.2 Floor Space Ratio Development Standard

Clause 4.4 of the LEP provides that the floor space ratio of a building erected on the subject site is not to exceed 3.5:1, refer to **Figure 1** below;

Figure 2 – Floor Space Ratio 'Deemed to Satisfy' Standard for Subject site.

It is noted that Clause 4.5 of the LEP provides guidance on the calculation of the floor space ratio of a building as follows;

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define **floor space ratio**,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

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- (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
- (iii) require community land and public places to be dealt with separately.

(2) Definition of "floor space ratio"

The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) Only significant development to be included

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) Certain public land to be separately considered

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

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(8) Existing buildings

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) Covenants to prevent "double dipping"

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) Covenants affect consolidated sites

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (**affected land**), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

2.3 Development Standard Exemption Sought

It is noted that the size of the site is 1517.23m² which provides that the floor space of a building on the subject site would need to be 5,310.30m² in order to be consistent with the development standard provided for by Clause 4.4 of the LEP (3.5:1 FSR).

It is noted that the floor area of the building for the purposes of determining the proposed floor space ratio is now 5,597.1m² based upon a proposed increase in floor area of 29.17m² as a result of the proposed modifications to the approved building. The floor space of the proposed building has therefore been calculated to be 3.68:1.

The following table summarizes the development standard together with the proposed floor space ratio of the building together with the quantum of the variation which is sought. The following table has been prepared having regard to the building floor space definition provided for in Section 2.2 of this report and the floor space calculations provided with the original development application;

Table 2 – FSR Summary.

FLOOR SPACE RATIO DEVELOPMENT STANDARD	PROPOSED FLOOR SPACE RATIO	QUANTUM OF VARIATION TO FLOOR SPACE RATIO DEVELOPMENT STANDARD	FLOOR AREA ABOVE FSR DEVELOPMENT STANDARD
3.5:1	3.68:1	0.18:1 (5.1%)	286.8m ²

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3. PERFORMANCE ASSESSMENT

As has already been identified the structure of Port Macquarie Hastings LEP 2011 provides for merit assessment of variations to development standards.

This structure is reflected in;

- The inclusion of Clause 4.6 into the LEP which recognizes the need to allow for exceptions to the specified design provisions.
- The inclusion of performance objectives in relation to development standards. The inclusion of specific performance objectives provides for a design solution to be approved on the basis that its outcomes will be consistent with the nominated performance objectives.

It is however noted that the LEP does not indicate the manner by which a performance assessment is to be carried out.

3.1 Performance Objectives

The performance objectives that are relevant to the requested variation are contained within Clause 4.4(1) of LEP (2011) as follows;

The objectives of this clause are as follows:

- (a) to regulate density of development and generation of vehicular and pedestrian traffic,*
- (b) to encourage increased building height and site amalgamation at key locations,*
- (c) to provide sufficient floor space for high quality development for the foreseeable future,*
- (d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.*

It is therefore considered that where a building design solution is consistent with the above objectives it can be assessed as being consistent with the requirements of PMHC LEP (2011) and as such development consent can be issued on the basis that the proposed development is in accordance with the relevant development standards.

3.2 Performance Assessment Method

To ensure that a performance-based solution meets the relevant Performance Objectives it must be assessed using a nominated/accepted Assessment Method. In this regard it is noted that PMHC LEP (2011) does not nominate a process/method of assessment of an alternative design solution. In this regard common assessment methods used for performance-based building design are as follows;

- (a) Evidence to support that a design meets a Performance Requirement or a Deemed-to-Satisfy Provision.*
- (b) Verification Methods.*
- (c) Comparison with the Deemed-to-Satisfy Provisions.*

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(d) Expert Judgement.

Having regard to the above it is proposed to utilize a combination of (a) and (c) above as the method of assessing the proposed building design and the variation of the buildings height when compared to the 'Deemed to Satisfy' provision.

3.3 Performance Assessment

The following justification is provided in respect of each of the performance objectives listed in Section 3.1 of this report;

Table 3 – Performance Assessment

PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
<i>(a) to regulate density of development and generation of vehicular and pedestrian traffic,</i>	<p>The existing and future character of the locality provides for predominately large multistorey commercial, residential and tourist accommodation developments dominating the area.</p> <p>The existing and future density of development in the locality will continue to reflect the higher densities of development in response to a range of physical and socio-economic factors which are relevant to the existing and future properties in the CBD locality.</p> <p>The building design outcome which is proposed is not only consistent with the historical development in the locality but also in relation to recently constructed buildings, (within the past 15 – 20 years).</p> <p>In this regard the density of the proposed development remains consistent with the existing and future character of the locality being CBD in nature.</p> <p>The existing road network will satisfactorily cater for any increase in traffic generation as a result of the proposed development. The proposed development allows for satisfactory onsite parking provision in accordance with the Development Control Plan.</p> <p>The width of Clarence Street is typical of streets within a CBD location with significant centre and road side onstreet parking arrangements available which will not present any traffic and/or pedestrian hazards beyond that which currently exists. Adequate provisions are in place to allow</p>

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	<p>for the legal parking of motor vehicles within the Clarence Street road reserve.</p> <p>Pedestrian traffic in the locality will remain largely unchanged as a result of the proposed development with the form and nature of occupation of the subject site and proposed development being entirely consistent with the standards which are relevant to CBD areas. Indeed the proposed development will significantly improve and enhance pedestrian access infrastructure and opportunities above what currently exists.</p> <p>It is considered that the exceedance of the floor space ratio by approximately 5.1% is acceptable in the circumstances as the major bulk and scale of the development on the subject site is confined to the southern portion of the subject site with the northern portion of the subject site having a significantly reduced development footprint. In this context the proposed development will continue to provide for a bulk and scale outcome which is entirely consistent with the existing and future character of the area and is entirely consistent with the outcome already envisaged via the granting of Development Consent 2018/353.2.</p> <p>It is also noted that existing multistorey buildings to the north, south and east largely reflect the building bulk and scale character of the area with the bulk and scale of the already approved and currently proposed development being entirely consistent with the existing character of the area.</p> <p>Councils development standards for the area envisage a continuation of the bulk and scale associated with more recent development in the area and the already approved and currently proposed development on the subject site.</p> <p>Notwithstanding the proposed FSR of the subject development it is considered that the proposed development remains entirely consistent with the character which is envisaged for the area particularly given the minor 5.1% variation to the FSR development standard.</p>
<i>(b) to encourage increased building height and site amalgamation at key locations,</i>	<p>It is noted that the subject site is an amalgamation of three (3) historic lots and as such is consistent with the development control outcome for the subject site and locality in general. In this regard the amalgamation of the</p>

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	<p>site provides for opportunities for increased building bulk and scale to be integrated over a larger building footprint.</p> <p>Solar access studies show acceptable results for the June 22 as a result of the proposed development in relation to adjoining and adjacent existing development. Accordingly, the proposed building's bulk and scale will have no significant impact on solar access beyond that contemplated by the 'Deemed to Satisfy' development standard and the outcome already envisaged via the granting of Development Consent 2018/353.2.</p> <p>It is also noted that when viewed from Clarence and Murray Streets the increased FSR, (above that already approved by Development Consent 2018/353.2), will not be visible with the bulk and scale of the building remaining consistent with the already approved development concept for the subject site. Similarly when viewed from adjoining and adjacent private properties the bulk and scale of the building will remain unchanged from that already envisaged via the granting of Development Consent 2018/353.2.</p> <p>Views will not be impacted upon by the proposed development as view paths to the north, south and east are constrained by the existing buildings/structures which form the backdrop in these aspects.</p> <p>Notwithstanding the variation to the floor space ratio development standard acceptable standards of solar access and visual amenity will continue to be provided to adjoining and adjacent buildings.</p> <p>Having regard to the above it is clear that quality urban and building design outcomes will be achieved as a result of the proposed development and that the proposed building design solution will have negligible impact in relation to visual impact, views, loss of privacy and loss of solar access issues.</p>
<i>(c) to provide sufficient floor space for high quality development for the foreseeable future,</i>	<p>It is noted that the quantum of the variation from the floor space ratio which is provided for in relation to the development of the subject site is considered to be minimal in the context of the size and development characteristics of the subject site.</p> <p>The 5.1% variation from the prescribed development</p>

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	<p>standard is considered to be minimal with the design outcome consistent with the outcomes envisaged by the floor space ratio development standard.</p> <p>The design of the proposed development seeks to take advantage of opportunities to integrate the proposed development within the development envelope already approved via Development Consent 2018/353.2. Accordingly, the provision of additional floor space as proposed provides for the integration of floor space over the subject site in a manner which does not impact upon the visual appearance of the building from that which has already been approved via Development Consent 2018/353.2.</p> <p>Additionally, the design of the proposed development in conjunction with the topographical features of the subject site will ensure that a significant quantity of the additional floor space bulk and scale will be obscured from adjoining and adjacent properties and from public spaces. As such the impacts of the 5.1% exceedance of the LEP floor space ratio standard will be largely imperceptible and as such acceptable in the circumstances.</p> <p>The design approach and the materials which are proposed to be used will provide for a high-quality development for the foreseeable future.</p>
<p><i>(d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.</i></p>	<p>The existing and future character of the locality is mixed with tourist and residential development dominating the immediate area with cafes and other tourist and residential uses fronting Clarence Street.</p> <p>The relevance of the proposed buildings design solution to the existing and future character of the locality is assessed as follows;</p> <p><u>Existing Character</u></p> <p>It is noted that the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of</p>

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the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to landform.

Whilst lower density development is present on immediately adjoining land to the west the predominant building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this aspect (e.g. Rydges).



Northern backdrop (viewed from the south)



Southern backdrop (viewed from the north)



Eastern backdrop (viewed from the west)



Western backdrop

The building design outcome which is proposed is not only consistent with the historical development in the locality but also in relation to recently constructed buildings, (within the past 10 years).

Having regard to the above the outcomes provided for by the proposed building design solution are entirely consistent with the existing character of the locality in relation to height, bulk and scale.

It is also noted that the bulk and scale of the proposed building are entirely consistent with the building bulk and scale already approved for the subject site. In this the

	<p>tourist accommodation development already approved for the subject site has a floor space ratio of 3.67:1 with this bulk and scale being assessed as being appropriate for the area. It is noted that the proposed floor space ratio would be 3.68:1.</p> <p>The design outcome now proposed provides for a floor space ratio which is entirely consistent with the tourist accommodation development concept which has already been approved for the subject site. In this regard the proposed increase in floor space is such that the buildings bulk and scale will remain entirely consistent with that which has already been approved.</p> <p>A minor increase, (29.17m²), in the floor area associated with the now proposed building modifications will be imperceptible when viewed from adjoining and adjacent properties and from public places and the building will continue to provide for high quality visual outcomes. The bulk and scale impacts of the proposed building will remain unchanged from that which has already been assessed by Council as being acceptable for the location.</p> <p>The increased floor space will not be visible when viewed from adjoining and adjacent properties and public places with the bulk and scale of the building remaining entirely consistent with that which has already been approved by council. Whilst there will be some changes to the visual appearance of the eastern façade of the building these changes will not alter the perceptions of building bulk and scale when viewed from the south and east.</p> <p><u>Future Character</u></p> <p>The building floor space ratio development standards provided for by LEP 2011 for the subject site and surrounds provide for a 'Deemed to Satisfy' standard of 3.5:1 which would typically provide for a building with a floor area of 5,310.3m². In this regard it is noted that the proposed development is entirely consistent with this development standard.</p> <p>The maximization of the floor space ratio as applicable to the development of adjoining and adjacent land has resulted in large multistory building present to the north, east and south of the subject site with the proposed development of the subject site providing for a bulk and</p>
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	<p>scale outcome which is entirely consistent with the desired future character of the locality. It is also noted that the redevelopment of land to the west of the subject site will also result in bulk and scaler outcomes which are significantly greater than that which exists as the FSR of 3.5:1 applies to adjoining and adjacent land to the west of the subject site.</p> <p>It is also noted that notwithstanding the floor space ratio development standards provided for in LEP 2011 the future character of the locality has to a large extent been significantly influenced by the bulk and scale of buildings which have been constructed in the past fifteen (15) years particularly in relation to buildings in proximity to the subject site. In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.</p> <p>The design outcome now proposed provides for a floor space ratio which is entirely consistent with the tourist accommodation development concept which has already been approved for the subject site. In this regard the proposed increase in floor space is such that the buildings bulk and scale will remain entirely consistent with that which has already been approved. In this regard a minor increase, (29.17m²), in the floor area of the building will be imperceptible when viewed from adjoining and adjacent properties and from public places. The changes proposed along the eastern façade of the building will continue to provide for high quality visual outcomes whilst the bulk and scale impacts of the building will remain unchanged from that which has already been assessed by Council as being acceptable for the location.</p> <p>Whilst there will be some changes to the visual appearance of the eastern façade of the building these changes will not alter the perceptions of building bulk and scale when viewed from the east and south.</p>
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Having regard to the above it is considered that the design solution of the subject building as it relates to the issue of building floor space is consistent to the relevant performance objectives of Port Macquarie – Hastings Council LEP 2011.

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3.4 Consistency with LEP Exception Requirements

Given that the proposed building floor space ratio design solution is consistent with the relevant development standard performance objectives of the LEP it is considered that the issuing of development approval for the subject development, (as proposed), by Port Macquarie-Hastings Council is consistent with the requirements of Clause 4.3 of the LEP in that;

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the proposed alternative design solution satisfies the specific performance objectives which are relevant to the height of buildings; and*
- *there are sufficient environmental planning grounds to justify contravening the development standard as demonstrated in the performance assessment (Section 3.2 of this report); and*
- *the applicant's written request has adequately addressed the matters required to be demonstrated; and*
- *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and*
- *the contravention of the subject development standard does not raise any matter of significance for State or regional environmental planning, and*
- *based upon merit assessment there is no public benefit in maintaining the development standard, and*

Accordingly, it is recommended that Port Macquarie-Hastings Council approve the variation to the Floor Space Ratio development standard as provided for by the proposed building design solution.

4. CONCLUSION

Having regard to the above it is considered that the proposed building design solution is consistent with the relevant building Floor Space Ratio performance standards as provided for by Clause 4.4 of the LEP and as such the exemption to the development standard is appropriate in the specific circumstances.

Accordingly, the proposed building design solution is able to be supported by Port Macquarie-Hastings Council pursuant to Clause 4.6 of the LEP.

Page 22

Developer Charges - Estimate

Applicants Name: David Pensini
 Property Address: 17 Clarence Street, Port Macquarie
 Lot & Dp: Lot(s):123,DP(s):1219042
 Development: Commercial Premises and Tourist and Visitor Accommodation



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	32.6	\$10,375.00 Per ET	\$338,266.50
2 Sewerage Scheme Port Macquarie	42.1	\$3,936.00 Per ET	\$165,721.30
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	38.48	\$7,777.00 Per ET	\$299,258.90
4 Since 31.7.19 - Open Space - Port Macquarie - Per ET	38.48	\$5,730.00 Per ET	\$220,490.40
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	38.48	\$4,705.00 Per ET	\$181,048.40
6 Com 1.3.07 - Administration Building - All areas	38.48	\$926.00 Per ET	\$35,632.40
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03		2.2% S94 Contribution	\$16,201.40
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$1,296,619.30

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE: 4-Mar-2021

Estimate Prepared By Ben Roberts

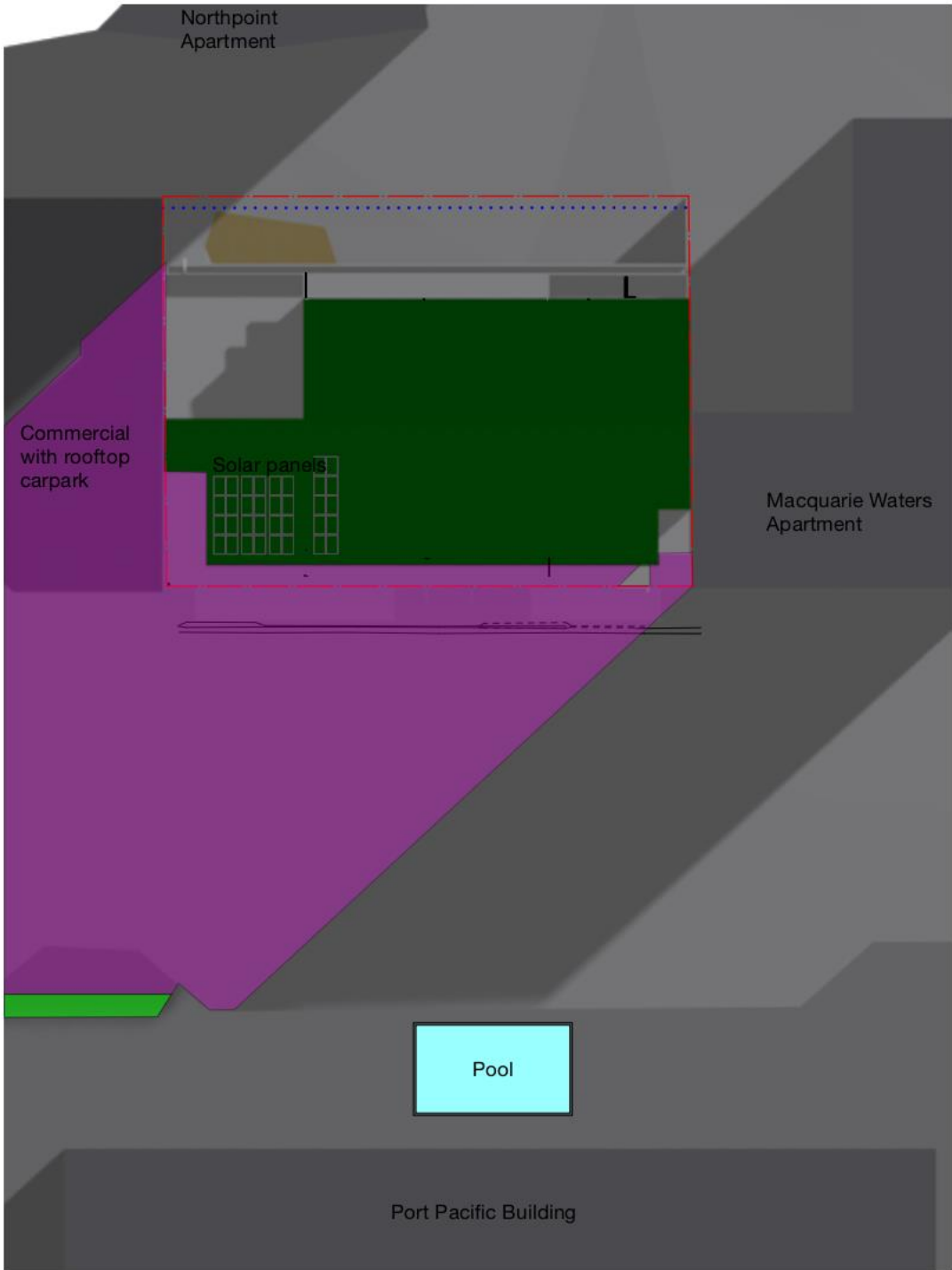
This is an ESTIMATE ONLY - NOT for Payment Purposes

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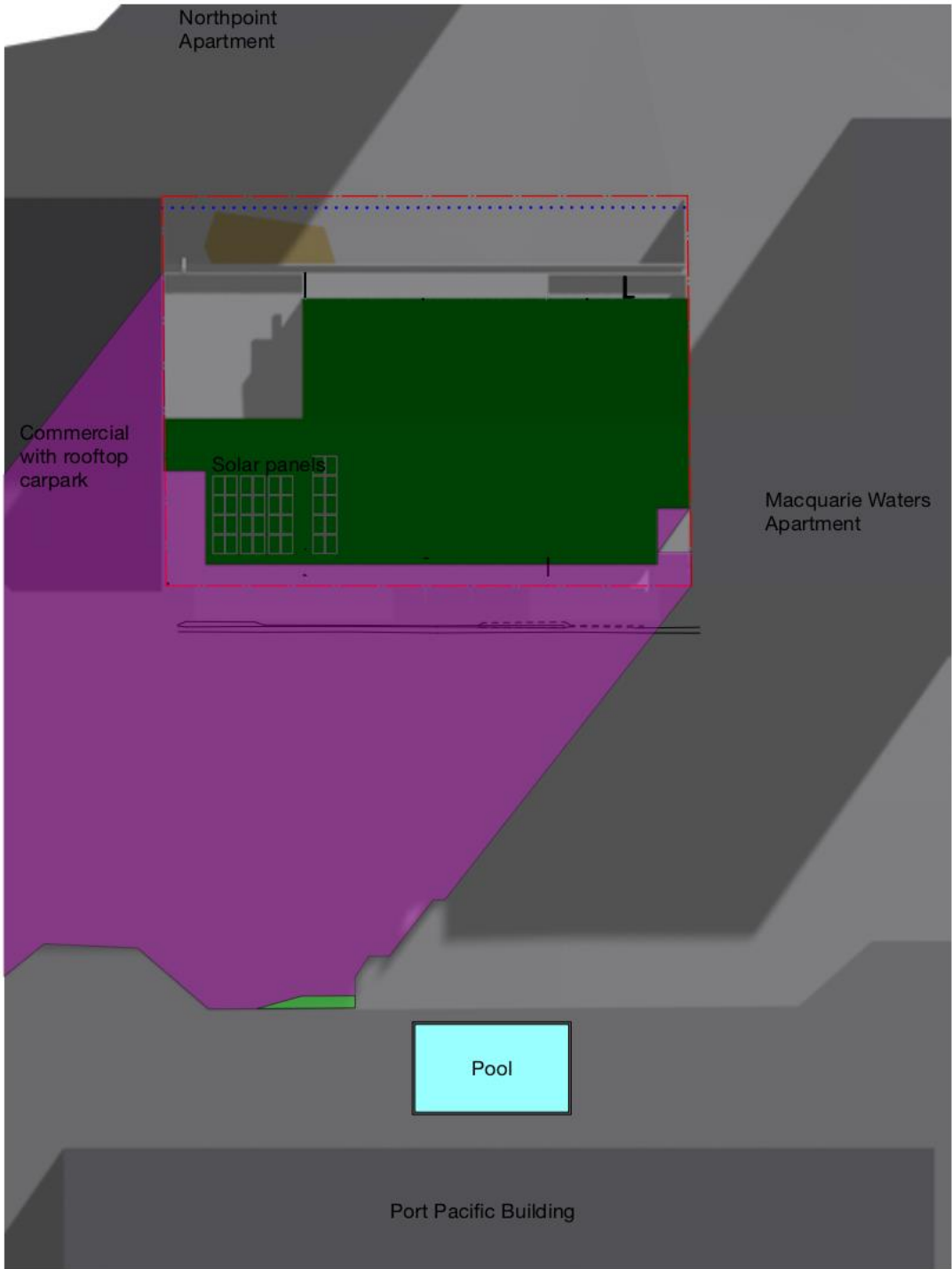
PORT MACQUARIE-HASTINGS COUNCIL

Item 07
Attachment 3
Page 355

Item 13.03
Attachment 1
Page 469



4 21 June - 9am - Proposed height increase
Scale: 1:500

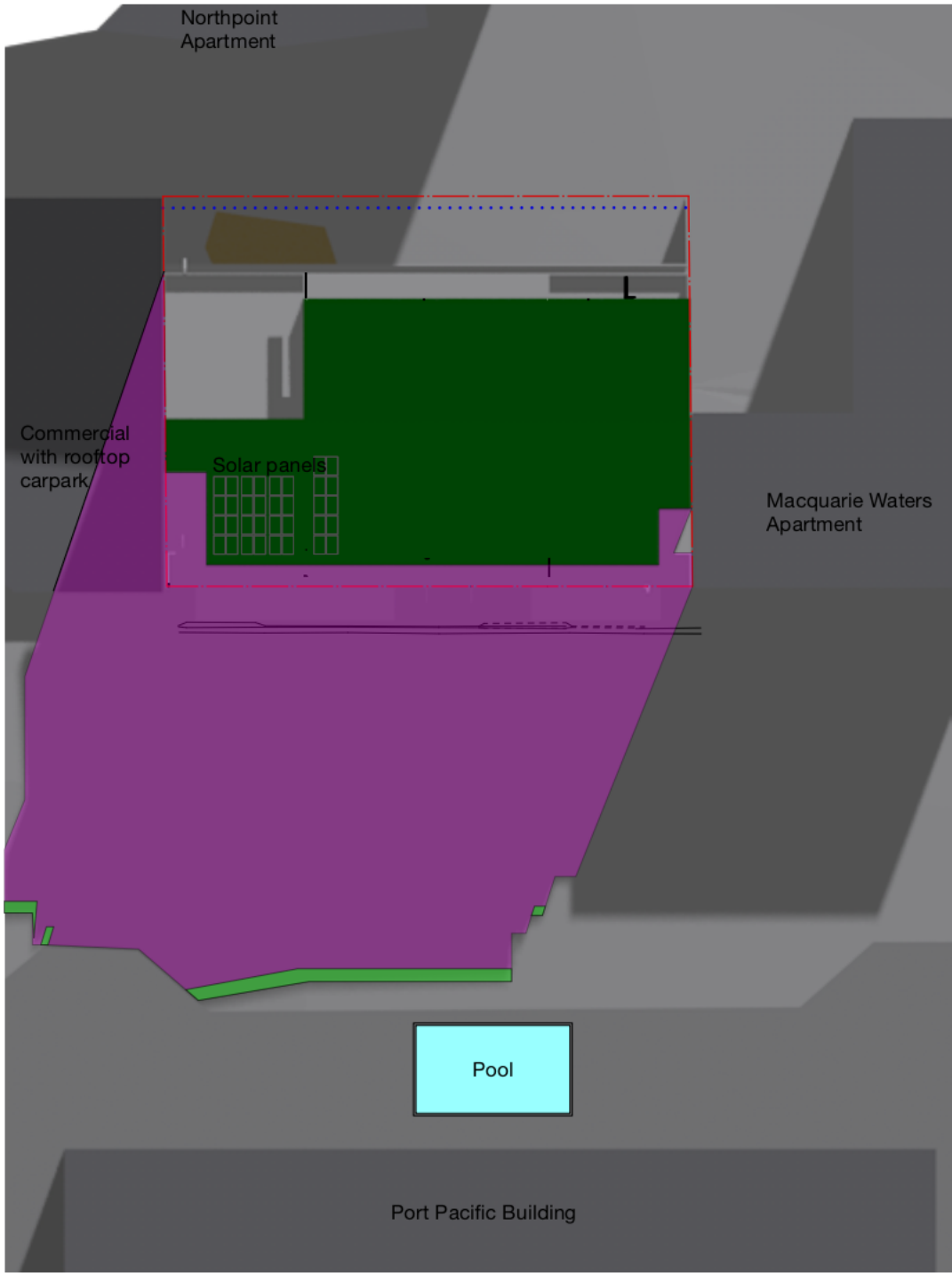


5 21 June -10AM - Proposed height increase
Scale: 1:500

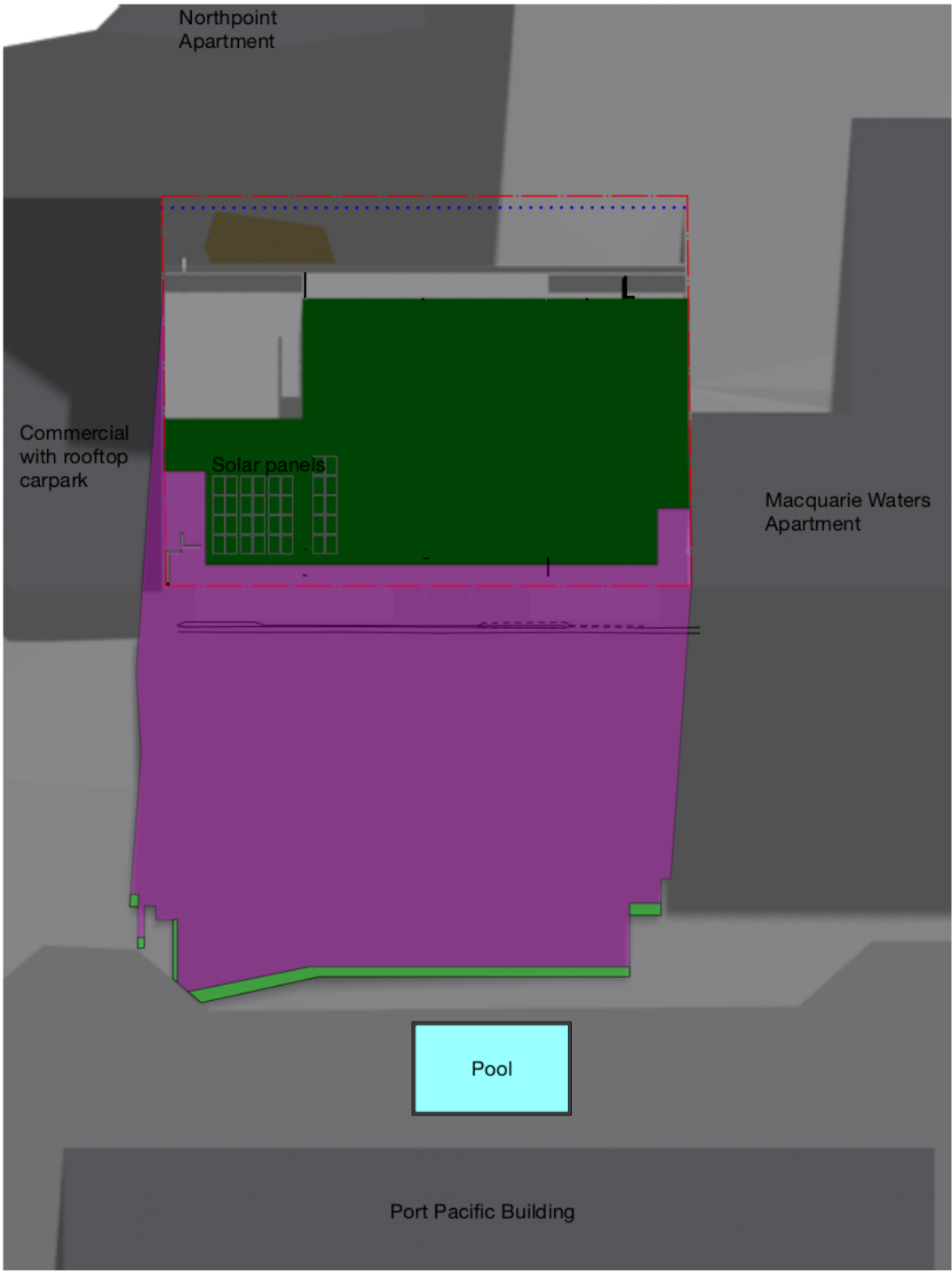
Note:
-Location & height of pool to be confirmed by
survey

Issue for information only - subject to survey

<div><div>E</div><div>Issue for information</div><div>Revision</div><div>Amendment</div></div> <div><div>KL</div><div>By</div></div> <div><div>23/3/21</div><div>Date</div></div>				<div><div>Shadow cast by approved building</div><div>Increase in overshadowing</div></div>	<div><div>↑</div></div>	<div><div>architects</div><div>Becerra</div></div> <div><div>The Grease Building</div><div>G01, 1 Lagon Street</div><div>Camperdown NSW 2050</div><div>Cnr Pyrmont Bridge Road & Mallett Street</div></div> <div><div>t 02 9557 2288</div><div>f 02 9557 2287</div><div>w www.archb.com.au</div></div> <div><div>Registered Architect 5387</div><div>ABN 87 123 916 807</div></div>	<div>Project</div> <div>QUEST HOTEL</div> <div>17 Clarence Street Port Macquarie</div>	<div>Drawn By</div> <div>PB</div>	<div>Dwg Date:</div> <div>Jan2020</div>	<div>Project No.</div> <div>1977</div>
<div><div>E</div><div>Issue for information</div><div>Revision</div><div>Amendment</div></div> <div><div>KL</div><div>By</div></div> <div><div>23/3/21</div><div>Date</div></div>							<div>Client</div> <div>Bamford Eng. & Consulting P/L</div>	<div>Checked By</div>	<div>Scale</div> <div>1:200 @A3</div>	<div>Drawing No. Rev</div> <div>A411 E</div>



6 21 June - 11am - Proposed height increase
Scale: 1:500

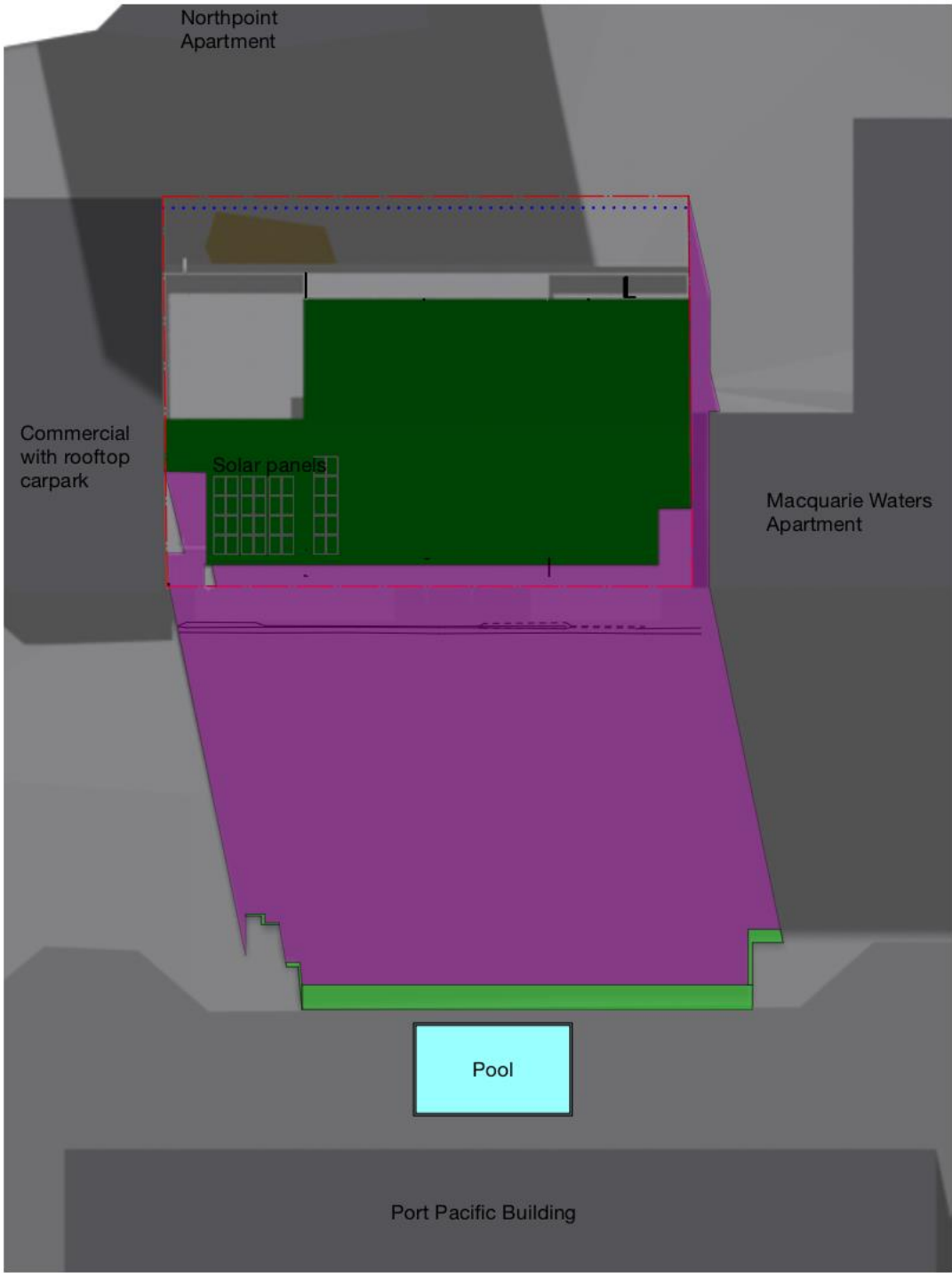


7 21 June - Noon - Proposed height increase
Scale: 1:500

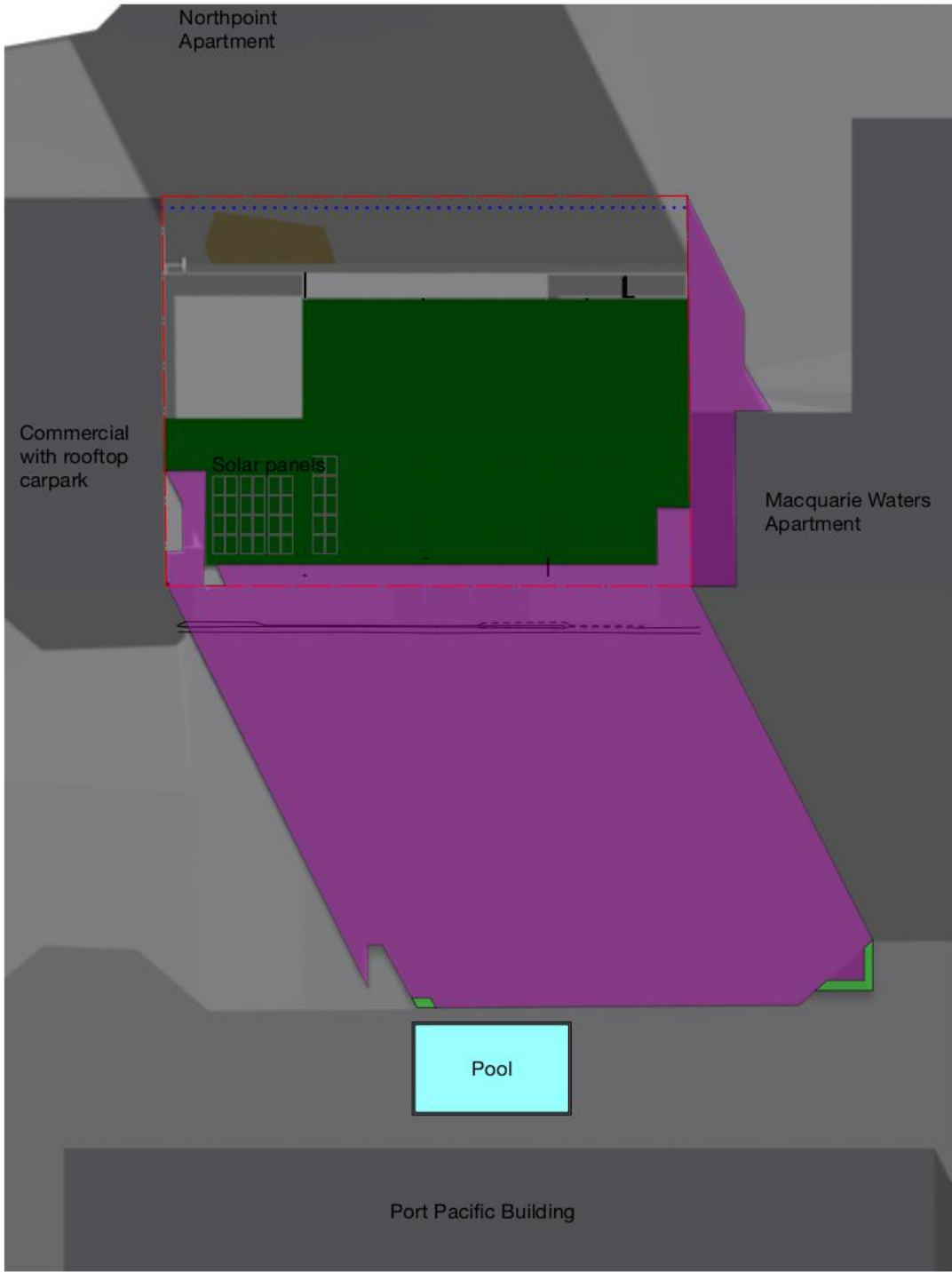
Issue for information only - subject to survey

E Revision Issue for information Amendment				KL By 23/3/21 Date		Shadow cast by approved building Increase in overshadowing		Architects Becerra		The Grease Building G01, 1 Layton Street Camperdown NSW 2050 Cnr Pyrmont Bridge Road & Mallett Street t 02 9557 2288 f 02 9557 2287 w www.archb.com.au Registered Architect 5307 ABN 87 123 916 807		Project QUEST HOTEL 17 Clarence Street Port Macquarie		Drawn By PB	Dwg Date: Jan2020	Project No. 1977
												Client Bamford Eng. & Consulting P/L		Checked By	Scale 1:200 @A3	Drawing No. Rev A412 E
												Title Shadow diagram - Proposed				

Note:
-Location & height of pool to be confirmed by
survey



8 21 June - 1pm - Proposed height increase
Scale: 1:500



9 21 June - 2pm - Proposed height increase
Scale: 1:500

Issue for information only - subject to survey

<div><div>E</div><div>Issue for information</div><div>Revision</div><div>Amendment</div></div> <div><div>KL</div><div>By</div><div>23/3/21</div><div>Date</div></div>				<div><div>Shadow cast by approved building</div><div>Increase in overshadowing</div></div>		<div><div>↑</div></div>		<div><div>architects</div><div>becerra</div></div> <div><div>The Grease Building</div><div>G01, 1 Lagon Street</div><div>Camperdown NSW 2050</div><div>Cnr Pyrmont Bridge Road & Mallett Street</div></div> <div><div>t 02 9557 2288</div><div>f 02 9557 2287</div><div>w www.archb.com.au</div></div> <div><div>Registered Architect 5387</div><div>ABN 87 123 916 807</div></div>		<div><div>Project</div><div>QUEST HOTEL</div><div>17 Clarence Street Port Macquarie</div></div> <div><div>Client</div><div>Bamford Eng. & Consulting P/L</div></div> <div><div>Title</div><div>Shadow diagram - Proposed</div></div>		<div><div>Drawn By</div><div>PB</div></div> <div><div>Checked By</div><div></div></div>	<div><div>Dwg Date:</div><div>Jan2020</div></div> <div><div>Scale</div><div>1:200@A3</div></div>	<div><div>Project No.</div><div>1977</div></div> <div><div>Drawing No.</div><div>A413</div></div> <div><div>Rev</div><div>E</div></div>
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Note:
-Location & height of pool to be confirmed by
survey



10 21 June - 3pm - Proposed height increase
Scale: 1:500

Issue for information only - subject to survey

Note:
-Location & height of pool to be confirmed by survey

<div><div></div><div>Shadow cast by approved building</div><div></div><div>Increase in overshadowing</div></div>				<div><div></div><div>↑</div></div> <div><div>Architects</div><div>Becerra</div></div> <div><div>The Grace Building</div><div>G01, 1 Layton Street</div><div>Camperdown NSW 2050</div><div>Cnr Pyrmont Bridge Road & Mallett Street</div></div> <div><div>t 02 9557 2288</div><div>f 02 9557 2287</div><div>w www.archb.com.au</div></div> <div><div>Registered Architect 5307</div><div>ABN 87 123 916 807</div></div>	<div>Project</div> <div>QUEST HOTEL</div> <div>17 Clarence Street Port Macquarie</div>	<div>Drawn By</div> <div>PB</div>	<div>Dwg Date:</div> <div>Jan2020</div>	<div>Project No.</div> <div>1977</div>	
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					<div>Title</div> <div>Shadow diagram - Proposed</div>				

**Justification of Variation to
Development Standard
Building Height –
Report Pursuant to Clause 4.6 of
Port Macquarie–Hastings Local
Environmental Plan (2011)**

**PROPOSED TOURIST
ACCOMMODATION &
COMMERCIAL DEVELOPMENT AT
17 - 19 CLARENCE STREET,
PORT MACQUARIE NSW**

MARCH 2021

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APPENDIX 1 – 19M HEIGHT PLAN

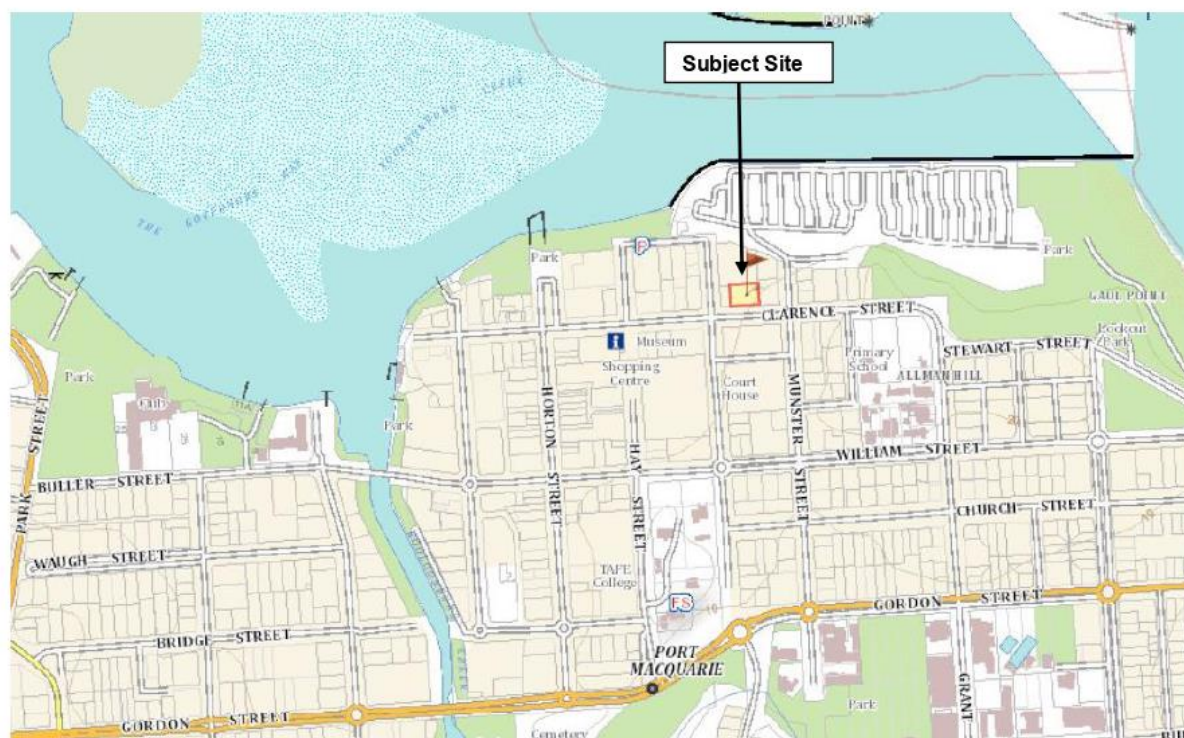
APPENDIX 2 – BULK AND SCALE CONTEXT PLAN

1. INTRODUCTION

1.1 Purpose of Report

Port Macquarie Hastings Council has granted development approval for a mixed tourist accommodation and commercial development on land known as Lot 123 DP 1219042, 17 Clarence Street, Port Macquarie.

Figure 1 – Site Location



In granting development consent for the proposed mixed tourist accommodation and commercial development, Council approved a variation to the LEP height standard which is applicable to development on the subject site.

As a result of the detailed construction design of the approved building an additional 200mm of ceiling height is required each for L1 – L5 of the building so as to accommodate required building services. As a consequence, the overall height of the proposed development will be 1m higher than that already approved by the council.

The purpose of this report is to provide justification for a variation to the Building Height provisions of Port Macquarie-Hastings Councils Local Environmental Plan, (LEP) 2011 for the mixed-use development which is proposed to be undertaken on the subject site.

1.2 Background

The proposed includes the construction of a seven (7) Storey tourist accommodation and commercial building with a basement level to accommodate onsite carparking. A commercial tenancy, (270m²), together with the tourist accommodation reception and building access infrastructure, (vehicle and pedestrian), will occupy the ground floor of the building. Eight (8) carparking spaces together with, loading dock, amenity and waste management storage areas are also proposed for this level.

Motel/Serviced Apartment accommodation comprising 48 apartments and associated infrastructure are distributed over Levels 1 – 7 of the building. The proposed development provides for the following apartment configuration;

- 4 x 3 bedroom/2-bathroom apartments (twin key); and
- 27 x 2 bedroom/2-bathroom apartments (twin key); and
- 12 x 2 bedroom/2-bathroom apartments; and
- 5 x 1-bedroom apartment.

The usage arrangements of the proposed apartments provide for a maximum of 79 lettable apartments.

Each apartment is proposed to be provided with lift access with each of the proposed apartments provided with an external balcony.

The floor areas of the apartments are variable ranging from 48m² to 106.4m².

Two (2) basement level of car parking, (providing Seventy-nine (79) spaces), is proposed with access via a single vehicular driveway off Clarence Street utilizing the ground floor level of the proposed development. As well as the car parking areas the basement level will include general and dedicated service areas for the proposed development. Lift access to the basement level is proposed.

The proposed development also provides for motel/serviced apartment ancillary use areas on Level 7 of the proposed development. In this regard a Conference Room, Gymnasium, BBQ area, amenities and a swimming pool are located on the top floor area of the development.

The subject site has approximately 2m fall from south to the north (from Clarence Street to the rear of the property). A 1m east to west cross fall is also present.

It is however noted that the topography of the subject site has been altered as a result of the historic development of the subject site and recent demolition works and required heritage and geotechnical assessment.

The topography of adjoining and adjacent land contains east to west down slopes and a northerly cross-fall.

It is noted that Port Macquarie-Hastings Council has already granted development consent to the proposed development with the finished height of the building being between 0.77m and 4.95m above the 19m development standard.

Table 1 – Council Approved Building Heights

GROUND LEVEL REFERENCE	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
Existing site ground levels	20.8m	23.65m	1.8m – 4.65m
Historical ground levels	20.8m	22.95m	1.8m – 3.95m
Finished Clarence Street Town Centre Masterplan Levels	19.77m	23.95m	0.77m – 4.95m

It is however noted that due to the changes in the fire safety provisions of the National Construction Code (NCC) which are applicable to the proposed building, it is necessary to make provision for the installation of sprinklers throughout the entire building. Consequently, the floor-to-floor heights of Levels 1 – 5 inclusive of the building have been increased by 200mm in order to facilitate the servicing requirements of the sprinkler system throughout the building. This has resulted in the overall height of the building increasing by 1m from that already approved by Council.

This report therefore provides justification as to why Port Macquarie-Hastings Council should support the variation to the building height standard as proposed which is 1m higher than which Council has already approved. In this regard Council has approved the following building heights.

2. LEP 2011 REQUIREMENTS

2.1 Introduction

Port Macquarie – Hastings LEP 2011 specifies a number of principle development standards that are applicable for the erection of buildings in the Port Macquarie-Hastings Local Government Area.

In this regard Part 4 of the LEP provides for development standards related to;

- Lot size;
- Rural Subdivision;
- Building Height;
- Floor Space Ratio;

Being a “performance based” document the LEP provides for a series of objective together with specific design provisions that are ‘Deemed to Satisfy’ the performance objectives. Adoption of the specified design provisions would therefore provide for a building solution to be approved by Council as this specified solution is ‘deemed’ to meet the relevant performance objectives.

However, Clause 4.6 of the LEP recognizes the need to allow for exceptions to the specified design provisions. In this regard Clause 4.6 (2) of the LEP provides that;

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

It is noted that issues pertaining to the height of buildings is not expressly excluded from the operation of Clause 4.6.

In addition to establishing a framework for the consideration of variations to the LEP development standards, Clause 4.6 (3) – (5) of the LEP establishes the process by which variations to development standards are to be lodged, assessed and determined. The LEP provisions which are applicable are as follows;

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

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

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by sub clause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

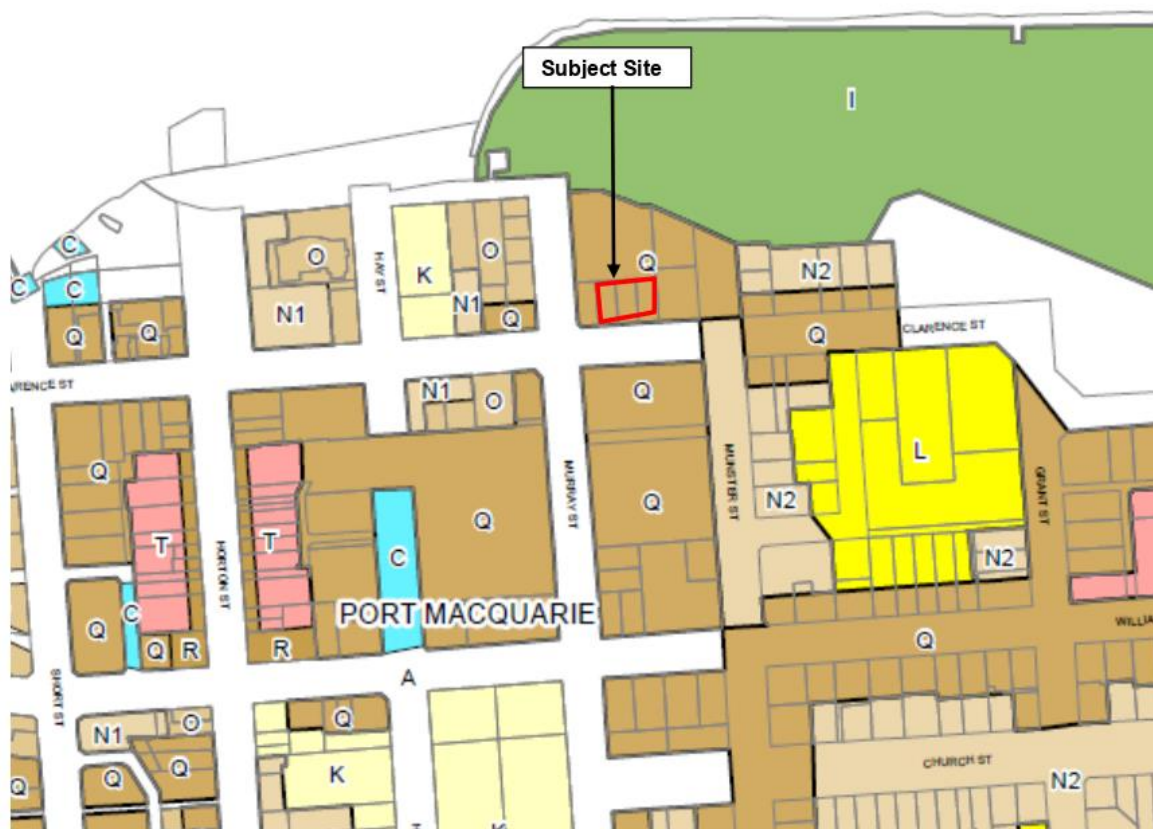
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

This report will provide justification for the variation of the acceptable design solution for the Height of the proposed building having regard to the relevant provisions of the LEP.

2.2 Building Height Development Standard

Clause 4.3 of the LEP provides that the height of a building erected on the subject site is not to exceed 19m, refer to **Figure 1** below;

Figure 2 - Building Height 'Deemed to Satisfy' Standard for Subject site.



It is noted that the following definition applies to the determination of the actual height of building;

building height (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

2.3 Proposed Development Standard Variation

Along the Clarence Street frontage of the subject site the roof of the proposed building above existing ground level ranges between 18.8 meters (south-eastern corner of boundary) and 20.5m (south-western corner of boundary). Along the northern elevation of the proposed building, (which is setback

approximately 8.7m from the northern property boundary), the building height above ground level ranges between 23.65m and 24.65m.

It is noted that the top floor of the proposed building is setback from the Clarence Street frontage with the height of the building at this point above ground level being 21.55m (south eastern corner) and up to 23.65m (south western corner)

It is noted that the differences in building height reflect the significant changes in the topography of the subject site.

The following table summarizes the development standard together with the now proposed height of the building together with the quantum of the variation which is sought. The following table has been prepared having regard to the building height definition provided for in Section 2.2 of this report;

Table 2 – Worst Case Building Height Summary (worst case existing site ground levels)

BUILDING HEIGHT DEVELOPMENT STANDARD	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
19m	21.8m	24.65m	2.8m – 5.65m

The height of the building as now proposed and its relationship to the 19m height standard is illustrated in **Appendix 1** of this report – Height Plane Plan.

It is however noted that the determination of the height of the building has been based upon existing ground levels. In this regard it is noted that the subject site has been the subject of significant excavation in conjunction with archaeological and geotechnical assessments which were carried out in early 2017 as part of planning for the commencement of construction of the previously approved residential flat building on the subject site (DA 410/2014 and DA 149/2016) of significance is the changes in topography in the western central portion of the subject site whereby current ground levels are at least 700mm lower than historic natural ground levels. This is significant in the context of considering the quantum of the height variation which is relevant to the proposed development. The following table therefore summarizes the development standard together with the proposed height of the building together with the quantum of the variation which is sought having regards to the historical ground levels.

Table 3 – Building Height Summary (historical ground levels)

BUILDING HEIGHT DEVELOPMENT STANDARD	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
19m	21.8m	23.95m	2.8m – 4.95m

It is also noted that Councils Town Centre Masterplan works require that the Clarence Street frontage road reserve height be raised in order to accommodate revised finished levels for the northern portion of the Clarence Street carriageway and associated footpath area. Accordingly, the finished ground level adjacent to the southern elevation of the building will be approximately 800mm above the existing ground levels.

Accordingly, the height, bulk and scale of the building when viewed from the southern and western aspects will have a context to the required new ground levels along Clarence Street and not the existing ground levels. Accordingly, the height of the proposed building, (at its highest 3.0m behind the southern property boundary), when viewed from the southern aspect and having regard to the new Clarence Street road reserve levels will be in the range of 20.77m and 22.9m. This again is an important consideration in the context of quantifying and qualifying the height of the proposed development and its actual bulk and scale impacts.

It is also noted that Council has already approved building heights which are greater than the 19m LEP standard. In this regard the variation which is now sought represents only 1m more than that which Council has already assessed and accepted as being appropriate for the subject site and locality. Therefore, any assessment of the buildings now proposed height must have regard to the significance of the additional 1m in building height above that which has already been deemed to be acceptable.

3. MERIT ASSESSMENT

3.1 Background

As has already been identified the structure of Port Macquarie Hastings LEP 2011 provides for merit assessment of variations to development standards.

This structure is reflected in;

- The inclusion of Clause 4.6 into the LEP which recognizes the need to allow for exceptions to the specified design provisions.
- The inclusion of performance objectives in relation to development standards. The inclusion of specific performance objectives provides for a design solution to be approved on the basis that its outcomes will be consistent with the nominated performance objectives.

It is however noted that the LEP does not indicate the manner by which a merit assessment is to be carried out.

It is however noted that, NSW Planning via its Guide to Varying Development Standards, 2011 provides that;

In deciding whether to approve a development application and associated application to vary a standard, council must consider whether non-compliance with the development standard raises any matter of significance for State and regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. As part of the consideration, council should examine

whether the proposed development is consistent with the State, regional or local planning objectives for the locality, and, in particular, the underlying objective of the standard.

Additionally, the Guide provides that Clause 8 of SEPP 1 requires council to assess whether non-compliance with the development standard raises any matter of significance for State and Regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. Councils must furnish written evidence that they had considered the matters referred to in clause 8 of SEPP 1 in their assessment of an application.

Additional guidance regarding the assessment of variations to development standards can also be taken from the 'five-part test' established by the NSW Land and Environment Court which are outlined as follows;

- 1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Having regard to the above, it is proposed to demonstrate that the proposed variation to the LEP development standard as it pertains to the revised height of the subject building continues to be acceptable in the circumstances as the design solution;

- Maintains compliance with the relevant objectives of the LEP development standard.
- Renders compliance with the development standard unnecessary and unreasonable in the circumstances.
- Does not raise any matter of significance for State and regional planning, and the public benefit.

3.2 Development Standard Objectives

NSW Planning's Guide to Varying Development Standards (August 2011) provides that when assessing applications involving variations to development standards under Clause 4.6 of the Standard Instrument, council should take into account both the mandatory zone objectives as well as any additional objectives.

The zone objectives that are relevant to the requested variation are contained within Clause 4.3(1) of LEP (2011) as follows;

'(1) The objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- (d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan'.*

It is therefore considered that where a building design solution is consistent with the above objectives it can be assessed as being consistent with the requirements of PMHC LEP (2011) and as such development consent can be issued on the basis that the proposed development is in accordance with the relevant development standards.

The following justification is provided in respect of each of the performance objectives provided for in the LEP and listed above;

Table 4 – Performance Assessment

PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
<i>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	<p>The existing and future character of the locality is mixed with tourist and residential development dominating the immediate area with cafes and other tourist and residential uses fronting Clarence Street.</p> <p>The relevance of the proposed building height design solution to the existing and future character of the locality is assessed as follows;</p> <p><u>Existing Character</u></p> <p>It is noted that the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to landform.</p>

Whilst lower density development is present on immediately adjoining land to the west the predominant building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this aspect (e.g. Rydges).



Northern backdrop (viewed from the south)



Southern backdrop (viewed from the north)

*Eastern backdrop (viewed from the west)**Western backdrop*

The relationship of the proposed increase in building height above that which has been assessed as acceptable is illustrated in **Appendix 2** of this report – Bulk and Scale Plan.

As can be seen in **Appendix 2** the building design outcome which is now proposed remains entirely consistent with the historical development in the locality, recently constructed buildings, (within the past 10 – 15 years) and the design outcome already approved for the subject site by Council.

Having regard to the above the outcomes provided for by the proposed building height design solution remains entirely consistent with the existing character of the locality in relation to height, bulk and scale.

	<p>As can be seen in Appendix 2 the design outcome now proposed provides for a building height outcome which is entirely consistent with and in some areas less than that previously approved by Council. This is important in quantifying and qualifying the impacts of the proposed development above that which has already been assessed by Port Macquarie Hastings Council as being acceptable via the issuing of development approval DA 2018/353.</p> <p><u>Future Character</u></p> <p>The building height development standards provided for by LEP 2011 for the subject site and surrounds provide for a 'Deemed to Satisfy' standard of 19m which would typically provide for a 6 – 7 storey building. In this regard it is noted that the proposed development is entirely consistent with this development standard on the Clarence Street frontage with the roof of the main building being between 21.8m and 23.65m which taking into account the topography of the area provides for a seven (7) storey building. The stepping back of the top floor of the development together with the integration of open space areas on this level, (swimming pool/BBQ area), is a feature intended to reduce the perceived scale of the building by disrupting the layering effect of each storey. In this regard when viewed from the street the top floor of the building will not be visible from the northside footpath and will only be partially visible from the southside footpath along Clarence Street.</p> <p>It is also noted that Councils Town Centre Masterplan works require that the Clarence Street frontage road reserve height be raised in order to accommodate revised finished levels for the northern portion of the Clarence Street carriageway and associated footpath area. Accordingly, the finished ground level adjacent to the southern elevation of the building will be approximately 800mm above the existing ground levels. Accordingly, the height, bulk and scale of the building when viewed from the southern and western aspects will have a context to the required new ground levels along Clarence Street and not the existing ground levels. Therefore, the height of the proposed building when viewed from the southern aspect and having regard to the new Clarence Street road reserve levels will be in the range of 20.77m and 22.9m. This again is an important consideration in the context of quantifying and qualifying the resulting height, bulk and scale of the</p>
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	<p>proposed development and its impacts.</p> <p>It is noted that the majority of the height exceedance associated with the main bulk of the building is associated with the south to north topography of the subject site. In the context of the topography of the subject site and adjoining and adjacent land the bulk and scale of the lower elevated areas of the building will be masked by adjoining development to the north, east and west with the height, bulk and scale with the southern and western elevations providing the visual context for the height, bulk and scale rather than the northern aspect of the proposed building whereby the existing Northpoint building dominates the height, bulk and scale landscape.</p> <p>Similarly, the height, bulk and scale of the eastern aspect of the proposed building is obscured by the existing Macquarie Waters building with the proposed building retaining a consistent height, bulk and scale with the adjoining Macquarie Waters building.</p> <p>Additionally, the top storey of the proposed building is setback from the main bulk and scale of the building with enclosed areas not occupying the entire area of the top storey. This approach greatly assists in reducing the overall bulk and scale of the top storey area with stepping down of the building's height, bulk and scale towards the western boundary of the subject site. Therefore, when viewed from the Clarence Street frontage the additional building height associated with the top storey will remain largely obscured and as such will have a minimal impact on the existing and future character of the area. As can be seen in Appendix 2, the height, bulk and scale of the top storey is moderated through the setbacks which have been incorporated at this level.</p> <p>As can be seen in Appendix 2 the major elements of the top storey which will be evident from Clarence Street will continue to be portion of the roof structure of the building which is consistent with the visual impacts assessed and approved by Council through the issuing of development approval for the serviced apartment development for the subject site (DA 2018/353)</p> <p>The future development of adjoining land to the west of the subject site has the potential to provide for a built form which significantly shields the height, bulk and scale of the</p>
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	<p>proposed building with the future development of the land on the corner of Murray and Clarence Streets being the dominant factor in terms of height, bulk and scale impacts associated with the proposed development when viewed from the western aspect. In this regard the stepping back of the top floor of the subject building provides for a logical transition in building heights with distance towards the western property boundary. The positioning of open space areas associated with the swimming pool and the setbacks to the conference room allows for a transition in building height so as to integrate with the future desired development on the corner of Clarence and Murray Streets.</p> <p>It is also noted that Clarence Street is a main connector road within the Port Macquarie CBD `being some 30m wide and can clearly accommodate development of greater densities and heights through site redevelopment within the framework of integrating good urban design principles. The width of the Clarence Street and its ability to accommodate developments of greater densities and heights is further reinforced by the significant setback of the existing bulk and scale of the building to the south of the Clarence Street road reserve adjacent to the subject site, (Port Pacific building).</p> <p>Similarly, when viewed from adjoining and adjacent buildings in the area the portion of the subject building which is in excess of the 19m development standard will have a negligible visual and amenity impacts in relation to the proposed buildings height, bulk and scale as it;</p> <ul style="list-style-type: none"> • Will be generally indiscernible from the main bulk of the building. • Will have a minimal impact when considered in the context of the height, bulk and scale backdrop which exists by virtue of existing multi storey buildings in the locality which already have a height beyond that contemplated for the proposed building. • Will be consistent with the height of buildings which could result through the redevelopment of adjoining land to the east of the subject site. <p>Having regards to the above it is considered that the impact on the future character of the locality of the proposed building design solution as it relates to building</p>
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	<p>height will be minimal.</p> <p>It is also noted that notwithstanding the height development standards provided for in LEP 2011 the future character of the locality has to a large extent been significantly influenced by the height of buildings which have been constructed in the past ten (10) years particularly in relation to buildings in proximity to the subject site. In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.</p>
<p><i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development</i></p>	<p>Solar access studies show acceptable results for June 22 as a result of the proposed development in relation to adjoining and adjacent existing development and an additional 1m in building height as proposed does not alter the outcomes of the solar access studies due to the orientation of the subject site and the positioning of the subject building in the southern portion of the subject site. Accordingly, the proposed building height design solution will have no significant impact on solar access beyond that contemplated by the development standard.</p> <p>In response to concerns regarding potential shading issues associated with the swimming pool in the Port pacific building to the south of the subject site (southern side of Clarence Street) additional shadow diagrams have been provided which indicates that there are no significant impacts upon the pool area associated with the additional 1m building height which is now proposed.</p> <p>It is noted that when viewed from Clarence Street the proposed building will continue to present as a seven (7) storey building which is generally consistent with the 'Deemed to Satisfy' development standard. Accordingly, the visual impact of the proposed building height solution will minimal.</p> <p>Given the dominance of existing buildings to the north, east and south the proposed building will have no greater visual impact than that which currently exists as the existing buildings define the bulk scale and scale backdrop when viewed from adjoining buildings. In this regard the bulk and scale of the proposed development is consistent, (even less), than that which currently exist.</p>

	<p>Views will not be impacted upon by the proposed development as view paths to the north, south and east are constrained by the existing buildings which form the backdrop in these aspects. View impacts to the west will be minimized due to;</p> <ul style="list-style-type: none"> • The location of the major bulk of the subject building in the southern portion of the site provides for view sharing promoted to the west. • The orientation of the adjacent buildings to take advantage of views to the north, northeast and east. In this regard the design of a number of buildings to the east of the proposed building do not seek to take advantage of view paths to the west. <p>Notwithstanding the variation to the building height development standard acceptable standards of solar access will continue to be provided to adjoining and adjacent buildings.</p> <p>Having regard to the above it is clear that quality urban and building design will be achieved as a result of the proposed development and that the proposed building height design solution will have negligible impact in relation to visual impact, views, loss of privacy and loss of solar access issues.</p>
<i>(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,</i>	<p>Whilst the subject site forms part of an area which the LEP identifies as being of potential heritage importance the archeological assessment which has been completed for the subject site indicates that the proposed development will have no impact on the heritage values of the subject site.</p> <p>In a broader context identified items/issues of heritage significance are not located in the immediate area to the subject site and as such the height of the proposed development is appropriate in the context of existing and future height, bulk and scale of the locality.</p>
<i>(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan’.</i>	<p>The proposed building height design solution will continue to provide for a transition in built form and land use intensity within the area covered by this Plan.</p> <p>Being a CBD location, the proposed development provides for a density of development which is entirely consistent with that expected by the local community.</p>

Having regard to the above it is considered that the design solution of the subject building as it relates to the issue of building height is consistent to the relevant performance objectives of Port Macquarie – Hastings Council LEP 2011.

3.3 Reasonableness of Proposed Variation

As noted in **Table 2** of this report the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to changes in landform.

Whilst lower density development is present on immediately adjoining land to the west the predominant building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this aspect (e.g. Rydges). As can be seen in **Appendix 2** the building design height outcome which is now proposed is not only consistent with the historical development in the locality but also in relation to recently constructed buildings, (within the past 10 – 15 years). In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.

Having regard to the above the outcomes provided for by the proposed building height design solution are entirely consistent with the existing character of the locality in relation to height, bulk and scale with existing development defining the bulk and scale backdrop which is relevant to the subject site and immediate area. On the basis of the height of the existing development on adjoining and adjacent land the proposed height of the subject building remains entirely consistent with the existing and future desired character for the area and accordingly compliance with the development standard is unnecessary and unreasonable in the circumstances. This position is further supported in that the proposed variation to the development standard provides for;

- negligible visual and amenity impacts in relation to the proposed buildings height, bulk and scale having regards to the topography of the subject site;
- minimal visual and amenity impacts when considered in the context of the height, bulk and scale backdrop which exists by virtue of existing multi storey buildings in the locality which already have a height beyond that contemplated for the subject building.
- minimal visual and amenity impacts when considered in the context of streetscape and public vantage points.
- negligible impacts on near or far views.

- the maintenance of acceptable levels of privacy for residents and occupants of adjoining and adjacent developments as well as the general public.
- consistency with the height of buildings which could result through the redevelopment of adjoining land to the east of the subject site.
- the maintenance of acceptable solar access standards for adjoining and adjacent sites.
- the transition in built form and land use intensity within the area covered by the LEP.
- consistency with the existing and future character of the locality in relation to height, bulk and scale.
- achievement of high-quality urban design outcomes.

It is also noted that the increased in building height which is now proposed is due to the changes in the fire safety provisions of the National Construction Code (NCC) which now make it necessary to install sprinklers throughout the entire building. Consequently, the floor-to-floor heights of Levels 1 – 5 inclusive of the building have been increased by 200mm in order to facilitate the servicing requirements of the sprinkler system throughout the building.

It is therefore entirely reasonable for the overall height of the building to be increased by 1m from that already approved by Council on the basis of the improved life safety outcomes which will be achieved for the proposed development. In this regard the provision of sprinklers throughout the building will result in a better planning outcome than is currently provided for by the already approved development.

3.4 Significance of Proposed Variation

The very nature of place-based merit decision making is to have specific regard to the characteristics, features and constraints of a site and development proposal and to assess the specific impacts of same.

Having regards to the specific characteristics of the subject site and its local context and the nature and impacts of the proposed development it is considered that non-compliance with the development standard does not raise any matter of significance for State and regional planning.

In the context of the improved life safety outcome associated with the provision of sprinklers throughout the entire building the proposed variation to the development standard is not considered to be significant when balanced against the improved fire safety which will result as a consequence of the additional 1m in building height as proposed.

Additionally, given the information provided in support of the proposed variation to the development standard, there is minimal public benefit in maintaining the building height planning control which is relevant to the locality. On the contrary, as provided for in the Statement of Environmental Effects which accompanies this development proposal, there is considerable public benefit in approving the variation to the nominated height standard as the development will;

- provide for a positive development of high-quality design that will improve surveillance and safety of the adjoining and adjacent streets.
- assist in making the locality more of a lively area with an increased demand for localized services.
- have minimal impact on views, amenity, privacy and solar access.
- reinforce and promote the trend for mixed tourist/visitor accommodation and commercial development in the locality complying with communities' strategic objectives and expectations for the area.
- have a positive economic impact through the serviced apartments which will represent a major injection into the local economy and generate significant employment opportunities and flow on benefits to other local businesses.
- provide benefits to the local construction industry and related services through the construction phase of the project.
- result in negligible cumulative impacts on or for the locality.
- provide for a better planning outcome via the proposed building having an improved level of fire safety due to the installation of a sprinkler system throughout the entire building.

3.5 Consistency with LEP Exception Requirements

Given that the proposed building height design solution is consistent with the relevant building height development standard objectives of the LEP it is considered that the issuing of development approval for the subject development, (as proposed), by Port Macquarie-Hastings Council is consistent with the requirements of Clause 4.3 of the LEP in that;

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the proposed alternative design solution satisfies the specific performance objectives which are relevant to the height of buildings; and*
- *there are sufficient environmental planning grounds to justify contravening the development standard as demonstrated in the performance assessment (Section 3.2 of this report); and*
- *the applicant's written request has adequately addressed the matters required to be demonstrated; and*
- *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and*
- *the contravention of the subject development standard does not raise any matter of significance for State or regional environmental planning, and*
- *based upon merit assessment there is no public benefit in maintaining the development standard, and*

Accordingly, it is recommended that Port Macquarie-Hastings Council seek the concurrence of the Director-General (NSW Department of Planning) for the variation to the height standard as provided for by the proposed building design solution.

4. CONCLUSION

Having regard to the above it is considered that the proposed building design solution is consistent with the relevant building height performance standards as provided for by Clause 4.3 of the LEP and as such the requested exemption to the development standard is appropriate in the specific circumstances.

Accordingly, the proposed building design solution is able to be supported by Port Macquarie-Hastings Council pursuant to Clause 4.3 of the LEP.

SUBJECT TO COUNCIL APPROVAL

FL 21.045 LEVEL 4
FL 20.000 LEVEL 3
FL 19.000 LEVEL 2
FL 17.850 LEVEL 1
FL 11.900 LEVEL 1
FL 11.000 LEVEL 1
GROUND FLOOR FL 0.000
FL 4.000 BASEMENT 1
FL 1.000 BASEMENT 2

2 WEST ELEVATION

LEGEND

- PC Precast concrete panel Class 2 finish with applied ssa
- AC Aluminium cladding PowderCoat Finish Timber Paneling
- FB Face brick running bond Designer Charcoal
- AR Aluminium Colorbond roof colour Sunrises
- Window frames, exposed steel & balustrade framing colour Powdercoate Ironstone
- RP Render paint finish colour White
- RP1 Render paint finish colour Temple
- GB Glass balustrade

SUBJECT TO COUNCIL APPROVAL

FL 21.000 LEVEL 6
FL 20.000 LEVEL 5
FL 19.000 LEVEL 4
FL 17.850 LEVEL 3
FL 16.750 LEVEL 2
FL 15.750 LEVEL 1
FL 14.750 LEVEL 1
FL 13.750 LEVEL 1
FL 12.750 LEVEL 1
FL 11.750 LEVEL 1
FL 10.750 LEVEL 1
FL 9.750 LEVEL 1
FL 8.750 LEVEL 1
FL 7.750 LEVEL 1
FL 6.750 LEVEL 1
FL 5.750 LEVEL 1
FL 4.750 LEVEL 1
FL 3.750 LEVEL 1
FL 2.750 LEVEL 1
FL 1.750 LEVEL 1
FL 0.750 LEVEL 1
FL 0.000 GROUND FLOOR
FL -0.750 BASEMENT 1
FL -1.500 BASEMENT 2

1 EAST ELEVATION

QUEST HOTEL
17 Clarence Street Port Macquarie
Bamford Eng. & Consulting P/L
EAST & WEST ELEVATIONS

Architects
ecerra

Project
17 Clarence Street Port Macquarie
Bamford Eng. & Consulting P/L
EAST & WEST ELEVATIONS

Drawn by
SPB

Check by
SPB

Date
18/02/20

Scale
1:200 @ A3

Project No.
1977

Sheet
A202

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

MARCH 2021

19m height (from existing)



LEGEND

PC	Precast concrete panel Class 2 finish with applied seal
AC	Aluminium cladding PowderCoate finish Timber Panelling
FB	Face brick running bond Designer Charcoal
AR	Aluminium Colorbond roof colour Surfmit
	Window frames, exposed steel & balustrade framing colour Powdercoate Ironstone
RP	Render paint finish colour White
RP1	Render paint finish colour Temple
GB	Glass balustrade

A	ISSUED FOR TENDER Revision Amendment	PB	19/3/20 Date	Architects Becerra	The Office Building 221, 1, Leppington Comprehensive site plan and Planning Stage 1 and 2 1 02 007 000 1 02 007 001 www.becerra.com.au Registered Architect 0287 APR 17 12:30:50	Project	QUEST HOTEL	Drawn By	PB	Design Date	1977	Project No.
						Client	17 Clarence Street Port Macquarie	Checked By	Stark	Drawing No.	Rev	
						TIN	Bamford Eng. & Consulting P/L NORTH ELEVATION			1:200 @ A3	A200	A

LEGEND	
PC	Precast concrete panel Class 2 finish with applied seal
AG	Aluminium cladding PowderCoated finish Timber Panelling
F8	Face black running bond Designer Charcoal
AT	Aluminium Colorbond roof colour Sunlight
ST	Window frames, exposed steel & balustrade framing colour PowderCoated Ironstone
RP	Render paint finish colour White
RP1	Render paint finish colour Tempe
GB	Glass balustrade

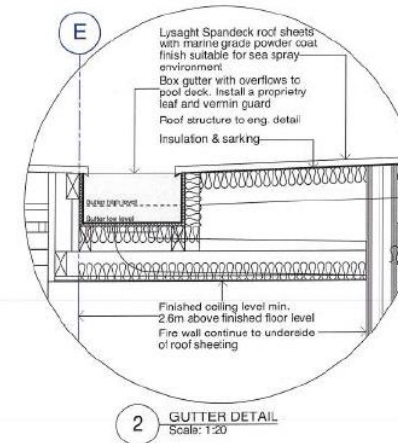
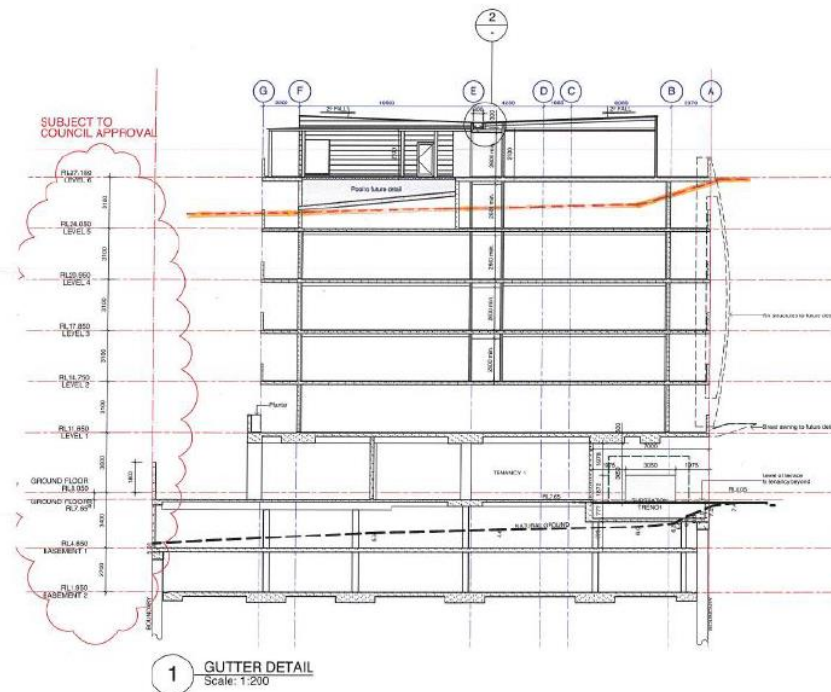


The above Building (2011, 1 Layer Steel Construction with 100% City of Yuma Designated as a Historic District)		 <p>Architect's Ecerra</p> <p>Tel: 951-255-0088 Fax: 951-255-0087 Email: info@ecerra.com Web: www.ecerra.com Registered Professional Engineer License No. 12345</p>	Project: QUESTHOTEL 17 Clarence Street Port Macquarie		Drawn By: PS	Orig Date: Sep/2019	Project No.: 1977
A Revision	ISSUED FOR TENDER Amendment		PD By: 15/3/20 Date:	Client: Bamford Eng. & Consulting P/L Title: SOUTH ELEVATION	Checked By:	Scale: 1:100 @ A3	Drawing No.: A201

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

MARCH 2021

19m height (from existing)

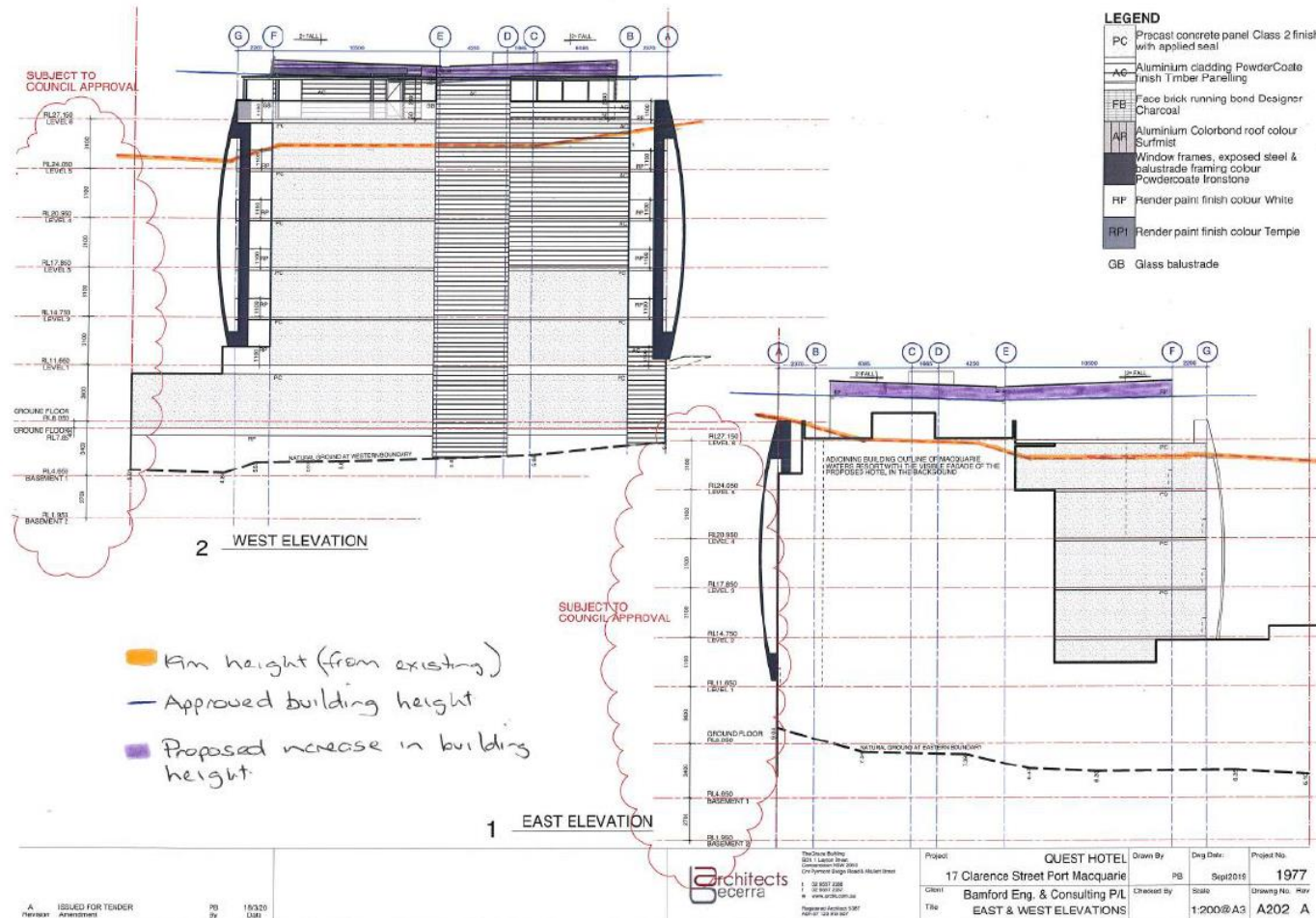
A ISSUED FOR TENDER
Revision AmendmentPB
By Date18/3/20
DateArchitects
ecerra2nd Street, 1st Floor
17 Clarence Street Port Macquarie
NSW 2444
1 800 000 000
www.ecerra.com.au
Registered Architect 6387
JMB 87 100 100 007

Project	QUEST HOTEL	Drawn By	DB	Check Date	1977
Client	17 Clarence Street Port Macquarie	Checked By		Scale	Drawing No. Rev
Title	Bamford Eng. & Consulting P/L			1:200@A3	A211 A
SECTIONS					

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

MARCH 2021

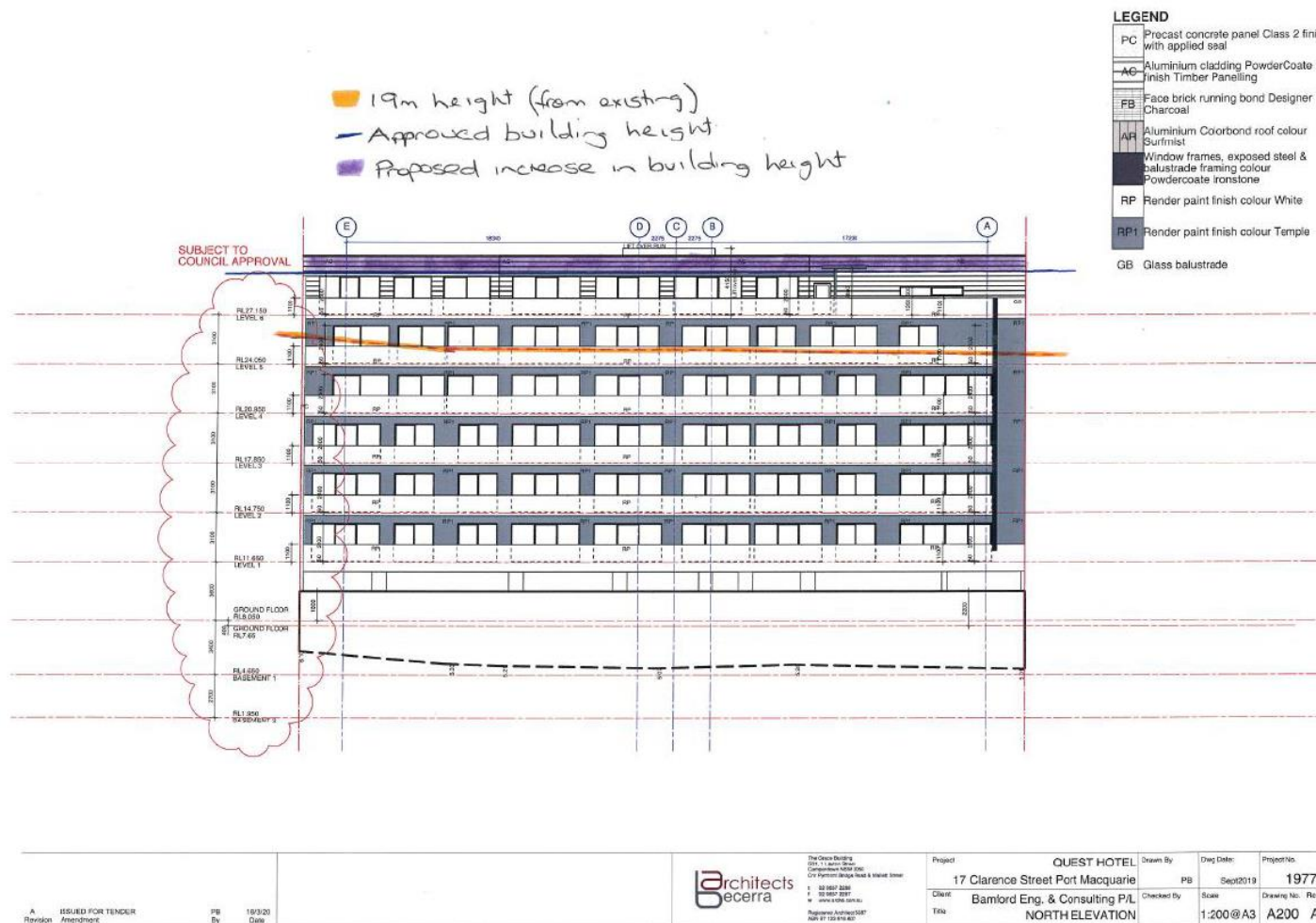
Appendix 2 – Bulk and Scale Context Plan



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DEVELOPMENT STANDARD VARIATION JUSTIFICATION

MARCH 2021



DEVELOPMENT STANDARD VARIATION JUSTIFICATION

MARCH 2021

- 19m height (from existing)
— Approved building height
■ Proposed increase in building height



LEGEND

PC	Precast concrete panel Class 2 finish with applied seal
AG	Aluminium cladding PowderCoate finish Timber Paneling
FB	Face brick running bond Designer Charcoal
AR	Aluminium Colorbond roof colour Surfmist
	Window frames, exposed steel & balustrade framing colour Powdercoate Ironstone
RP	Render paint finish colour White
RP1	Render paint finish colour Temple
GB	Glass balustrade

A	ISSUED FOR TENDER	PB	18/3/20	Date		The Quest Building 17 Clarence Street Port Macquarie NSW 2444 Tel: 02 6551 0000 Fax: 02 6551 0001 www.architectssecerra.com.au Registered Architect 12887 A201 100 000 000	Project:	QUEST HOTEL		Drawn By:	Draw Date:	Project No:
							Client:	17 Clarence Street Port Macquarie		PB	Sep2019	1977
Revision	Amendment	By	Date				Checked By:	Bamford Eng. & Consulting P/L		Scale:	Drawing No. Rev	
								SOUTH ELEVATION		1:100@A3	A201	A

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<<Date>>

Parcel Number: 65374

Bamford Engineering
CARE David Pensini Building Cert.
PO Box 5581
PORT MACQUARIE NSW 2444

Dear Sir/Madam

DA 2018/353.3 - Modification of Consent Pursuant to Section 4.55 (1A) of the Environmental Planning & Assessment Act 1979

I refer to your application dated 8 August 2019 to modify commercial premises and tourist and visitor accommodation under DA 2018/353 at LOT: 123 DP: 1219042 for No. 15 Clarence Street PORT MACQUARIE.

Please be advised that pursuant to Section 4.55 (1A) of the Act, your application to modify the consent has been granted, subject to:

- A. Amend the following conditions:
 - A1, B5, B6
- B. Add the following conditions:
 - A15,
- C. Reimposition of all other previously approved conditions of consent as originally determined 19 June 2019 and as modified on 27 November 2019 and with this approval dated 18 March 2021.

The applicant is advised that Section 8.9 of the Act confers on an applicant who is dissatisfied with the determination, right of appeal to the Land and Environment Court.

A revised schedule of development consent conditions is attached.

SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2018/353 are as follows:

<No.1>	Modification No.1	27 November 2019
<No.2>	Modification No.2	18 March 2021

PRESCRIBED CONDITIONS

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects as modified	17 Clarence Street	David Pensini	June 2018, 9 July 2019 and 3 April 2020
Site Plan	Project No: 1977 Drawing No: A102 Revision D	Architects Becerra	21 January 2021
Basement 2 Plan	Project No: 1977 Drawing No: A105 Revision C	Architects Becerra	29 January 2021
Basement 1 Plan	Project No: 1977 Drawing No: A106 Revision C	Architects Becerra	29 January 2021
Ground Floor Plan	Project No: 1977 Drawing No: A107 Revision C	Architects Becerra	9 December 2020
Level 1 Floor Plan	Project No: 1977 Drawing No: A108 Revision B	Architects Becerra	20 April 2020
Level 2 Floor Plan	Project No: 1977 Drawing No: A109 Revision B	Architects Becerra	20 April 2020
Level 3 Floor Plan	Project No: 1977 Drawing No: A110 Revision C	Architects Becerra	9 December 2020

Level 4 Floor Plan	Project No: 1977 Drawing No: A111 Revision B	Architects Becerra	20 April 2020
Level 5 Floor Plan	Project No: 1977 Drawing No: A112 Revision B	Architects Becerra	20 April 2020
Level 6 Floor Plan	Project No: 1977 Drawing No: A113 Revision B	Architects Becerra	20 April 2020
Roof Plan	Project No: 1977 Drawing No: A114 Revision B	Architects Becerra	20 April 2020
North Elevation Plan	Project No: 1977 Drawing No: A200 Revision C	Architects Becerra	21 April 2020
South Elevation Plan	Project No: 1977 Drawing No: A201 Revision C	Architects Becerra	21 April 2020
East and West Elevation Plan	Project No: 1977 Drawing No: A202 Revision C	Architects Becerra	21 April 2020
Section Plan	Project No: 1977 Drawing No: A210 Revision C	Architects Becerra	21 April 2020
Section Plan	Project No: 1977 Drawing No: A211 Revision B	Architects Becerra	20 April 2020
Area Calculations	Project No: 1977 Drawing No: A900 Revision B	Architects Becerra	21 January 2021
External Signage Concept Plans	Quest Apartments	BEST	15 July 2018

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail. ²

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and

proposed public infrastructure.

- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (11) (A049) The existing footpath/verge area in Clarence Street is to be raised to contain stormwater in the street. Design plans must be approved by Port Macquarie-Hastings Council pursuant to Section 138 of the Roads Act 1993.
- (12) (A195) Prior to the preparation of any engineering plans or submission of any applications for construction to Council, the applicant is to contact Councils Engineering Development to ensure any design accords with Town Centre Master Plan works already carried out on Clarence Street across the subject property frontage. Works to be carried out as part of this development include raising verge, carriageway and kerb levels to improve surface drainage conditions for the full frontage of the development.
- (13) B196) Water meters shall be either located on the road frontage or in the building with remote reading facility located adjacent to the road frontage or in an easily accessible area such as a foyer. Details to be provided as part of the section 68 application. ¹
- (14) Development consent shall be sought for the first use of the ground floor commercial tenancy 1.
- (15) (A007) The development must only proceed in accordance with the approved stages as set out below:
 - Stage 1: Piling, excavation, and construction of basement levels (including ground floor slab).
 - Stage 2: Completion of development above ground floor slab.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable. An occupation certificate shall not be issued until completion of the stage 2 works.²

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development.
 2. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 3. Sewerage reticulation. Council records indicate that the development site is connected to sewer via an end of line connection in the north western corner of the lot. A sewer reticulation supply strategy shall be submitted as part of the infrastructure construction certificate.
 4. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies. Final water service sizing will need to be assessed by a hydraulic consultant to suit the commercial, domestic and fire service components of the proposed development, as well as backflow protection requirements.
 5. Retaining walls
 6. Stormwater systems.
 7. Erosion and Sediment controls.
 8. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 9. Traffic Management Control Plan.
 10. Erection of hoardings and buildings in and/or over the public road verge.
 11. Landscaping.
 12. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202 and ASD 207, Port Macquarie-Hastings Council current version.
 13. All roadworks along the full frontage including full width paving, lighting and any necessary kerb construction or reconstruction in accordance with the current Town Centre Master Plan.
 14. Provision of a full width concrete footpath across the full road frontage of the property.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to

be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving
- Footway and gutter crossing
- Functional vehicular access

(4) (B009) The applicant shall surrender the consents relating to DA No.2016/149 for Shop Top Housing, DA No. 2015/332 for car park associated with shop top housing and DA No.2014/410 for shop top housing at Lot 123 DP 1219042 by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2000, prior to release of the Construction Certificate.

(5) (B010) Payment to Council, prior to the issue of the Construction Certificate for any building works in stage 2 of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. However, where a construction certificate in respect of the erection of any building to which this consent relates has been issued before or on 25 September 2022, the s7.11 monetary contributions may be paid prior to release of the first occupation certificate in respect of any building to which this consent relates. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Administration Building Contributions Plan 2007
- Hastings S94 Administration Levy Contributions Plan
- ~~Port Macquarie-Hastings Contributions Plan 1993~~
- ~~Part C – Car Parking~~
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council. ²

(6) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000,

the payment of a cash contribution, prior to the issue of a Construction Certificate for any building works in stage 2, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:

- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks ²
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B032) Details of the proposed slab/flooring and wall construction for structural independency are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
- (9) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (10) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (11) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.
- (12) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining structures supporting the road reserve is to be submitted to Port Macquarie-Hastings Council prior to the release of the building Construction Certificate.
- (13) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

- (14) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.
- In this regard, Council's piped drainage system must be extended by an appropriately sized pipeline to the frontage of the site to allow direct piped connection from the development site into the public drainage system.
- The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
- b) The design is to be generally in accordance with the preliminary stormwater drainage concept plan being drawing No 2018-51 prepared by David Johnson Consulting Engineer and dated 21 June 2018.
- c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- d) Where works are staged, a plan is to be provided which demonstrates which treatment measures are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
- e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- f) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (15) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (16) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (17) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (18) (B195) The building Construction Certificate shall not be issued over any part of the site requiring a controlled activity approval (i.e. dewatering) until a copy of the approval has been provided to Council.
- (19) Illuminated signage shall be fitted with a time switch to dim by 50% or turn off by 11pm each night. Details shall be clearly illustrated on the building construction certificate plans. ¹

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) weeks' notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (5) The proponent is to prepare a construction management plan which includes the following at a minimum:
 - Schedule of works and approximate timing;
 - Contact number for construction site supervisor/manager; and
 - Mechanism for providing a minimum of 24 hours' notice to immediately adjoining land owners of scheduled noisy works.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. prior to commencement of site clearing and installation of erosion control facilities;
 - b. at completion of installation of erosion control measures
 - c. prior to installing traffic management works
 - d. at completion of installation of traffic management works
 - e. at the commencement of earthworks;
 - f. when the sub-grade is exposed and prior to placing of pavement materials;
 - g. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - h. at the completion of each pavement (sub base/base) layer;
 - i. before pouring of kerb and gutter;
 - j. prior to the pouring of concrete for sewerage works and/or works on public property;
 - k. on completion of road gravelling or pavement;
 - l. during construction of sewer infrastructure;

- m. during construction of water infrastructure;
- n. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D010) Reduced levels prepared by a registered surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.
- (3) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (4) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (5) (D046) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (E021) Pool to be fenced in accordance with the Swimming Pools Act, 1992.
- (6) (E022) Depth markers are to be installed on the swimming pool.
- (7) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all

matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

- (9) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.

- (10) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b. The Proprietor shall have the OSD inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (11) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the adjoining property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.

- (12) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

- (13) (E053) All public infrastructure works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.

- (14) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (15) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (16) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (17) (E068) Prior to the issue of an Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the development (including street lighting and fibre optic cabling where required).
- (18) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (19) A roof top management plan for use of the rooftop space is to be prepared and approved by Port Macquarie-Hastings Council prior to the issue of any occupation certificate.
- (20) Parking spaces numbered 55 to 58 shall be clearly marked and sign posted as staff parking.

F – OCCUPATION OF THE SITE

- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (2) (F005) The units are approved for short term accommodation.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (F025) Hours of operation of the motel reception is restricted to the following hours:
 - 7am to 11pm – Seven days a week. ¹
- (6) (F027) The swimming pool filtration motor shall be operated between the following hours only:
 - Monday to Friday (other than a public holiday)
 - 7.00 am – 8.00 pm

Saturday to Sunday and Public Holidays
8.00 am – 8.00 pm

Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.

- (7) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (8) The approved plan of management for use of the rooftop space is to be displayed in a prominent position on the rooftop at all times.
- (9) A noise/nuisance complaints register must be kept up to date at all times by management and must be made available to Council on request. The register must contain:
 - Complaint date and time;
 - Name of person making the complaint;
 - Contact details (phone and address) of person lodging the complaint;
 - Nature of complaint;
 - Name of staff managing the complaint;
 - Action taken (by whom and when); and
 - Outcome and or further action required;
 - A telephone number is to be provided on the front of the building to enable the public to register a complaint with the property manager.

The reason for this decision is that 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 interest and will not result in significant adverse social, environmental or economic impacts. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Policies and Development Control Plan or any other ancillary Act or Regulation in force at the time of the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.

Rights of Appeal

If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979.

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely

Apply electronic signoff

DRAFT

AGENDA

DEVELOPMENT ASSESSMENT PANEL
18/03/2021

Item: 05

Subject: DA2020 - 715 - RESIDENTIAL FLAT BUILDING WITH STRATA SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.4 (FLOOR SPACE RATIO) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 LOT 1 AND 2 DP 758852, NO. 26-28 WILLIAM STREET, PORT MACQUARIE

Report Author: Development Assessment Planning Coordinator, Patrick Galbraith-Robertson

Applicant: Sailsbury Gardens Pty Ltd CARE King & Campbell Pty Ltd
Owner: East Wing Corporation Pty Ltd & Sailsbury Gardens Pty Ltd
Estimated Cost: \$14.3 Million
Parcel no: 25377 & 25378

Alignment with Delivery Program

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

RECOMMENDATION

That the Development Assessment Panel recommend to Council that DA2020 - 715 for a residential flat building with strata subdivision including clause 4.6 variation to clause 4.4 (floor space ratio) at Lots 1 & 2, DP SEC 65 DP758852, No. 26-28 William Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a residential flat building with strata subdivision including clause 4.6 variation to clause 4.4 (floor space ratio) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

This DA is being reported to the Development Assessment Panel due to the number of submissions received. Following exhibition of the application, eight (8) submissions were received.

The proposal includes a floor space ratio variation which is greater than a 10% deviation from the standard and is required to be determined at an Ordinary Meeting of the full Elected Council.



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The proposal has been amended during the assessment of the application which includes the following changes:

- Reduction in height for the front courtyard fence walls from 1.2m down to 1.0m in height fronting Owen and William Streets;
- Change in alignment of the eastern blade wall to in fill original gap proposed;
- Addition of privacy screens to bedroom 1 windows on the second to sixth floors,
- Reduction in size of the rear balcony of Unit 4;
- Reduction in the north-western corner of the basement to provide additional area of deep soil zone and recalculations;
- Removal of the original proposed clause 4.6 variation to lot size as the proposal only proposes consolidation of 2 existing lots;
- Additional view sharing details to address an additional building being the Amari Apartments situated at 7-11 Gordon Street, Port Macquarie;
- Additional visual privacy details particularly relating to the eastern side of the of the proposed building and its relationship with the adjoining Sandcastle building at 12-24 William Street, Port Macquarie;
- Sunlight access to apartments details added to the architectural plan set;
- Details proposing that a consent condition be imposed regarding seeking a dewatering permit under the Water Management Act 2000;
- Additional garbage storage and collection details including turning movement details for a private medium rigid garbage truck to service the site; and
- Floor plans of the existing buildings on-site for the purposes of establishing development contributions credits.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls including justifiable variations. 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.

This report recommends that the development application be approved subject to the recommended conditions in **Attachment 1**.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 1,174m² (combined lots).

The site is located opposite Port Macquarie's Town Beach and within an area occupied by multi-storey residential flat buildings, holiday apartments and bowling club.

The site is currently occupied by a two-storey dwelling house and a two-storey apartment building consisting of three, small separate units. Both buildings have been on-site for a lengthy period of time and enjoy direct views across William Street to Town Beach and Queen's Head.

The site is located in the East Port neighbourhood of Port Macquarie. The site is situated directly opposite Town Beach on the corner of William and Owen Streets. The functions and character of this neighbourhood varies as it includes civic uses (Council offices, High School, pool, library), the Port City Bowling Club, service station and public open spaces (Town Beach, Oxley Beach and Oxley Oval playing fields).



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The area immediately adjoining the site along William Street is characterised by multi-storey residential flat buildings ranging from 6-8 storeys.

The site is relatively flat, sloping gently from the north-eastern corner (RL 10.74m) down approximately 900mm to its south-western corner (RL 9.87m AHD).

The site is currently occupied by 2 two storey buildings. The existing dwelling within Lot 2 fronts William Street and has a single garage within the rear yard accessible off Maritime Lane. The existing two storey residence within Lot 1 consists of three small residential units and has a double garage within the rear yard accessible from Owen Street, just north of the entry to Maritime Lane.

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



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



Photos of the site from several locations in Owen and William Streets and Maritime Lane taken during assessment are provided below:

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Key aspects of the proposal include the following:

- Demolition of the two existing two (2) storey buildings.
- Removal of existing vehicle crossing in Owen Street
- Consolidation of existing Lots 1 and 2 into a single Torrens title allotment of 1,174m².
- Construction of an 8 storey residential flat building (RFB) with basement parking for 26 vehicles and 15 units.
- Request for variation to clause 4.4 - Floor space ratio of the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) pursuant to clause 4.6 of the LEP.
- Widening of Maritime Lane to 5.5m for the frontage of the site.
- Provision of full frontage exposed aggregate footpath paving within William Street and south along Owen Street to the building's entry point.
- Provision of a 1.5m wide concrete pathway south of the building's entry to the northern edge of Maritime Lane.
- Provision of a new kerb inlet pit on the north-western corner of Owen Street and Maritime Lane and piped stormwater connection to the existing kerb inlet pit within Owen Street (distance of approximately 45m).
- Strata title subdivision of the proposed building.
- No staging of the development is proposed.

Refer to **Attachment 2** at the end of this report for plans of the proposed development.

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Consent has been previously granted under DA2004 - 516 for a 7-storey Residential Flat Building and basement car park within the site. This building was approved to be constructed in two-stages.

Similar to the current proposal, the approved building included 13 apartments, 26 basement parking spaces accessible from Maritime Lane, a building height of 24.3m and a floor space ratio (FSR) greater than the 2:1 now applicable to the site.

The approved building also included a 3m setback to William Street and 1.5m setback to Owen Street with deep soil zone along Maritime Lane, similar to the proposal.

This application was not physically or substantially commenced. The consent subsequently lapsed.

Application Chronology

- 1 September 2020 - DA lodged with Council.
- 7 September 2020 - Additional applications fees requested from Applicant.
- 7 September 2020 - External referral of proposal to Heritage NSW for advice on archaeology.
- 10 September 2020 - Assessing officer advised Applicant that application in initial assessment phase.
- 10 to 23 September 2020 - Neighbour notification of proposal.
- 16 September 2020 - Additional information forwarded to Heritage NSW.
- 21 September 2020 - External referral to Essential Energy.
- 24 September 2020 - Assessment update provided to Applicant.
- 28 September 2020 - Redacted copies of submissions forwarded to Applicant for consideration.
- 6 October 2020 - Heritage NSW comments received.
- 8 October 2020 - Essential Energy comments received.
- 13 October 2020 - Applicant requested meeting to discuss assessment issues.
- 20 October 2020 - Site inspection by assessing officer.
- 21 October 2020 - Meeting with Applicants to discuss assessment issues.
- 27 October 2020 - Meeting notes and additional information requested from Applicant.
- 16 November 2020 - Applicant advised on status of referrals.
- 17 November 2020 - Applicant advised that investigating private garbage collection arrangements.
- 17 December 2020 - Additional information and amended plans received from Applicant.
- 18 December 2020 - Amended plans received from Applicant.
- 11 January 2021 - Applicant following up assessment status.
- 12 January 2021 - Applicant advised of assessment status and likely timing for reporting to a Development Assessment Panel meeting.
- 27 January 2021 - Applicant provided further perspective drawings of the proposal for consideration.
- 1 March 2021 - Advice on Development Assessment Panel date.
- 8 March 2021 - Clarification of floor space ratio and view sharing details requested from Applicant.



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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 (Koala Habitat Protection) 2020

Clause 5 - This SEPP applies to the Port Macquarie-Hastings Local Government Area.

Clause 7 - The property does not meet the requirements of being 1ha or more in size. Therefore, the SEPP is not required to be considered further.

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. 65 - Design Quality of Residential Apartment Development

This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) the development consists of any of the following:
 - (i) the erection of a new building,
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
 - (iii) the conversion of an existing building, and
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

Based on the above, the proposal is greater than 3 storeys in height and contains more than 4 dwellings therefore the requirements of this SEPP are required to be considered.

Clause 6A - This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:

- (a) visual privacy,
- (b) solar and daylight access,



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- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If the Council's Development Control Plan (DCP) contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.

This clause applies regardless of when the DCP was made.

In terms of lodging the application under SEPP 65, it is noted that the proposal has during the assessment of the application provided the verification and detail required by Clause 50 and Schedule 1, Part 1(2)(5) of the *Environmental Planning and Assessment Regulation 2000*.

Clause 28(2)(b) - The proposal, as amended, has adequately addressed the Design Quality Principles contained in Schedule 1. The following table provides an assessment against the design quality principles:

Requirement	Proposed	Complies
<p>Principle 1: Context and neighbourhood character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those</p>	<p>The development site is located on the corner of William and Owen Street and is the last undeveloped site within this high-density residential precinct.</p> <p>The development site is opposite Town Beach, Port Macquarie, and within an area occupied by multi-storey residential flat buildings, holiday apartments, food and drink premises and a bowling club.</p> <p>The site and adjacent properties are zoned R4 high density residential, are mapped as having a FSR of 2:1, and a maximum height control of 26.5m.</p> <p>The proposal is sufficiently compatible with the adjoining high-density residential developments, including the Sandcastle and Luxor Apartments.</p>	Yes

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undergoing change or identified for change.		
<p>Principle 2: Built form and scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed development is sufficiently consistent with the high-density buildings within the Town Beach precinct, including:</p> <ul style="list-style-type: none"> · The adjoining six-storey Sandcastle building containing residential apartments, tourist accommodation and restaurant. · The Luxor four and eight storey residential apartment building on the western side of Owen Street opposite the subject property, and · The Waterview eight-storey residential apartment building on William Street adjoining Luxor. <p>The proposed residential flat building is consistent with the 26.5m height of building control outlined within the <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> and the setback provisions included within the <i>Port Macquarie-Hastings Development Control Plan 2013</i>.</p> <p>The proposed building enjoys good views to Town Beach and the ocean, and all apartments have been orientated towards North to maximise solar penetration into the external and internal living spaces.</p>	Yes
<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed density is appropriate to the site and is consistent with the adjacent properties resulting in a high level of amenity for the future occupants.</p> <p>The density is considered appropriate given the local environment as the proposed site is located opposite Town Beach. The Town Beach precinct allows for a range of activities for both individuals and groups in a user-friendly open space area.</p>	Yes

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<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposed building complies with the SEPP (Building Sustainability Index BASIX) 2004 and certificates and stamped plans have been submitted as part of the Development Application.</p> <p>The proposal includes the use of Solar PV panels.</p> <p>All apartments enjoy good sun penetration due to their northern orientation and cross ventilation is enhanced through side setbacks and the design takes satisfactory advantage of the corner site location.</p> <p>Recycling and waste separation are encouraged by the proposed building occupants with sufficient waste storage facilities in the basement and private garbage collection arrangements.</p> <p>Compliant minimum deep soil zone areas are provided for with the proposal.</p>	<p>Yes</p>
<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy,</p>	<p>The minimum deep soil area nominated in the Apartment Design Guide has been achieved and indicated on the plans which has slightly increased during assessment of the application.</p> <p>Landscape concept plans have been submitted as prepared by a qualified Landscape Architect.</p> <p>The proposed ground floor units have been provided with appropriate height courtyard walls and hedges to provide satisfactory privacy to the street.</p>	<p>Yes</p>

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<p>habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>		
<p>Principle 6: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposed apartments all exceed the minimum areas specified by the design guide and all the habitable rooms contain windows on the external façades.</p> <p>Living areas are located on the corners of the buildings to further enhance the environmental influences of sun penetration and cross flow ventilation.</p> <p>Bathrooms have been provided with windows where possible.</p> <p>All apartments are provided with compliant terrace areas and are designed to ensure adequate natural light filters through from the outdoor to indoor spaces.</p> <p>Shading structures are proposed to the west facades to ensure a suitable level of glare control is provided as well as shade from the summer sun. Northern units are satisfactorily shaded by terraces above.</p> <p>The proposed apartments contain 2.7m ceiling heights throughout all habitable areas and is therefore, considered consistent with the design criteria.</p> <p>The proposed building has been designed for ease of access throughout in accordance with AS1428.1. Accessible parking spaces have been provided with lifts servicing each level.</p>	Yes
<p>Principle 7: Safety</p>	<p>The building's primary common pedestrian entry is located on Owen</p>	Yes

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<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Street and is connected to the pedestrian footpath network.</p> <p>The pedestrian entrance is clearly defined, well-lit and articulated with clear sight lines available to the street.</p> <p>Pedestrian connections to the public footpath running along William Street and Owen Street are proposed in accordance with the applicable design criteria.</p> <p>The Town Beach communal open space is visible from the northern orientated units. Public and private open spaces are clearly defined though courtyard walls and landscaping.</p> <p>The basement driveway entry is located on Maritime Lane and is separate from pedestrian access which reduces any potential conflict between vehicles and pedestrians.</p>	
<p>Principle 8: Housing diversity and social interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed location of the apartment building lends itself to being designed for high density use.</p> <p>The apartments are generous and typically accommodate living spaces, kitchens, study area, 3 bedrooms and amenities.</p> <p>The building has a satisfactory relationship with Town Beach providing opportunities for communal activities and interaction.</p>	Yes

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<p>Principle 9: Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposed apartment building has been designed in a contemporary beachside manner.</p> <p>A regular floor plate has been wrapped in curves or waves to provide variable forms throughout the building's façade. The intent is to provide varying degrees of interest throughout the building or viewing it from the public realm. Each view then becomes unique. Materials and colours will also be sufficiently consistent, durable and suitable for the beachside environment.</p>	Yes
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Clause 28(2)(c), the proposal has adequately addressed the NSW Department of Planning Industry and Environment (DPIE) Apartment Design Guide requiring consideration. The following table provides an assessment against the Apartment Design Guide with assessment comments considering the design criteria and design objectives where applicable:

Apartment Design Guide (ADG) Objective	Design Guidance/Design Criteria (<i>Italics</i>)	Proposed	Complies
3A Site analysis			
3A - 1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Each element in the Site Analysis Checklist should be addressed (Appendix 1 of ADG)	A satisfactory site analysis plan has been submitted in the architectural plans set.	Yes
3B Orientation			
3B - 1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.	<p>Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).</p> <p>Where the street frontage is to the east or west, rear buildings should be orientated to the north.</p>	<p>The site is located on the corner of William Street and Owen Street. William Street is the primary frontage and provides northern orientation.</p> <p>This allows for the apartments primary living</p>	Yes

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	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).	areas and outdoor spaces to be orientated towards north and provide suitable solar access throughout the year.	
3B - 2 Overshadowing of neighbouring properties is minimised during mid-winter.	<p>Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.</p> <p>Solar access to living rooms, balconies and private open spaces of neighbours should be considered.</p> <p>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.</p> <p>Overshadowing should be minimised to the south or downhill by increased upper level setbacks.</p> <p>It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties</p>	<p>Overshadowing diagrams are included within the architectural plan set.</p> <p>Shadows generated on June 21 are project over Owens Street to the west and Maritime Lane and Port City Bowling Club to the South from 9am to 12 midday. The eastern façade of the Sandcastle apartments is affected in the afternoon however their primary rooms are located towards the north.</p>	Yes

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	<p>to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</p>		
3C Public domain interface			
3C - 1 Transition between private and public domain is achieved without compromising safety and security	<p>Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.</p> <p>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1).</p> <p>Upper level balconies and windows should overlook the public domain.</p> <p>Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.</p> <p>Length of solid walls should be limited along street frontages.</p> <p>Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in</p>	<p>The ground level apartments each have street access and direct access via the common foyers. The access paths leading to the building entries are clearly defined and architecturally detailed to ensure satisfactory legibility for residents and visitors.</p> <p>Each of the upper levels contain a balcony overlooking the street (public domain) as well as the rear area of private open space.</p>	Yes

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	<p>private courtyards adjacent to streets.</p> <p>In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:</p> <ul style="list-style-type: none"> - architectural detailing - changes in materials - plant species - colours <p>Opportunities for people to be concealed should be minimised</p>		
3C - 2 Amenity of the public domain is retained and enhanced.	<p>Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.</p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.</p> <p>The visual prominence of underground car park vents should be minimised and located at a low level where possible.</p> <p>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.</p>	<p>Satisfactory landscaping is proposed on the site including the deep soil area.</p> <p>Existing surface treatments of adjacent properties are to be continued across William Street in accordance with the Town Centre Masterplan finishes.</p>	Yes

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	<p>Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.</p> <p>Durable, graffiti resistant and easily cleanable materials should be used.</p> <p>Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:</p> <ul style="list-style-type: none"> - street access, pedestrian paths and building entries which are clearly defined - paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space - minimal use of blank walls, fences and ground level parking. <p>On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking</p>		
3D Communal and public open space			
3D - 1 An adequate area of communal open space is provided to enhance residential amenity and to provide	<p><u>Design Criteria</u></p> <p>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</p>	The site does not provide for nominated communal open space. The primary reason for the	**No - but acceptable for the reasons outlined below.



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opportunities for landscaping	<p><i>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</i></p> <p>Communal open space should be consolidated into a well-designed, easily identified and usable area.</p> <p>Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.</p> <p>Communal open space should be co-located with deep soil areas.</p> <p>Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.</p> <p>Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:</p> <ul style="list-style-type: none"> - provide communal spaces elsewhere such as a landscaped roof top terrace or a common room - provide larger balconies or increased private 	<p>proposal not providing communal open space is that the site is located on William Street opposite Town Beach which provides adequate communal and public space to the surrounding area. A compliant deep soil area / landscaping is provided on the site.</p>	
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	<p>open space for apartments</p> <ul style="list-style-type: none"> - demonstrate good proximity to public open space and facilities and/or provide contributions to public open space 		
3D - 2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	<p>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ul style="list-style-type: none"> - seating for individuals or groups - barbecue areas - play equipment or play areas - swimming pools, gyms, tennis courts or common rooms. <p>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</p> <p>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks</p>	The Town Beach precinct allows for a range of activities for both the individual and group in a user friendly open space.	Yes
3D - 3 Communal open space is designed to maximise safety	Communal open space and the public domain should be readily visible from habitable rooms and private open space	The public domain space is visible from the northern orientated units.	N/A - no communal open space on-site

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	<p>areas while maintaining visual privacy. Design solutions may include:</p> <ul style="list-style-type: none"> - bay windows - corner windows - balconies. <p>Communal open space should be well lit.</p> <p>Where communal open space/facilities are provided for children and young people they are safe and contained</p>		
3D - 4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	<p>The public open space should be well connected with public streets along at least one edge.</p> <p>The public open space should be connected with nearby parks and other landscape elements.</p> <p>Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.</p> <p>Solar access should be provided year round along with protection from strong winds.</p> <p>Opportunities for a range of recreational activities should be provided for people of all ages.</p> <p>A positive address and active frontages should be provided adjacent to public open space.</p> <p>Boundaries should be clearly defined between public open space and private areas</p>	No public open space is proposed as a part of the development.	Yes
3E Deep soil zones			
3E - 1 Deep soil zones provide areas on the site that allow	<u>Design Criteria</u>	A 76m2 deep soil zone is proposed along the southern	Yes

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<p>for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p>	<p><i>1. Deep soil zones are to meet the following minimum requirements:</i></p> <p><i>a) < 650m², no min dimension, 7% site area deep soil zone.</i></p> <p><i>b) 650-1500m², 3m dimension, 7% site area deep soil zone.</i></p> <p><i>c) >1500m², 6m dimension, 7% site area deep soil zone.</i></p> <p>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</p> <ul style="list-style-type: none"> - 10% of the site as deep soil on sites with an area of 650m² - 1,500m² - 15% of the site as deep soil on sites greater than 1,500m². <p>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</p> <ul style="list-style-type: none"> - basement and sub-basement car park design that is consolidated beneath building footprints - use of increased front and side setbacks - adequate clearance around 	<p>boundary of the site together with 14m² of deep soil zone area in the north-eastern corner of the site. This equates to a total of 7% of the site area.</p> <p>The proposed deep soil zone is considered to provide suitable area for the growth of suitable, healthy, and mature trees.</p>	
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	<p>trees to ensure long term health</p> <ul style="list-style-type: none"> - co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil. <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> - the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) - there is 100% site coverage or non-residential uses at ground floor level. <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.</p>		
3F Visual privacy			
3F - 1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	<p><u>Design Criteria</u></p> <p><i>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i></p>	The separation distances between the windows of the proposed building and the eastern neighbouring building (the Sandcastle) in particular are within the 9m habitable radius	**No - refer to comments below

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	<p>a) <i>Building height up to 12m (4 storey) need 6m setback to habitable and 3m to non-habitable.</i></p> <p>b) <i>Buildings up to 25m (5-8 storeys) need 9m to habitable and 4.5m to non-habitable.</i></p> <p>c) <i>Buildings over 25m (9+ storeys) need 12m to habitable and 6m to non-habitable.</i></p> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).</i></p> <p><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</i></p> <p>Generally, one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance.</p> <p>For residential buildings next to commercial buildings, separation distances should be measured as follows:</p> <ul style="list-style-type: none"> - for retail, office spaces and commercial 	<p>guide. The proposal has distance separation of approximately 6m.</p> <p>The potential visual privacy issues of the north-eastern corner windows of proposed Units 8, 10, 12 and 14 has been considered and are detailed graphically within the amended Architectural plan set.</p> <p>Given the small size of the proposed window and the existing screening treatment to the western edge of the Sandcastle balconies, it is considered that the proposed corner windows will not detrimentally impact the privacy of the Sandcastle residents, or the residents of the proposed building.</p> <p>Privacy screens have also been added to Bed 1 windows on the second to sixth floors on the eastern elevation of the proposed building.</p> <p>It is also considered that the area in which views from the proposed units towards the Sandcastle</p>	
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	<p>balconies use the habitable room distances</p> <ul style="list-style-type: none"> - for service and plant areas use the non-habitable room distances. <p>New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:</p> <ul style="list-style-type: none"> - site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) - on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4). <p>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).</p> <p>Direct lines of sight should be avoided for windows and balconies across corners.</p> <p>No separation is required between blank walls</p>	<p>balcony can be gained are limited.</p> <p>It is also noted that the floor levels between the Sandcastle and proposed units varies and the views are further partly obscured by this difference in levels.</p> <p>Each of the proposed units are dual access with frontage to both the north and south. The visual privacy between units is consistent with the design criteria.</p> <p>Visual privacy to the west is considered adequate and Owen Street separates the proposed units from the adjacent development.</p> <p>Visual privacy to the east is considered adequate as the proposed building is set back 3m from the boundary and faces the western side of the Sandcastle development. Existing windows in the Sandcastle façade are from amenities and utility rooms rather than general living spaces.</p>	
3F - 2 Site and building design	Communal open space, common areas and	Fin walls are provided to provide	Yes

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elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	<p>access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include:</p> <ul style="list-style-type: none"> - setbacks - solid or partially solid balustrades to balconies at lower levels - fencing and/or trees and vegetation to separate spaces - screening devices - bay windows or pop out windows to provide privacy in one direction and outlook in another - raising apartments/private open space above the public domain or communal open space - planter boxes incorporated into walls and balustrades to increase visual separation - pergolas or shading devices to limit overlooking of lower apartments or private open space - on constrained sites where it can be demonstrated that building layout opportunities are 	<p>visual privacy between unit terraces without detrimentally impacting solar access to the units.</p> <p>Common areas and access paths are satisfactorily separated from private open space and windows to apartments, particularly habitable room windows.</p>	
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	<p>limited, fixed louvres or screen panels to windows and/or balconies.</p> <p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p> <p>Balconies and private terraces should be located in front of living rooms to increase internal privacy.</p> <p>Windows should be offset from the windows of adjacent buildings.</p> <p>Recessed balconies and/or vertical fins should be used between adjacent balconies</p>		
3G Pedestrian access and entries			
3G - 1 Building entries and pedestrian access connects to and addresses the public domain	<p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.</p> <p>Entry locations relate to the street and subdivision pattern and the existing pedestrian network.</p> <p>Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.</p> <p>Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight</p>	<p>The primary building entry is located on Owen Street and is connected to the pedestrian footpath network. The entrance is sufficiently defined and articulated with clear sight lines available to the street.</p>	Yes

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	lines and pathways to secondary building entries.		
3G - 2 Access, entries and pathways are accessible and easy to identify	<p>Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.</p> <p>The design of ground floors and underground car parks minimise level changes along pathways and entries.</p> <p>Steps and ramps should be integrated into the overall building and landscape design.</p> <p>For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).</p> <p>For large developments electronic access and audio/video intercom should be provided to manage access</p>	The primary building entry area is clearly visible from Owen Street and at grade access is provided in compliance with the relevant disability standards.	Yes
3G - 3 Large sites provide pedestrian links for access to streets and connection to destinations	<p>Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.</p> <p>Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate</p>	Pedestrian connections to the public footpath running along William Street and Owen Street are proposed in accordance with the design criteria.	Yes
3H Vehicle access			
3H - 1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians	Car park access should be integrated with the building's overall facade. Design solutions may include:	The basement driveway entry is located on Maritime Lane and is separate from pedestrian access. The carpark	Yes

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and vehicles and create high quality streetscapes	<ul style="list-style-type: none"> - the materials and colour palette to minimise visibility from the street - security doors or gates at entries that minimise voids in the facade - where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed. <p>Car park entries should be located behind the building line.</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.</p> <p>Car park entry and access should be located on secondary streets or lanes where available.</p> <p>Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.</p> <p>Access point locations should avoid headlight glare to habitable rooms.</p> <p>Adequate separation distances should be provided between vehicle entries and street intersections.</p> <p>The width and number of vehicle access points should be limited to the minimum.</p>	design access point is satisfactory in accordance with the design criteria.	
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	<p>Visual impact of long driveways should be minimised through changing alignments and screen planting.</p> <p>The need for large vehicles to enter or turn around within the site should be avoided.</p> <p>Garbage collection, loading and servicing areas are screened.</p> <p>Clear sight lines should be provided at pedestrian and vehicle crossings.</p> <p>Traffic calming devices such as changes in paving material or textures should be used where appropriate.</p> <p>Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:</p> <ul style="list-style-type: none"> - changes in surface materials - level changes - the use of landscaping for separation 		
3J Bicycle and car parking			
<p>3J - 1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p><u>Notes</u></p> <p>Port Macquarie is a nominated regional centre.</p> <p>In terms of using Guide to Traffic Generating Developments, Port</p>	<p><u>Design Criteria</u></p> <p>1. <i>For development in the following locations:</i></p> <p>a) <i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i></p> <p>b) <i>on land zoned, and sites within 400 metres of land zoned, B3</i></p>	<p>In accordance with the design criteria the minimum car parking requirement for the site has been calculated in accordance the DCP provisions. These RMS provisions are therefore not reliant upon/considered in any detail.</p>	N/A

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<p>Macquarie is a "sub-regional centre" as by definition it does not have access to rail.</p> <p>Medium density is 2 - <20 dwellings.</p> <p>High Density is 20 or more dwellings</p>	<p><i>Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i></p> <p><i>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i></p> <p><i>The car parking needs for a development must be provided off street.</i></p> <p>Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site.</p> <p>Where less car parking is provided in a development, council should not provide on street resident parking permits</p> <p><u>Guide to Traffic Generating Developments</u></p> <p>Medium density residential flat buildings require:</p> <ul style="list-style-type: none"> - 1 space per unit + - 1 space for every 5 x 2-bedroom unit + - 1 space for every 2 x 3-bedroom unit + - 1 space for 5 units (visitor parking). <p>High density residential flat buildings for</p>		
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	metropolitan sub-regional centres require: <ul style="list-style-type: none"> - 0.6 spaces per 1-bedroom unit - 0.9 spaces per 2-bedroom unit - 1.40 spaces per 3-bedroom unit + - 1 space per 5 units (visitor parking) 		
3J - 2 Parking and facilities are provided for other modes of transport	<p>Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p> <p>Conveniently located charging stations are provided for electric vehicles, where desirable</p>	Bicycle racks and limited motorcycle parking are capable of being provided within the basement within the storage areas.	Yes
3J - 3 Car park design and access is safe and secure	<p>Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.</p> <p>Direct, clearly visible and well lit access should be provided into common circulation areas.</p> <p>A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.</p> <p>For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting,</p>	The lift entrance is located close to disabled clear zones to ensure that suitable access is available and a parking space is not required to be crossed to enter the lifts.	Yes

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	colour, line marking and/or bollards		
3J - 4 Visual and environmental impacts of underground car parking are minimised	<p>Excavation should be minimised through efficient car park layouts and ramp design.</p> <p>Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.</p> <p>Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.</p> <p>Natural ventilation should be provided to basement and sub-basement car parking areas.</p> <p>Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design</p>	<p>The car parking layout is logical and efficient. Excavation is to be kept to a minimum while still being capable of meeting the provisions of the BCA/NCC and AS1428.1.</p>	Yes
3J - 5 Visual and environmental impacts of on-grade car parking are minimised	<p>On-grade car parking should be avoided.</p> <p>Where on-grade car parking is unavoidable, the following design solutions are used:</p> <ul style="list-style-type: none"> - parking is located on the side or rear of the lot away from the primary street frontage - cars are screened from view of streets, buildings, communal and private open space areas - safe and direct access to 	<p>Two additional public parking spaces will be provided on Owen Street. These spaces are adjacent to existing on street parking spaces.</p> <p>There is no other on grade parking.</p>	Yes

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	<p>building entry points is provided</p> <ul style="list-style-type: none"> - parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space - stormwater run-off is managed appropriately from car parking surfaces • bio-swales, rain gardens or on site detention tanks are provided, where appropriate - light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving 		
3J - 6 Visual and environmental impacts of above ground enclosed car parking are minimised	<p>Exposed parking should not be located along primary street frontages</p> <p>Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include:</p> <ul style="list-style-type: none"> - car parking that is concealed behind the facade, with windows integrated into the overall 	Basement parking proposed.	N/A

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	<p>facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels)</p> <ul style="list-style-type: none"> - car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9). <p>Positive street address and active frontages should be provided at ground level</p>		
4A Solar and daylight access			
4A - 1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	<p><u>Design Criteria</u></p> <p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight</p>	<p>All units are provided with generous terrace areas orientated towards the north to ensure adequate natural light filters through the units.</p> <p>The ground floor single aspect Unit 1 is orientated to the north and >70% of the units achieve the minimum sunlight access between 9am and 3pm mid-winter.</p> <p>During the assessment of the application specific details have been provided to satisfactorily demonstrate that</p>	Yes

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	<p><i>between 9 am and 3 pm at mid-winter</i></p> <p>The design maximises north aspect and the number of single aspect south facing apartments is minimised.</p> <p>Single aspect, single storey apartments should have a northerly or easterly aspect.</p> <p>Living areas are best located to the north and service areas to the south and west of apartments.</p> <p>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</p> <ul style="list-style-type: none"> - dual aspect apartments - shallow apartment layouts - two storey and mezzanine level apartments - bay windows <p>To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.</p> <p>Achieving the design criteria may not be possible on some sites. This includes:</p> <ul style="list-style-type: none"> - where greater residential amenity can be achieved along a busy road or rail 	<p>1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.</p>	
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	<p>line by orientating the living rooms away from the noise source</p> <ul style="list-style-type: none"> - on south facing sloping sites - where significant views are oriented away from the desired aspect for direct sunlight <p>Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.</p>		
4A - 2 Daylight access is maximised where sunlight is limited	<p>Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.</p> <p>Where courtyards are used:</p> <ul style="list-style-type: none"> - use is restricted to kitchens, bathrooms and service areas - building services are concealed with appropriate detailing and materials to visible walls - courtyards are fully open to the sky - access is provided to the light well from a communal area for cleaning and maintenance - acoustic privacy, fire safety and minimum privacy 	<p>High level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.</p> <p>It is considered that adequate daylight access is available to each of the proposed units and generous external spaces are provided to the 2 x ground level courtyards.</p>	Yes

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	<p>separation distances (see section 3F Visual privacy) are achieved.</p> <p>Opportunities for reflected light into apartments are optimised through:</p> <ul style="list-style-type: none"> - reflective exterior surfaces on buildings opposite south facing windows - positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light - integrating light shelves into the design - light coloured internal finishes 		
4A - 3 Design incorporates shading and glare control, particularly for warmer months	<p>A number of the following design features are used:</p> <ul style="list-style-type: none"> - balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas - shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting - horizontal shading to north facing windows - vertical shading to east and 	Shading structures and balconies are proposed to the west facades to ensure a suitable level of glare control is provided as well as shade from the summer sun. Northern units are shaded by terraces above.	Yes

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	<p>particularly west facing windows</p> <ul style="list-style-type: none"> - operable shading to allow adjustment and choice - high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided) 		
4B Natural ventilation			
4B - 1 All habitable rooms are naturally ventilated	<p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support natural ventilation.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p> <p>Light wells are not the primary air source for habitable rooms.</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> - adjustable windows with large effective openable areas 	All habitable rooms are naturally ventilated.	Yes

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	<ul style="list-style-type: none"> - a variety of window types that provide safety and flexibility such as awnings and louvres - windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors 		
4B - 2 The layout and design of single aspect apartments maximises natural ventilation	<p>Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3)</p> <p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> - primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) - stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries - courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure 	There is only one single aspect (Unit 1) in this proposal. Its depth is limited as per the recommended guidance standards.	Yes

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	effective air circulation and avoid trapped smells		
4B - 3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	<p><u>Design Criteria</u></p> <p><i>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i></p> <p><i>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.</p> <p>In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4).</p> <p>Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.</p> <p>Apartment depths, combined with appropriate ceiling</p>	<p>With the exception of the ground floor Unit 1 orientated to the north, all units have the opportunity for natural cross ventilation.</p> <p>The overall depth of the apartments from the first floor up are greater than 18m glass to glass however all have triple aspects, no greater than 10m widths and are afforded with satisfactory light and ventilation opportunities.</p>	Yes and **No - refer to comments below.

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	heights, maximise cross ventilation and airflow		
4C Ceiling heights			
4C - 1 Ceiling height achieves sufficient natural ventilation and daylight access	<p><u>Design Criteria</u></p> <p><i>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i></p> <p><i>Minimum ceiling height for apartment and mixed use buildings</i></p> <p><i>Habitable rooms = 2.7m</i></p> <p><i>Non-habitable = 2.4m</i></p> <p><i>For 2 storey apartments = 2.7m for main living area floor and 2.4m for second floor, where its area does not exceed 50% of the apartment area</i></p> <p><i>Attic spaces = 1.8m at edge of room with a 30-degree minimum ceiling slope</i></p> <p><i>If located in mixed use areas = 3.3m for ground and first floor to promote future flexibility of use</i></p> <p><i>These minimums do not preclude higher ceilings if desired.</i></p> <p>Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.</p>	All units are proposed to contain 2.7m ceiling heights throughout all habitable areas and is therefore considered consistent with the design criteria.	Yes
4C - 2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	<p>A number of the following design solutions can be used:</p> <ul style="list-style-type: none"> - the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, 	All units are proposed to contain 2.7m ceiling heights throughout all habitable areas and is therefore considered consistent with the design criteria.	Yes

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	<p>or double height spaces</p> <ul style="list-style-type: none"> - well-proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings - ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist 		
4C - 3 Ceiling heights contribute to the flexibility of building use over the life of the building	Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1)	All units including the ground floor units are proposed to contain 2.7m ceiling heights throughout all habitable areas and is therefore considered consistent with the design criteria.	Yes
4D Apartment size and layout			
4D - 1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	<p><u>Design Criteria</u></p> <p>1. Apartments are required to have the following minimum internal areas:</p> <p>Studio = 35m²</p> <p>1 bedroom = 50m²</p> <p>2 bedroom = 70m²</p> <p>3 bedroom = 90m²</p> <p>The minimum internal areas include only one</p>	The internal areas of the apartments are specified on the architectural plan set. All proposed areas exceed the minimum specified by the design guide and all the habitable rooms contain windows to the external façade.	Yes

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	<p><i>bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</i></p> <p><i>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</i></p> <p><i>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</i></p> <p>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).</p> <p>A window should be visible from any point in a habitable room.</p> <p>Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits</p>		
4D - 2 Environmental performance of the apartment is maximised	<p><u><i>Design Criteria</i></u></p> <p><i>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</i></p> <p><i>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i></p>	<p>All living and bedrooms are located on the external face of the building to satisfy the required environmental performance.</p> <p>Living areas are located on the corners of the</p>	Yes

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	<p>Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.</p> <p>All living areas and bedrooms should be located on the external face of the building.</p> <p>Where possible:</p> <ul style="list-style-type: none"> - bathrooms and laundries should have an external openable window. - main living spaces should be oriented toward the primary outlook and aspect and away from noise sources 	<p>buildings to adequate sun penetration and cross flow ventilation.</p> <p>Bathrooms have been provided with windows where possible.</p>	
4D - 3 Apartment layouts are designed to accommodate a variety of household activities and needs	<p><u>Design Criteria</u></p> <p><i>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</i></p> <p><i>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</i></p> <p><i>3. Living rooms or combined living/dining rooms have a minimum width of:</i></p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p><i>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</i></p>	<p>All bedrooms contain areas greater than those required by the design guidelines (i.e. master bedrooms are larger than 10m² and all other bedrooms are larger than 9m² and include a minimum dimension of 3m).</p> <p>The open plan and internal arrangements of the proposed units are considered to provide spaces for a range of activities and privacy levels whilst also facilitating a variety of future arrangements. The</p>	Yes

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	<p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.</p> <p>All bedrooms allow a minimum length of 1.5m for robes.</p> <p>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.</p> <p>Apartment layouts allow flexibility over time, design solutions may include:</p> <ul style="list-style-type: none"> - dimensions that facilitate a variety of furniture arrangements and removal - spaces for a range of activities and privacy levels between different spaces within the apartment - dual master apartments - dual key apartments Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments - room sizes and proportions or open plans (rectangular spaces (2:3) are more easily 	proposal is therefore considered compliant with this design criteria.	
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	<p>furnished than square spaces (1:1))</p> <ul style="list-style-type: none"> - efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms 		
4E Private open space and balconies			
4E - 1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity	<p><u>Design Criteria</u></p> <p>1. All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> a) Studio apartments = 4m² b) 1 bedroom apartments = 8m² and 2m min depth. c) 2 bedroom apartments = 10m² and 2m min depth. d) 3+ bedroom apartments = 12m² and 2.4m min depth. <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p> <p>Increased communal open space should be provided where the</p>	Each of the proposed apartments contain an area greater than the minimum required by the design guidelines.	Yes

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	<p>number or size of balconies are reduced.</p> <p>Storage areas on balconies is additional to the minimum balcony size.</p> <p>Balcony use may be limited in some proposals by:</p> <ul style="list-style-type: none"> - consistently high wind speeds at 10 storeys and above - close proximity to road, rail or other noise sources - exposure to significant levels of aircraft noise - heritage and adaptive reuse of existing buildings <p>In these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated</p>		
4E - 2 Primary private open space and balconies are appropriately located to enhance liveability for residents	<p>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.</p> <p>Private open spaces and balconies predominantly face north, east or west.</p> <p>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to</p>	The external terrace areas for each of the proposed units are located off main living space areas in a manner compliant with the design criteria.	Yes

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	optimise daylight access into adjacent rooms.		
4E - 3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	<p>Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.</p> <p>Full width full height glass balustrades alone are generally not desirable.</p> <p>Projecting balconies should be integrated into the building design and the design of soffits considered.</p> <p>Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.</p> <p>Balustrades are set back from the building or balcony edge where overlooking or safety is an issue.</p> <p>Downpipes and balcony drainage are integrated with the overall facade and building design.</p> <p>Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.</p> <p>Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.</p>	<p>The external terrace area designs provide opportunity for views across the site, passive surveillance of the street and maintaining a reasonable level of visual privacy for occupants.</p> <p>A combination of opaque and solid balustrades is considered to contribute to the provision of privacy whilst also ensuring a positive contribution to architectural form.</p>	Yes

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	<p>Ceilings of apartments below terraces should be insulated to avoid heat loss.</p> <p>Water and gas outlets should be provided for primary balconies and private open space</p>		
4E - 4 Private open space and balcony design maximises safety.	<p>Changes in ground levels or landscaping are minimised.</p> <p>Design and detailing of balconies avoids opportunities for climbing and falls.</p>	<p>Balustrades are considered to provide a design compliance with the applicable requirements and are not considered to provide opportunities for climbing or falls. Further construction details are to be in accordance with the NCC.</p>	Yes
4F Common circulation and spaces			
4F - 1 Common circulation spaces achieve good amenity and properly service the number of apartments	<p><u>Design Criteria</u></p> <p>1. <i>The maximum number of apartments off a circulation core on a single level is eight.</i></p> <p>2. <i>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</i></p> <p>Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.</p> <p>Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.</p> <p>Windows should be provided in common</p>	<p>The proposed building includes a common circulation core with 2 lifts which service 1 or 2 units on each level combined.</p> <p>The common entry area has opportunity for natural ventilation.</p> <p>No long corridors are proposed to service the units on each level of the building.</p>	Yes

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	<p>circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.</p> <p>Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:</p> <ul style="list-style-type: none"> - a series of foyer areas with windows and spaces for seating - wider areas at apartment entry doors and varied ceiling heights <p>Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.</p> <p>Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:</p> <ul style="list-style-type: none"> - sunlight and natural cross ventilation in apartments - access to ample daylight and natural ventilation in common circulation spaces - common areas for seating and gathering 		
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	<ul style="list-style-type: none"> - generous corridors with greater than minimum ceiling heights - other innovative design solutions that provide high levels of amenity <p>Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p> <p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled</p>		
4F - 2 Common circulation spaces promote safety and provide for social interaction between residents	<p>Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.</p> <p>Tight corners and spaces are avoided.</p> <p>Circulation spaces should be well lit at night.</p> <p>Legible signage should be provided for apartment numbers, common areas and general wayfinding.</p> <p>Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.</p>	The proposed circulation core provides a short, direct entry to the lift. Due to their short length these foyer spaces are well lit and free of tight corners.	Yes

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	<p>In larger developments, community rooms for activities such as owner's corporation meetings or resident use should be provided and are ideally co-located with communal open space.</p> <p>Where external galleries are provided, they are more open than closed above the balustrade along their length.</p>		
4G Storage			
4G - 1 Adequate, well designed storage is provided in each apartment	<p><u><i>Design Criteria</i></u></p> <p><i>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</i></p> <p><i>a) Studio apartments = 4m³.</i></p> <p><i>b) 1 bedroom apartments = 6m³.</i></p> <p><i>c) 2 bedroom apartments 8m³.</i></p> <p><i>d) 3+ bedroom apartments = 10m³.</i></p> <p><i>At least 50% of the required storage is to be located within the apartment.</i></p> <p>Storage is accessible from either circulation or living areas.</p> <p>Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.</p>	Satisfactory storage spaces are available within each unit via the provision of large robes to each bedroom, linen cupboards, and storage areas.	Yes

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	Left over space such as under stairs is used for storage		
4G - 2 Additional storage is conveniently located, accessible and nominated for individual apartments	<p>Storage not located in apartments is secure and clearly allocated to specific apartments.</p> <p>Storage is provided for larger and less frequently accessed items.</p> <p>Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.</p> <p>If communal storage rooms are provided they should be accessible from common circulation areas of the building.</p> <p>Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.</p>	Additional storage will be provided in the basement where possible and allocated to individual units.	Yes
4H Acoustic privacy			
4H - 1 Noise transfer is minimised through the siting of buildings and building layout	<p>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).</p> <p>Window and door openings are generally orientated away from noise sources.</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</p>	The internal layout of the units has been designed to maximise acoustic privacy between apartments.	Yes

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	<p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.</p> <p>The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.</p> <p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.</p>		
4H - 2 Noise impacts are mitigated within apartments through layout and acoustic treatments	<p>Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:</p> <ul style="list-style-type: none"> - rooms with similar noise requirements are grouped together - doors separate different use zones - wardrobes in bedrooms are co-located to act as sound buffers <p>Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:</p> <ul style="list-style-type: none"> - double or acoustic glazing - acoustic seals • use of materials with low noise penetration properties 	Internal walls between apartments shall be constructed to comply with the applicable noise and acoustic standards of the NCC.	Yes

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	<ul style="list-style-type: none"> - continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements 		
4J Noise and pollution			
4J - 1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	<p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> - physical separation between buildings and the noise or pollution source - residential uses are located perpendicular to the noise source and where possible buffered by other uses - non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces - non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative 	The subject site is not considered to be located within a noisy or hostile environment.	Yes

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	<p>to traffic volumes and other noise sources</p> <ul style="list-style-type: none"> - buildings should respond to both solar access and noise. Where solar access is away from the noise source, nonhabitable rooms can provide a buffer - where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4) - landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry. <p>Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:</p> <ul style="list-style-type: none"> - solar and daylight access - private open space and balconies - natural cross ventilation 		
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4J - 2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	<p>Design solutions to mitigate noise include:</p> <ul style="list-style-type: none"> - limiting the number and size of openings facing noise sources - providing seals to prevent noise transfer through gaps - using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) - using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits 	The building is not considered to front a noise source that would necessitate the installation of design mitigation solutions.	N/A
4K Apartment mix			
4K - 1 A range of apartment types and sizes is provided to cater for different household types now and into the future	<p>A variety of apartment types is provided The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> - the distance to public transport, employment and education centres - the current market demands and projected future demographic trends - the demand for social and affordable housing 	The proposed building contains 1 x 2 bedroom units, 13 x 3 bedroom units and 1 x 4 bedroom unit. This apartment mix is appropriate for the site and its position.	Yes

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	<ul style="list-style-type: none"> - different cultural and socioeconomic groups <p>Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.</p>		
4K - 2 The apartment mix is distributed to suitable locations within the building	<p>Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3).</p> <p>Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.</p>	The apartment types are generally consistent throughout the development.	Yes
4L Ground floor apartments			
4L - 1 Street frontage activity is maximised where ground floor apartments are located	<p>Direct street access should be provided to ground floor apartments.</p> <p>Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:</p> <ul style="list-style-type: none"> - both street, foyer and other common internal circulation entrances to ground floor apartments - private open space is next to the street - doors and windows face the street 	Direct access to public streets is achieved from both units 1 and 2.	Yes

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	<p>Retail or home office spaces should be located along street frontages.</p> <p>Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion.</p>		
4L - 2 Design of ground floor apartments delivers amenity and safety for residents	<p>Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</p> <ul style="list-style-type: none"> - elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) - landscaping and private courtyards - window sill heights that minimise sight lines into apartments - integrating balustrades, safety bars or screens with the exterior design <p>Solar access should be maximised through:</p> <ul style="list-style-type: none"> - high ceilings and tall windows - trees and shrubs that allow solar access in winter and shade in summer 	Ground floor units are provided with courtyards walls and landscaping providing adequate amenity, privacy, and safety.	Yes

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4M Facades			
4M - 1 Building facades provide visual interest along the street while respecting the character of the local area	<p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> - a composition of varied building elements - a defined base, middle and top of buildings - revealing and concealing certain elements - changes in texture, material, detail and colour to modify the prominence of elements <p>Building services should be integrated within the overall façade.</p> <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:</p> <ul style="list-style-type: none"> - well composed horizontal and vertical elements - variation in floor heights to enhance the human scale - elements that are proportional and arranged in patterns - public artwork or treatments to exterior blank walls - grouping of floors or elements such as balconies and 	The proposed design provides a composition of curved elements to ensure that the building unique from provides visual interest from the street.	Yes

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	<p>windows on taller buildings</p> <p>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</p> <p>Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.</p>		
4M - 2 Building functions are expressed by the facade	<p>Building entries should be clearly defined.</p> <p>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.</p> <p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs</p>	The primary common building entry is clearly defined from the street through a feature awning.	Yes
4N Roof design			
4N - 1 Roof treatments are integrated into the building design and positively respond to the street	<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> - special roof features and strong corners - use of skillion or very low pitch hipped roofs - breaking down the massing of the roof by using smaller elements to avoid bulk - using materials or a pitched form complementary to adjacent buildings 	The proposal includes a feature roof with low pitch to ensure that the height of the building is appropriate. Curved elements reflect the design intent of the building's composition.	Yes

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	<p>Roof treatments should be integrated with the building design. Design solutions may include:</p> <ul style="list-style-type: none"> - roof design proportionate to the overall building size, scale and form - roof materials compliment the building - service elements are integrated 		
4N - 2 Opportunities to use roof space for residential accommodation and open space are maximised	<p>Habitable roof space should be provided with good levels of amenity. Design solutions may include:</p> <ul style="list-style-type: none"> - penthouse apartments - dormer or clerestory windows - openable skylights <p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.</p>	No roof space is proposed.	N/A
4N - 3 Roof design incorporates sustainability features	<p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> - the roof lifts to the north - eaves and overhangs shade walls and windows from summer sun. <p>Skylights and ventilation systems should be</p>	Roof overhangs and eaves provide shade in summer months for the top level unit.	Yes

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	integrated into the roof design		
4O Landscape design			
4O - 1 Landscape design is viable and sustainable	<p>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:</p> <ul style="list-style-type: none"> - diverse and appropriate planting - bio-filtration gardens - appropriately planted shading trees - areas for residents to plant vegetables and herbs - composting - green roofs or walls <p>Ongoing maintenance plans should be prepared.</p> <p>Microclimate is enhanced by:</p> <ul style="list-style-type: none"> - appropriately scaled trees near the eastern and western elevations for shade - a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter 	<p>A landscape plan and external works plan is included in the attached Architectural plan set.</p> <p>The proposed landscape planting includes large trees, hedges and several different ground plane and flowering plants.</p>	Yes

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	<ul style="list-style-type: none"> - shade structures such as pergolas for balconies and courtyards <p>Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4)</p> <p>Table 4 requires</p> <ul style="list-style-type: none"> - For site area up to 850m² = 1 medium tree per 50m² of deep soil zone - Between 850 - 1,500m² = 1 large tree or 2 medium trees per 90m² of deep soil zone - Greater than 1,500m² = 1 large tree or 2 medium trees per 80m² of deep soil zone 		
4O - 2 Landscape design contributes to the streetscape and amenity	<p>Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> - changes of levels - views - significant landscape features including trees and rock outcrops <p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"> - tree protection zones (see figure 4O.5) - appropriate signage and fencing during construction <p>Plants selected should be endemic to the region</p>	The deep soil area is predominately flat and orientated towards Maritime Lane to the south and the north-eastern corner of the site.	Yes

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	and reflect the local ecology		
4P Planting on structures			
4P - 1 Appropriate soil profiles are provided	<p>Structures are reinforced for additional saturated soil weight</p> <p>Soil volume is appropriate for plant growth, considerations include:</p> <ul style="list-style-type: none"> - modifying depths and widths according to the planting mix and irrigation frequency - free draining and long soil life span - tree anchorage <p>Minimum soil standards for plant sizes should be provided in accordance with Table 5.</p> <p>Table 5 requires</p> <ul style="list-style-type: none"> - Large trees 12-18m high, up to 16m crown spread at maturity = need 150m³ of soil at a depth of 1,200mm and area of 10m x 10m or equivalent. - Medium trees 8-12m high, up to 8m crown spread at maturity = need 35m³ of soil at a depth of 1,000mm and area of 6m x 6m or equivalent. - Small trees 6-8m high, up to 4m crown spread at maturity = need 9m³ of soil at a 	The proposed deep soil zone can be provided with appropriate soil profile to meet the design criteria.	Yes



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	<p>depth of 800mm and area of 3.5m x 3.5m or equivalent.</p> <ul style="list-style-type: none"> - Shrubs need soil depth of 500-600mm - Ground cover needs soil depth of 300-450mm - Turf needs soil depth of 200mm 		
4P - 2 Plant growth is optimised with appropriate selection and maintenance	<p>Plants are suited to site conditions, considerations include:</p> <ul style="list-style-type: none"> - drought and wind tolerance - seasonal changes in solar access - modified substrate depths for a diverse range of plants - plant longevity <p>A landscape maintenance plan is prepared.</p> <p>Irrigation and drainage systems respond to:</p> <ul style="list-style-type: none"> - changing site conditions - soil profile and the planting regime - whether rainwater, stormwater or recycled grey water is used 	<p>The plant species identified within the attached External works plan have been chosen for their suitability for the local environment and tolerance to the existing and proposed site conditions. The proposal is considered compliant with the design criteria.</p>	Yes
4P - 3 Planting on structures contributes to the quality and amenity of communal and public open spaces	<p>Building design incorporates opportunities for planting on structures. Design solutions may include:</p> <ul style="list-style-type: none"> - green walls with specialised 	<p>Landscaping works are proposed within the courtyard areas and are considered to positively contribute to the</p>	Yes

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	<p>lighting for indoor green walls</p> <ul style="list-style-type: none"> - wall design that incorporates planting - green roofs, particularly where roofs are visible from the public domain - planter boxes <p>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time</p>	<p>quality and amenity of the areas. The proposal is considered compliant with the design criteria.</p>	
4Q Universal design			
<p>4Q - 1 Universal design features are included in apartment design to promote flexible housing for all community members</p>	<p>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features</p>	<p>The seven core design elements of the silver level include: <i>A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.</i> Comment: Each apartment is provided with lift access and all apartments on the ground floor are available as a step free level from Owen Street <i>At least one, level (step-free) entrance into the dwelling.</i> Comment: Each apartment is accessible via lift with no steps. <i>Internal doors and corridors that</i></p>	<p>Yes</p>

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		<p><i>facilitate comfortable and unimpeded movement between spaces.</i> Comment: The main entry has a width of 4.1m, the internal cores are 2.8m wide. The proposed widths are considered to provide comfortable movement.</p> <p><i>A toilet on the ground (or entry) level that provides easy access.</i> Comment: The bathrooms to the units on the ground floor are available for easy access.</p> <p><i>A bathroom that contains a hobless (step-free) shower recess.</i> Comment: The final design of the bathrooms is to be completed. The Applicant has advised that a hobless (step-free) shower recess will be accommodated in the proposed bathroom layouts.</p> <p><i>Reinforced walls around the toilet, shower, and bath to support the safe installation of grab rails later.</i> Comment: The final material for the bathroom walls has not yet been determined however, considered that reinforced walls</p>	
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		<p>can be provided where required. <i>A continuous handrail on one side of any stairway where there is a rise of more than one metre.</i></p> <p>Comment: A continuous handrail is proposed within all stairways.</p>	
4Q - 2 A variety of apartments with adaptable designs are provided	<p>Adaptable housing should be provided in accordance with the relevant council policy. Design solutions for adaptable apartments include:</p> <ul style="list-style-type: none"> - convenient access to communal and public areas - high level of solar access - minimal structural change and residential amenity loss when adapted - larger car parking spaces for accessibility - parking titled separately from apartments or shared car parking arrangements 	<p>The proposed apartments are considered generous in size and provide a layout that can be adaptable. All apartments have a high level of solar access.</p>	Yes
4Q - 3 Apartment layouts are flexible and accommodate a range of lifestyle needs	<p>Apartment design incorporates flexible design solutions which may include:</p> <ul style="list-style-type: none"> - rooms with multiple functions - dual master bedroom apartments with 	<p>The proposed apartments contain open plan living, kitchen and dining areas which are suitable for a variety of adaptable uses.</p>	Yes

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	separate bathrooms <ul style="list-style-type: none"> - larger apartments with various living space options - open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom 		
4R Adaptive reuse			
4R - 1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Design solutions may include: <ul style="list-style-type: none"> - new elements to align with the existing building - additions that complement the existing character, siting, scale, proportion, pattern, form and detailing - use of contemporary and complementary materials, finishes, textures and colours Additions to heritage items should be clearly identifiable from the original building. New additions allow for the interpretation and future evolution of the building.	The proposed building is new, and no adaptive re-use is currently proposed.	Yes
4R - 2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include:	The design of the apartments is satisfactory given the physical limitations of the site and noting that the majority of the apartments have triple aspects, generous width frontages of each apartment with a	Yes

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	<ul style="list-style-type: none"> - generously sized voids in deeper buildings - alternative apartment types when orientation is poor - using additions to expand the existing building envelope <p>Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas:</p> <ul style="list-style-type: none"> - where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation) - alternatives to providing deep soil where less than the minimum requirement is currently available on the site - building and visual separation – subject to 	north aspect and 2.7m height floor to ceilings.	
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	<p>demonstrating alternative design approaches to achieving privacy</p> <ul style="list-style-type: none"> - common circulation - car parking - alternative approaches to private open space and balconies 		
4S Mixed use			
4S - 1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	<p>Mixed use development should be concentrated around public transport and centres.</p> <p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> - development addresses the street - active frontages are provided - diverse activities and uses - avoiding blank walls at the ground level - live/work apartments on the ground floor level, rather than commercial 	The proposal is for residential only.	Yes
4S - 2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	<p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> - residential entries are separated from commercial entries and directly accessible from the street 	The proposal is for residential only.	Yes

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	<ul style="list-style-type: none"> - commercial service areas are separated from residential components - residential car parking and communal facilities are separated or secured - security at entries and safe pedestrian routes are provided - concealment opportunities are avoided <p>Landscaped communal open space should be provided at podium or roof levels.</p>		
4T Awnings and signage			
4T - 1 Awnings are well located and complement and integrate with the building design	<p>Awnings should be located along streets with high pedestrian activity and active frontages.</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - continuous awnings are maintained and provided in areas with an existing pattern - height, depth, material and form complements the existing street character - protection from the sun and rain is provided - awnings are wrapped around the secondary 	<p>Awnings have been designed to provide shade to windows where appropriate.</p> <p>Street awnings are not proposed however as the planning controls for the locality do not require awnings on the streets.</p>	Yes

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	<p>frontages of corner sites</p> <ul style="list-style-type: none"> - awnings are retractable in areas without an established pattern <p>Awnings should be located over building entries for building address and public domain amenity.</p> <p>Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.</p> <p>Gutters and down pipes should be integrated and concealed.</p> <p>Lighting under awnings should be provided for pedestrian safety.</p>		
4T - 2 Signage responds to the context and desired streetscape character	<p>Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.</p> <p>Legible and discrete way finding should be provided for larger developments.</p> <p>Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.</p>	The proposal seeks consent for typical building identification signage.	Yes
4U Energy efficiency			
4U - 1 Development incorporates passive environmental design	<p>Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access).</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p>	The proposal is considered to contain a design which achieves adequate natural light and ventilation to the internal areas of each apartment. The proposal is considered	Yes

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		compliant with the design criteria. BASIX certificates have been provided as part of the DA application.	
4U - 2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - the use of smart glass or other technologies on north and west elevations - thermal mass in the floors and walls of north facing rooms is maximised - polished concrete floors, tiles or timber rather than carpet - insulated roofs, walls and floors and seals on window and door openings - overhangs and shading devices such as awnings, blinds and screens <p>Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)</p>	The proposal is considered to provide adequate passive solar design.	Yes
4U - 3 Adequate natural ventilation minimises the need for mechanical ventilation	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - rooms with similar usage are grouped together - natural cross ventilation for apartments is optimised 	The proposal is considered to provide adequate natural ventilation.	Yes

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	- natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible		
4V Water management and conservation			
4V - 1 Potable water use is minimised	Water efficient fittings, appliances and wastewater reuse should be incorporated. Apartments should be individually metered. Rainwater should be collected, stored and reused on site. Drought tolerant, low water use plants should be used within landscaped areas	Satisfactory BASIX Certificate submitted which includes requirements for water efficient fittings and appliances.	Yes
4V - 3 Flood management systems are integrated into site design	Detention tanks should be located under paved areas, driveways or in basement car parks. On large sites parks or open spaces are designed to provide temporary on site detention basins.	Refer to the stormwater comments later in this report. The proposal is considered compliant with the design criteria. The subject site is not identified as flood prone land. Suitable stormwater management systems are proposed to cater for any internal flooding of the basement parking area.	Yes
4W Waste management			
4W - 1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development	A common waste storage area is proposed within the basement parking area in a location suitable for collection via a	Yes

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	<p>or in the basement car park.</p> <p>Waste and recycling storage areas should be well ventilated.</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p> <p>Temporary storage should be provided for large bulk items such as mattresses.</p> <p>A waste management plan should be prepared</p>	private contractor (within the driveway).	
4W - 2 Domestic waste is minimised by providing safe and convenient source separation and recycling	<p>All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days' worth of waste and recycling.</p> <p>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</p> <p>For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.</p> <p>Alternative waste disposal methods such as composting should be provided</p>	<p>A specific dedicated area is available within the basement for storage of waste bins prior to collection.</p> <p>Collection from the proposed building can occur via private collection.</p>	Yes
4X Building maintenance			
4X - 1 Building design detail provides protection from weathering	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - roof overhangs to protect walls - hoods over windows and 	The proposed design is considered to provide design solutions compliant with these weather protection criteria.	Yes

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	<p>doors to protect openings</p> <ul style="list-style-type: none"> - detailing horizontal edges with drip lines to avoid staining of surfaces - methods to eliminate or reduce planter box leaching - appropriate design and material selection for hostile locations 		
4X - 2 Systems and access enable ease of maintenance	<p>Window design enables cleaning from the inside of the building.</p> <p>Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade.</p> <p>Design solutions do not require external scaffolding for maintenance access.</p> <p>Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems.</p> <p>Centralised maintenance, services and storage should be provided for communal open space areas within the building.</p>	Most windows are accessible from external terraces.	Yes
4X - 3 Material selection reduces ongoing maintenance costs	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - sensors to control artificial lighting in common circulation and spaces 	<p>The materials chosen for the proposed building are appropriate for the locality, robust and durable.</p> <p>The Applicant has advised that sensor lighting will be provided to all</p>	Yes

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	<ul style="list-style-type: none"> - natural materials that weather well and improve with time such as face brickwork - easily cleaned surfaces that are graffiti resistant - robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors 	common circulation areas.	
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Further to the above Clause 30(1) states that consent cannot be refused on the following grounds if the development satisfies the relevant design criteria:

- (a) *if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
- (b) *if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*
- (c) *if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

As noted in the above assessment, the proposed development satisfies the relevant design criteria for car parking, internal area and ceiling heights and consent could not be refused on any of these grounds.

Clause 30(2) - Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

- (a) *the design quality principles, and*
- (b) *the objectives specified in the Apartment Design Guide for the relevant design criteria.*

Comment:

In addition to the above, Clauses 143A and 154A of the *Environmental Planning and Assessment Regulation 2000* require a certifying authority not issue a construction certificate for the development unless the certifying authority has received the statement by the qualified designer verifying that the development achieves compliance with the design quality principles at the construction certificate and occupation certificate.



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Compliance with Clauses 143A and 154A are recommended to form conditions of consent.

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal use area and coastal environment area.

Clause 7 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 13 and 14 of the SEPP the proposed development is not considered likely to result in any of the following:

- a. any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b. any adverse impacts coastal environmental values and natural coastal processes;
- c. any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d. any adverse impact on Aboriginal cultural heritage, practices and places;
- e. any adverse impacts on the cultural and built environment heritage;
- f. any adverse impacts the use of the surf zone;
- g. any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- h. overshadowing, wind funnelling and the loss of views from public places to foreshores; and
- i. any adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

Clause 15 - The proposal is not likely to cause identifiable increased risk of coastal hazards on the land or other land.

The bulk, scale and size of the proposed development is sufficiently compatible with the surrounding coastal and built environment. The site is predominately clear of any significant vegetation and located within an area zoned for high density residential purposes.

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

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

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 - Development in proximity to electricity infrastructure - Referral to Essential Energy has been undertaken having regard to the following referral triggers:

- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower;*
- (b) *development carried out:*



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- (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
- (ii) *immediately adjacent to an electricity substation, or*
- (iii) *within 5m of an exposed overhead electricity power line,*
- (c) *installation of a swimming pool any part of which is:*
 - (i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool*

Essential Energy did not have any specific comments regarding the proposal but provided some general safety advice which has been forwarded the Applicant for consideration.

The development does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the Transport for NSW is not required.

State Environmental Planning Policy (State and Regional Development) 2011

This Policy defines those developments which are regionally or state significant and require consideration by the relevant NSW Regional Planning Panels. This includes certain types of infrastructure projects and projects with values over a certain amount.

Residential Flat Buildings are not a type of development listed within Schedule 1 State Significant Development (General) and the site is not listed within Schedule 2 State Significant Development (Identified Sites).

Schedule 7 sets out the provisions for development which is to be declared regionally significant. Clause 2 states that regionally significant development includes development that has a capital investment value of more than \$30 million. The proposed building has an estimated capital investment value of \$14 million and therefore does not trigger the regionally significant provisions.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Division 4 - Having considered the provisions of Division 4 (clause 29-31), the proposed development will be unlikely to result/create any adverse impact on any oyster aquaculture development or priority oyster aquaculture area.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned R4 high density residential.
- Clause 2.3(1) and the R4 zone landuse table, the proposed development for a residential flat building is a permissible landuse with consent.

The objectives of the R4 zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*



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- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for tourist and visitor accommodation in key tourist precincts of urban areas of the Council area, while also encouraging increased population levels.*
- *To encourage development that has regard to the desired future character of streets and supports active and safe uses at pedestrian level.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible landuse;
 - The proposal will provide for a suitable variety of housing type within a planned high density area;
 - The proposal will be sufficiently compatible with the desired character for the locality and provides a high quality design at street level.
- Clause 2.7 - The demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.1 - The minimum lot sizes standard of 2000m² does not apply to the proposal as the proposal includes consolidation of 2 lots to create a combined site area of 1174m².
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 26.4m which complies with the standard height limit of 26.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal has been calculated to be 2.5:1. The maximum floor space ratio standard applicable to the site is 2.0:1. As a result, the applicant has submitted a Clause 4.6 variation to the standard. The variation represents a 25% variation from the proportional standard and equates to an additional floor area of 540m² above the standard for the site.
- Clause 4.6(3) - Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the Applicant submitted a Clause 4.6 variation to the standard (refer to attachments to this report) based on the following primary reasons:

- The density of the proposed building will be similar to the immediately adjoining residential developments within William Street.
- The subject site is considered a key location, being an underdeveloped site opposite Town Beach and close to the Port Macquarie CBD.
- The front, side and rear setbacks align with the adjoining Sandcastle building and comply with the provisions of Development Control Plan 2013.
- The recessed nature of the front and rear of the building is considered to minimise the building's impact on the streetscapes.



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- The proposed building does not exceed the maximum 26.5m building height limit for the site.
 - View sharing impacts are reasonable and considered.
 - The site is located between 5 and 8 storey residential flat buildings and currently consists of two separate Torrens title allotments.
 - The proposed building is of a high design quality.
 - The proposed building will not appear out of context and a visual analysis supports this justification.
 - Satisfactory internal amenity, solar access and ventilation is achieved.
 - The proposal is consistent with the floor space ratio objectives.
- The following additional matters are noted in addition to the Applicant's justification:
- The top-most apartment is set back and in from the majority of the other units below.
 - The development is consistent with the zoning and height objectives of the LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.
 - The public benefit of the standard is not compromised or eroded as this is one individual case of variation in between similar buildings.
 - The variation is justified having regard to case law both from the NSW Land and Environment Court and the NSW Court of Appeal - Reference is made to the Department of Planning Industry and Environment's Guideline for Varying Development Standards.
 - The streets will become activated by a compatible urban form.

Having consideration to the above, the Applicant has satisfactorily demonstrated that the proposal is consistent with the performance objectives of the floor space ratio clause. It is agreed in particular that the Applicant has demonstrated that compliance with the standard is unreasonable/unnecessary in the circumstances and there is sufficient environmental planning grounds to support the variation.

As per Planning Circular PS 20-002, Council can assume the Director-General's Concurrence for variations to floor space ratios. The floor space ratio variation is greater than a 10% deviation from the standard which is required to be determined at an Ordinary Meeting of full Elected Council.

- Clause 5.10 - The site is mapped as being within the area of potential Archaeological significance (A111). The proposal has been referred to Heritage NSW during the assessment. Heritage NSW have provided advice which can be considered via a recommended condition of consent which essentially ensures that if unexpected archaeological deposits or relics not identified work must cease and notify Heritage NSW.
- Clause 7.1 - The site does not contain any mapped potential acid sulfate soils.
- Clause 7.3 - The site is not mapped as land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard).
- Clause 7.7 - Airspace operations. A standard condition is recommended to require a controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to



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whether an approval is required, applicants should check with the airport operator at the earliest possible stage.

- 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: Part B - General Provisions - B1: Advertising and Signage			
DCP Objective	Development Provisions	Proposed	Complies
1	a) Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	No advertising signage proposed. Standard consent condition recommended for any signage to require consent if otherwise not exempt development.	N/A

DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	<p>The proposed building includes a waste collection room within the basement to maximise source separation of general waste, recycling and food and garden organics. The quantity of garbage collection and storage areas has been more detailed during the assessment of the application.</p> <p>Private garbage collection arrangements are proposed.</p> <p>A standard consent condition is recommended to require private garbage collection arrangements to be in place.</p>	Yes
Cut and Fill Regrading			



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4	a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	The proposal seeks to provide a basement parking level resulting in an estimated level of cut of 3m contained within the building envelope.	N/A
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Noted. Any retaining walls greater than 1 metre in height, including the basement, will be certified by a practicing structural engineer during the detailed design phase of the proposal. A standard consent condition is recommended in this regard.	Yes
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 	The proposed courtyard fence will have a maximum height of 1.2m and as detailed in the landscape plan will include recessed gardens which are considered to positively contribute to the buildings design and its presence to the street.	Yes
6	a) Significant land reforming proposals where >10% gross site area or >1.0ha is to have surface levels changed by more than 5m or where	The proposed basement level will be approximately 3m	N/A

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	<p>earthworks exceed an average of 10,000m³ per ha shall:</p> <ul style="list-style-type: none"> – identify the impact of the proposed land reforming on the environment, landscape, – visual character and amenity, natural watercourses, riparian vegetation, topographical features of the environment and public infrastructure; – demonstrate compliance with the provisions of Council's AUS-SPEC design specification; – assess the impacts and benefits of the proposal to all impacted persons and the general public; – provide measures to compensate for and minimise any net adverse impacts. 	below the natural surface level and is not anticipated to exceed 10,000m ³ per ha of surface change.	
	b) The use of high earthworks batters should be avoided.	No earthworks batters are proposed.	N/A
	c) Preliminary plans indicating the final landform are required to be submitted with any master plan or subdivision application.	The plans submitted indicate the final landform.	Yes
	d) The subdivision should be designed to fit the topography rather than altering the topography to fit the subdivision.	The subdivision proposed is for the consolidation of existing Lots 1 and 2 into a single Torrens Title allotment.	Yes
Tree Management – Private Land			
11	a) Pruning must be undertaken in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees.	All of the trees on-site are located within managed gardens and include exotic and native species. All trees on site are proposed to be removed as a part of the works.	N/A - removal not pruning
	b) An application for the removal of a tree listed in Table 1 must be accompanied by an	All trees located on site are proposed to be removed. The trees on-site are located within managed gardens and	N/A

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	<p>Arborist's report stating that the tree:</p> <ul style="list-style-type: none"> – is dangerous; or – is dying and remedial pruning would not improve the deteriorated condition of the tree; or – has a history of branch fall (documented or photographic evidence to be provided); or – is structurally unsound or; diseased. – Advice on the requirement of an arborist report associated with a tree removal permit can be obtained from Council's Tree Assessment staff. – The requirement for an arborist report for tree removal associated with a development application will be determined on merit by Council's Development Assessment. 	<p>include introduced and native species. The remainder of the vegetation on-site consists of managed gardens and lawn.</p> <p>The site is isolated from and is not identified as being part of a vegetation corridor.</p> <p>All existing trees and vegetation within the site are proposed to be removed as a part of this application. No Arborist assessment considered necessary.</p>	
	<p>c) Where a tree listed in Table 1 is approved for removal it must be compensated with 2 x koala habitat trees. Significant large-scale development will require an advanced size koala food tree or habitat tree (primary Koala browse species) that meets AS2303:2015 Tree Stock for Landscape Use. The compensation tree is to be planted in a suitable location as determined by the Director of Development and Environment or their delegate.</p>	<p>The existing trees proposed to be removed do not include any of the trees listed in Table 1.</p>	Yes
Tree Management – Public Land			
12	<p>a) Trees on public land shall not be pruned or removed unless:</p> <ul style="list-style-type: none"> – Written consent is provided by Council; and – They are dead, dying, diseased or dangerous, or 	<p>No tree removal on public land proposed.</p>	N/A

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	<ul style="list-style-type: none"> - They are causing damage to infrastructure on public land, or - They are impacting on pedestrian or traffic conditions; or - They are interfering with services on private property; or - They impact on the outlook from historic sites or significant public viewing areas, or - The growth habit or mature size of the tree is undesirable in a particular situation, as determined by the General Manager or his delegates; or 		
Tree Management - Hollow Bearing Trees			
13	a) All hollow bearing trees within the development area are to be accurately located by survey and assessed by an appropriately qualified ecologist in accordance with Council's Hollow-bearing tree assessment (HBT) protocol	No hollow bearing trees proposed to be removed.	N/A

DCP 2013: Part B - General Provision - B3: Hazards Management			
DCP Objective	Development Provisions	Proposed	Complies
Airspace Protection			
15	a) Development shall not result in land use or activities that attract flying vertebrates such as birds and bats within proximity of flight paths associated with airport operations.	N/A	
16	a) Development shall not result in emission of airborne particulate or produce a gaseous plume with a velocity exceeding 4.3m per second that penetrates operational airspace. Refer Manual of Standards Part 139 – Aerodromes, Civil Aviation Safety Authority.	N/A	
17	a) Lighting to comply with Section 9.21 of the Manual of	The proposed development is not	N/A



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	Standards Part 139 – Aerodromes, Civil Aviation Safety Authority.	located within proximity of the airport and any lighting associated with the proposal is therefore considered unlikely to impede the airport.	
Bushfire Hazard Management			
18	a) APZs 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.	The site is not mapped as bushfire prone land.	N/A
	b) Perimeter roads are to be provided to all urban areas adjoining environmental management areas and their buffers. Refer to Figure 2.	N/A	
Flooding			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	The site is not mapped as flood prone land.	N/A
DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking			
DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
22	a) In new areas (as distinct from established areas with a pre-existing road pattern) each class of route should reflect its role in the road hierarchy by its visual appearance and related physical design standards, including varying levels of vehicle and pedestrian access.	No new roads.	N/A
	b) Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	No new roads.	N/A

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	c) All new roads are designed in accordance with Council's AUS-SPEC design specification documents.	The width of the existing Maritime Lane is to be widened for the property frontage however is not a new road.	N/A
23	a) New direct accesses from a development to arterial and distributor roads is not permitted. Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	Access proposed off Maritime Lane.	Yes
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	N/A	
	c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 	Vehicle driveway crossing is minimal in width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 	Yes
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3. Residential flat buildings are required to provide parking at the following rate: 1 per 1 or 2-bedroom unit + 1 visitors' space per 4 units 1.5 per 3-4-bedroom unit + 1 visitors' space per 4 Units. The proposal includes the following units mix:	The proposal provides a total of 26 parking spaces and is therefore consistent with the DCP's numerical parking demand. 4 parking spaces are proposed in a satisfactory tandem arrangement for Unit 9 and 10 In addition, the existing driveway entrance (vehicle crossing)	Yes

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	<ul style="list-style-type: none"> • 1x 2-bedroom unit – 1 space; • 13 x 3 bedroom units – 19.5 spaces; • 1 x 4-bedroom unit – 1.5 spaces; and • 15 units total / 4 – 3.75 visitor spaces. <p>The DCP therefore requires a numerical parking provision of 25.75 spaces.</p>	servicing Lot 1 is proposed to be removed and two (2) new on-street parking spaces provided. Upright kerb and gutter is proposed as well as line-marking to match existing.	
	b) Where a proposed development does not fall within any of the listed definitions, the provision of on-site parking shall be supported by a parking demand study.	A parking demand study is not required. Refer to comments above.	N/A
	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	The proposal is considered to fall within the <i>Residential Flat Building</i> category.	Yes
25	a) A development proposal to alter, enlarge, convert or redevelop an existing building, whether or not demolition is involved, shall provide the total number of parking spaces calculated from the schedule for the proposed use, subject to a credit for any existing deficiency, including any contributions previously accepted in lieu of parking provision.	The proposal does not seek consent for the redevelopment of an existing building. The application seeks to demolish all existing structures on-site.	N/A
26	<p>a) On street parking, for the purposes of car parking calculations will not be included unless it can be demonstrated that:</p> <ul style="list-style-type: none"> – there is adequate on street space to accommodate peak and acute parking demands of the area; – parking can be provided without compromising road safety or garbage collection accessibility; – parking can be provided without jeopardising road function; and – that streetscape improvement works, such as landscaped bays and street trees are provided to 	<p>Owen and William streets provide on-street parking spaces for the surrounding locality, including the adjacent Port City Bowling Club.</p> <p>A large at grade car park associated with the Port City Bowling Club is also located on the south-western corner of Owen and Church Streets.</p>	N/A

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	contribute to the streetscape.	Further, the existing driveway entrance (vehicle crossing) servicing Lot 1 is proposed to be removed and two (2) new on-street parking spaces provided. Upright kerb and gutter is proposed as well as line-marking to match existing. The proposal includes parking consistent with the numerical provisions of the DCP, including 4 visitor spaces. The proposed basement parking and existing on-street parking is therefore considered capable of accommodating any peak and acute parking demands associated with the proposal and surrounding land uses.	
	b) On street parking is provided in accordance with AS2890.5.	The two spaces gained as a result of the vehicle crossing removal are proposed to be provided in accordance with the provisions of AS2890.5.	Yes
27	a) On street parking will not be permitted unless it can be demonstrated that: <ul style="list-style-type: none"> - parking does not detract from the streetscape; and - that streetscape improvement works, such as landscaped bays and street trees are provided. 	The proposal does not rely on the provision of on-street parking. However, as outlined above, two spaces will be gained in Owen Street as a result of the vehicle crossing removal. These new on-street parking spaces will be provided in a manner consistent with the existing on-street parking.	Yes
Parking Layout			



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28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	The proposal seeks to provide 4 visitor parking spaces within the basement.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	The parking spaces are sought to be allocated to the proposed units and will therefore include appropriate signage and markings. This will include the proposed visitor parking spaces.	Yes
	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> – it is stacked parking in the driveway; or – it can be demonstrated that improvements to the open space provided will result; and – the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	All parking is proposed within the basement.	Yes
	d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking and AS 2890.6 - Off-street parking for individuals with a disability and AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	The parking design and layout is capable of compliance with AS2890.1. An appropriate standard condition is recommended to address compliance during construction.	Yes
	e) Stack or tandem parking spaces will not be included in assessment of parking provision except where: <ul style="list-style-type: none"> – the spaces are surplus to that required; – in motor showrooms; – for home business; – for exhibition homes; – in car repair stations; – staff parking spaces are separately identified and delineated; 	The proposal includes two (2) stacked parking spaces (being spaces 23, 24, 25 and 26). These stacked spaces will be allocated to individual units, Parts 9 and 10. Refer to the draft strata plans. This parking arrangement is considered suitable as it will be controlled and	**No variation acceptable as allocated to 2 individual units and not visitor parking.

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	– it is visitor parking associated with a dual occupancy multi dwelling and/or terrace housing, directly in front of the garage with a minimum depth of 5.5m.	maintained by the individual unit owners.	
29	a) Parking is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking, AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities, AS 1428 - Design for access and mobility and AS 2890.6 - Off-street parking for individuals with a disability.	The proposal includes one (1) accessible parking space.	Yes
30	a) Bicycle and motorcycle parking shall be considered for all developments.	The proposed design includes store rooms on the basement and ground floor level which are considered capable of accommodating bicycle parking or storage.	Yes
	b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.	No specific bicycle parking spaces are proposed however can be provided within the storage areas nominated.	Yes
	c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).	No specific bicycle parking spaces are proposed however can be provided within the storage areas nominated.	Yes
Redevelopment of Heritage Items - Conservation Incentives			
31	a) Council will consider discounting (i.e. exclude from calculations) the floor space of the heritage building/item when determining the total number of parking spaces to be provided on site. This will be considered in line with clause 5.10 of PMH LEP 2011, which requires the variation to be considered in the context of a heritage conservation management plan. This will only apply if Council is satisfied that the conservation	The existing structures located on-site are not identified as heritage items.	N/A

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	of the heritage item is dependent upon Council making that exclusion. If applicants intend to seek such consideration, a detailed parking analysis of the site is to be submitted with the development application.		
Section 7.11 Development Contributions			
32	a) Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> permits Council, at its discretion, to accept a monetary contribution in lieu of on-site parking where it is considered impractical or undesirable to provide parking facilities on the site of the proposed development. Generally, contributions will not be accepted for the total amount of parking to be provided and will only be accepted in the commercial areas of Port Macquarie, Gordon Street, Laurieton, North Haven and Wauchope, as identified in Council's Contribution Plan 1993, as amended. Contribution rates are indexed (CPI) each quarter with variations in the contribution rate for each area. Applicants are advised to consult Council's staff at the time of preparing the DA application should a contribution for parking be proposed.	The proposal provides car parking in accordance with the numerical requirements of the DCP. The proposal therefore does not impose an additional liability on the community with respect to parking. In addition, an additional two on-street parking spaces will be gained within Owen Street via the removal of the existing vehicular crossing.	N/A
Landscaping of Parking Areas			
33	a) Landscaping areas shall be provided in the form of large tree planting, understorey plantings, mulch areas, mounding, lawns and the like	The proposal includes a basement parking area and no landscaping of parking areas is therefore considered necessary.	N/A
	b) Landscaping areas shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.	N/A	

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	c) Garden beds shall be a minimum of 3m in width between car parking areas and street boundaries.	N/A	
34	a) All plantings on public lands are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	N/A	
	b) Trees are to be grown and installed in accordance with AS 2303:2015 <i>Tree Stock for Landscape Use</i> and Council's AUS-SPEC design specifications.	N/A	
	Surface Finishes		
35	a) All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers. Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction certificate by a practising qualified Civil Engineer.	The proposed basement and vehicle access are to be a concrete surface.	Yes
	b) In special cases (e.g. where traffic volumes are very low) Council may consider the use of consolidated unsealed gravel pavement for car parks. However, this should not be assumed and will need to be justified by the applicant at the Development Application stage.	N/A	
	Drainage		
36	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	The proposal includes a basement parking level and has been designed to avoid concentrations	Yes

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		of water runoff from the surface.	
	b) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.	Proposed connection to the existing kerb inlet pit in Owen Street.	Yes
37	a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.	The proposed basement is proposed to be drained to an oil separator pit (baffle pit) and stormwater will drain via a pump to an on-site detention (OSD) tank.	Yes
	Loading Bays		
38	a) Off street commercial vehicle facilities are provided in accordance with AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	The application does not include any commercial components and loading zones are not considered necessary.	N/A
	Traffic Generating Development		
41	a) Traffic Generating Development as defined under SEPP (Infrastructure) 2007 is referred to Roads and Maritime Services. (Refer to Clause 104 and Schedule 3 of the SEPP).	The proposal is not a traffic generating development with reference to traffic generation triggers in the SEPP (Infrastructure) referred to.	N/A

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention			
DCP Objective	Development Provisions	Proposed	Complies
Social Impact Assessment			
42	a) A social impact assessment shall be submitted in accordance with the Council's Social Impact Assessment Policy.	The proposal is not listed within the Council's Social Impact Assessment Policy as being of a type requiring a social impact assessment.	N/A
Crime Prevention			

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43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> - Casual surveillance and sightlines; - Land use mix and activity generators; - Definition of use and ownership; - Basic exterior building design; - Lighting; - Way-finding; and - Predictable routes and entrapment locations; - as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	<p>The proposed design is considered consistent with the general principles of the crime prevention and the following comments are provided in support:</p> <ul style="list-style-type: none"> - The proposal provides two ground floor units which are considered to provide casual surveillance opportunities of the surrounding area. - The proposed landscaping has been designed so as to maximise the potential for visual surveillance and limit hiding opportunities. - The proposed entrances to the building are open and welcoming and will be adequately lit to reduce the potential for loitering. - The basement entry is located opposite the main vehicular entry for the Port City Bowling Club and is considered to be afforded adequate casual surveillance. - The boundary fencing is low and complemented with landscaping to reduce opportunities for graffiti. 	Yes
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DCP 2013: PART C - Development Specific Provisions - C2: Residential Flat Development, Tourist and Visitor Accommodation, and Mixed Use Development

DCP Objective	Development Provisions	Proposed	Complies
Site Design and Analysis			
57	<p>a) A site analysis plan is required for all development and should illustrate:</p> <ul style="list-style-type: none"> - microclimate including the movement of the 	<p>A satisfactory site analysis plan is included in the architectural plans within illustrating the notable features of the</p>	Yes



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	<p>sun and prevailing winds</p> <ul style="list-style-type: none"> – lot dimensions – north point – existing contours and levels to AHD – flood affected areas – overland flow patterns, drainage and services – any contaminated soils or filled areas, or areas of unstable land – easements and/or connections for drainage and utility services – any existing trees and other significant vegetation, including major and significant trees on adjacent properties, particularly those within 9 m of the site – the location, height and use of buildings surrounding the site, and those across any road adjacent to the site, including their setback distances – heritage and archaeological features – the built form, scale and character of surrounding and nearby development, including fencing, boundaries and landscaping – pedestrian and vehicle access – views and solar access to surrounding residents – private open space and windows of habitable rooms of nearby properties which have an outlook to the site – difference in levels between the site and adjacent properties at their boundaries – street frontage features including poles, trees, 	<p>site and surrounding lands.</p>	
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	kerb crossovers, bus stops and other services – heritage features and buildings of the surrounding locality and landscape – direction and distance to local facilities including local shops, schools, public transport and recreation and community facilities – characteristics of, and distance to any nearby public open space – any nearby bushland or environmentally sensitive land – any significant local noise, odour or pollution sources – any other notable features or characteristics of the site		
Site Layout			
58	a) All applications are to include a site plan, which annotates the manner in which site attributes and constraints have been considered, as follows: – appropriateness of built form and landscape in relation to the site context, topography and urban character – building arrangement and relationship to streets and open space – access ways within and beyond the site – location, function and opportunities for casual surveillance of open space – ongoing site management considerations (i.e. garbage, mail collection, stormwater etc)	The proposal is considered to achieve layouts that provide a pleasant, manageable and functional living environment that is energy and solar efficient and consistent with the existing development pattern within the locality.	Yes

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	<ul style="list-style-type: none"> – location of existing and proposed stormwater and sewer pipes – private open space and security – parking arrangements and reduced dominance of driveways – heritage and conservation opportunities and constraints (where relevant) – energy efficiency in building design and siting – solar access to subject development and adjoining residences 		
Streetscape and Front Setback			
59	a) In an established street, the primary setback should be within 20% of the average setback of the adjoining buildings in a R1 General Residential zone.	N/A	
	b) A minimum setback of 3.0m is required from all street frontages in a R3 Medium Density Residential and R4 High-Density Residential zone.	<p>The site is zoned R4 High Density Residential.</p> <p>The ground floor side setback to Owen Street to the feature awning over the pedestrian entry is 3 metres with a 4.3m setback to the building line.</p> <p>The setback to the curved balconies above varies but does not exceed 2.4 metres to the Owen Street boundary in a manner consistent with DCP provision 60(a) which allows an encroachment of up to 600mm.</p>	Yes
	c) Where tourist accommodation is proposed a maximum setback of 9 metres is permitted to allow for a	N/A	

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	swimming pool within the front setback.		
60	a) Balconies and other building extrusions may encroach up to 600mm into the required front setback.	The setback to the curved balconies above varies but does not exceed 2.4 metres to the Owen Street boundary.	Yes
	b) Buildings should generally be aligned to the street boundary.	The proposed building has been designed to align with the street boundaries.	Yes
	c) Primary openings on all developments are aligned to the street boundary or to the rear of the site.	The primary pedestrian and vehicular entries are aligned to the street boundaries.	Yes
Side and Rear Setbacks			
61	<p>a) The following setbacks (refer Figure 7) apply to all sites, except where the side boundary is a secondary street frontage:</p> <ul style="list-style-type: none"> Buildings should be set back a minimum of 1.5m from side boundaries, for a maximum of 75% of the building depth. Windows in side walls should be set back 3m from side boundaries. Where the site is adjacent to an existing strata-titled building, buildings should be set back a minimum of 3m from side boundaries. 	<p>The proposed design is considered to comply with the listed provisions. In this regard, the proposed building is setback 3m from the Sandcastle boundary and all windows are therefore >3m from the side boundary.</p> <p>External louvres are proposed on the bedroom windows eastern elevation to ensure privacy between buildings is available.</p>	Yes
	b) Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	<p>The proposed building will be located to the west of the strata titled Sandcastle building.</p> <p>In a manner similar to the Sandcastle building, the proposed building seeks to provide a common wall up to the ceiling of the first floor (RL 16.75m AHD).</p> <p>From the second floor up the proposed building is then setback 3 metres from the Sandcastle</p>	Yes

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		boundary to ensure that the existing views obtained from the small bathroom and bedroom windows on the Sandcastle's western elevation are maintained. Refer to the elevations.	
	c) A minimum rear setback of 6.0m from the building and sub basements is required.	<p>A southern setback of 8.4 metres is proposed to the main ground floor building line with the rear balconies above encroaching 3 metres within this setback. This setback is consistent with the adjoining Sandcastle building.</p> <p>The site technically however does not have a rear boundary with 3 street frontages and 1 side boundary to the east.</p> <p>This setback is consistent with the deep soil zone provisions outlined within Objective 66.</p>	Yes
62	a) A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.	A party wall is proposed up to the ceiling of the first floor to match the adjoining Sandcastle building. This party wall enables achievement of the densities anticipated in the R4 High Density zone.	Yes
63	a) Party wall development can occur only with the agreement and consent of the adjoining property owner. Exposed party walls should be finished in a quality comparable to front facade finishes	As outlined above, the proposed party wall is considered good design as it will match the adjoining building before setting back to the required 3 metres thereby providing suitable separation, privacy and view sharing.	Yes
64	a) Corner sites should be consolidated with adjacent	The proposal seeks to consolidate the two	Yes

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	sites, so that the building turns the corner.	existing Lots to form one larger Torrens Title allotment.	
	b) If this is not possible, a minimum setback of 6.0m should extend to the secondary street. Refer Figure 8 and 9.	N/A	
65	- a) Where sites adjacent to open space are to be developed, the edge of the open space should be defined with a public road and buildings should address the open space.	The site is separated from the Town Beach open space by William Street. The provisions of this objective are therefore not considered to apply.	Yes
Fences and Walls			
77	a) Solid front fences built on or near boundaries should be: <ul style="list-style-type: none"> – setback 1.0m from the front boundary; – suitably landscaped to reduce visual impact, and. – provide a 3m x 3m splay for corner sites. 	The proposal seeks to provide recessed 1.2m high courtyard walls and hedge plantings to separate the public and private spaces. These walls are setback 1 metre from the property boundaries and include a splay to the corner of William and Owen Streets. The height of the courtyard walls is considered suitable for this purpose and are not considered to adversely impact on the streetscape, public domain or views to public areas.	Yes
	b) Front fences proposed to be more than 1.2m high should: <ul style="list-style-type: none"> – be a maximum of 1.8m in height, above existing front property boundary level and either: <ul style="list-style-type: none"> o include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total 	The proposed front fence shall not exceed 1.2m in height and as outlined above, includes landscaped recesses.	Yes

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	<p>length of the fence, or</p> <ul style="list-style-type: none"> ○ be erected up to the front boundary for maximum lengths of 6.0m or 50% of the street frontage, whichever is less; and ○ have openings which make it not less than 25% transparent; ○ provide a 3m x 3m splay for corner sites, and ○ provide a 900mm x 900mm splay for vehicle driveway entrances. 		
78	a) Fences constructed of chain wire, solid timber or masonry and solid steel are not permitted along the primary road frontage even if it is consistent with the existing streetscape.	The proposed fence shall be constructed of masonry.	**No - The design of the front fence and landscaping is satisfactory particularly having regard to the scale of the development and permitted design under SEPP 65 ADG guidelines.
	b) For tennis courts or other similar areas, chain wire fences should be black or dark green plastic coated mesh.	N/A	
	c) Solid fences enclosing these facilities should not be permitted over 1.8m.	N/A	
Acoustic Privacy			
79	<p>a) Buildings are designed so that:</p> <ul style="list-style-type: none"> – busy noisy areas within the apartment face the street; and – quiet areas face the rear or side of the lot 	The proposed development is considered to be designed such that the acoustic privacy of each individual unit and	Yes

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	– bedrooms have line of sight separation of minimum 3m from parking areas, streets and shared driveways.	adjacent residence is reasonably protected.	
	b) Openings of adjacent dwellings should be separated by a distance of at least 6m.	The closest residential building is the Sandcastle building. This building contains no openings on its western elevation. The proposal is therefore located greater than 6 metres from any adjacent openings.	Yes
80	a) Uses are to be coupled internally and between apartments i.e. noisy internal and noisy external spaces should be placed together. Refer to Figure 11.	The proposed design couples uses internally and noisy internal spaces are placed together on the street-ward side of the units.	Yes
Accessibility			
82	a) Developments should be designed in accordance with Australian Standard AS1428.	The proposal has been designed to be capable of compliance with AS1428.	Yes
83	a) Barrier free access to at least 20% of dwellings in the development is provided.	Access to all of the proposed units are accessible via the proposed provision of two lifts.	Yes
Social Dimensions and Housing Affordability			
84	a) Developments should be located close to areas of open space, recreation and entertainment facilities and employment areas.	The site is located within 400 metres of Town Beach, Rotary Park, tennis courts, bowling club and Oxley Oval.	Yes
	b) Where the Local Environmental Plan permits a floor space ratio greater than 1:1 a ratio of not less than 1:1 should be achieved.	The application seeks consent for a FSR greater than 1:1.	Yes
85	a) A variety of apartment types including studio, 1, 2, 3 and 3+ bedroom apartments are provided within the development.	The proposal seeks to provide 2, 3 and 4 bedroom units.	Yes
	b) Studios and 1-bedroom apartments are not to exceed 20% of the total	No studio or 1 bedroom apartments are proposed.	N/A

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	number of apartments within the development.		
	c) A mix of 1 and 3 bedroom apartments are provided on the ground level to cater for improved accessibility for disabled, elderly people or families with children.	The proposal seeks to provide a 2 bedroom and a 3-bedroom unit on the ground floor to allow for improved accessibility for disabled, elderly people or families with children. No 1 bedroom dwellings are proposed.	Yes
86	a) Developments should consider the principles of the Council's Affordable Housing Strategy in any application for a residential flat building.	The proposed unit/bedroom choices provided within the residential flat building is considered appropriate for the site. In this regard, the sites' location directly opposite Town Beach will be anticipated to be highly sought after and attractive to a number of potential purchasers.	Yes
Roof Form			
87	a) Lift over-runs and service plants should be integrated within roof structures.	The lift over-run has been incorporated into the proposed roof design.	Yes
	b) Outdoor recreation areas on flat roofs should be landscaped and incorporate shade structures and wind screens to encourage use.	No outdoor roof recreation area is proposed.	N/A
	c) Outdoor roof areas should be oriented to the street.	N/A	
	d) Roof design should generate an interesting skyline and be visually interesting when viewed from adjoining developments.	The proposed roof design is considered to generate an interesting skyline as it differs from the adjoining roof designs of the adjacent Sandcastle and Luxor buildings.	Yes
Facade Composition and Articulation			
88	a) Facade composition should:	The proposed design includes curved balconies to provide visual interest and to	Yes

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	<ul style="list-style-type: none"> – be designed with a balance of horizontal and vertical elements; – respond to environmental and energy needs, such as sun shading, light shelves and bay windows; – incorporate wind mitigation; – reflect the uses within the buildings. – include a combination of the following design elements: <ul style="list-style-type: none"> o defined base, middle and top levels; o a mixture of window types; o variation in floor height (particularly at lower levels); o balustrade detail that reflects the type and location of the balcony; o setting back the top levels of the building; o street level features that reinforce the human scale; and o balconies, awnings and recesses that create shadowing. 	separate the building from the adjoining residential flat buildings located to the east and west. Both of which consist of strong, straight forms.	
Laundries and Clothes Drying Facilities			
92	a) Secure open air clothes drying facilities that: <ul style="list-style-type: none"> – are easily accessible; – are screened from the public domain and communal open spaces; and – have a high degree of solar access. 	The size of the proposed balconies are considered to provide secure open air clothes drying opportunities if required.	Yes
Mailboxes			
93	a) Mailboxes should be integrated into building design and sighted to	The design is considered to afford opportunities for	Yes

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	ensure accessibility and security.	the integration of mailboxes. The design establishes the hierarchy of space via the provision of the 1.2m high courtyard walls which not only direct occupants and visitors to the main entry, but also delineate the common and private courtyard spaces.	
Safety and Security			
94	a) Developments should establish a hierarchy of space and clearly define the transition from public through to private space.	The proposed pedestrian entry is orientated to Owen Street to provide visual interest along the building's widest elevation.	Yes
	b) Entrances should: <ul style="list-style-type: none"> – be orientated towards the public street and encourage visibility between entrances, foyers and the street. – provide direct and well-lit access between car parks and dwellings, between car parks and lift lobbies, and to all unit entrances. – optimise security by grouping clusters to a maximum of eight, around a common lobby. 	The car park entry is proposed off Maritime Lane and is considered to be well lit on account of its proximity to the Port City Bowling Club's main entry.	
	c) Surveillance is to be facilitated by: <ul style="list-style-type: none"> – views over public open spaces from living areas where possible. – casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas, and car parks. – the provisions of windows and balconies. – separate entries to ground level apartments 	The proposed design is considered to provide adequate surveillance opportunities from the main internal living areas to the public spaces within William and Owen Streets and the common areas within the site.	Yes
	d) Concealment should be avoided by:	The proposed lobby is rectangular and open	

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	<ul style="list-style-type: none"> – preventing blind or dark alcoves which might conceal intruders particularly near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways. – providing appropriate levels of illumination for all common areas. – providing graded car park illumination, with the lighting of entrances higher than the minimum acceptable standard. 	with doorways to the two separate ground floor units. The lobby and entrance does not include any blind or dark alcoves.	
	e) Access to all parts of the building (including, apartments, different floors, balconies, common areas) is to be controlled.	Access to the separate floors is controlled externally via the lobby and basement entrances. Internally access between floors is controlled via the lifts and stairwells.	Yes
Utilities			
96	a) Compatible public utility services are to be co-ordinated in common trenching in order to minimise excavations for underground services.	The proposal provides facilities for the coordinated provision of services.	Yes
	b) Above ground utility infrastructure such as substations, inspection cabinets are to be integrated into the design of the building or complementary to the building design in terms of colour, materials and design.	The proposed design allows for the provision of above ground utilities along the sites south-western corner fronting Owen Street.	Yes
	c) The site and the individual dwellings are to be numbered for easy identification by visitors and emergency personnel.	The Applicant has advised that site and the individual units will be numbered for ease of identification.	Yes
	d) Common aerials and satellite dishes, with signal amplifiers are provided as appropriate.	Noted. The Applicant has advised that this will be considered during the detailed design phase.	N/A

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DCP 2013: Part D - Locality Specific Provisions - D2 Port Macquarie East: D2-1 East Port Neighbourhood			
DCP Objective	Development Provisions	Proposed	Complies
Precinct Structure Plans			
211	a) Development is generally in accordance with the precinct structure plans shown in the previous section	The proposed development is generally in accordance with the DCP structure as it continues the built, urban form of high-rise residential buildings fronting William Street and provides landscaping to the Owen and William Street frontages.	Yes
Lot Size and Frontage			
212	a) The minimum lot width for residential apartment buildings is: 18 metres where: – the proposed building height is not greater than 14.5 metres and minimum side setbacks are satisfied, or – the site has multiple street frontages, or – requirements for on-site parking, setbacks, separation and deep soil can be achieved, - OR 22 metres	The proposal seeks to consolidate both lots into a single Torrens title allotment. This consolidation is considered to maximise the potential of the land to achieve the desired floor space and housing capacity whilst avoiding the isolation of individual sites. The consolidated allotment achieves the minimum 18m width (28 metres total) required for residential apartment buildings.	Yes
Building Height			
213	General		
	a) Buildings do not exceed the maximum height of buildings shown in the local environmental plan maps.	The subject site is mapped as having a maximum building height of 26.5 metres. The proposed building does not exceed this height limit and is not considered to be overbearing on any adjacent open space.	Yes
	c) Where buildings exceed three storeys, the upper storey is set back from the front facade of the building by three metres.	The top storey of the proposed building has been setback further than the levels below to reduce	Yes



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

(iii) 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

Demolition of buildings AS 2601 - Clause 92

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

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

Context and Setting

The proposal will not have any significant adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

The proposal is considered to be sufficiently compatible with other high density residential and non-residential development in the locality and adequately addresses planning controls for the area.

The proposal does not have any identifiable adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation and privacy measures are proposed.

There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining residential properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June between the hours of 9am and 3pm.

View Sharing

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

Whilst no submissions have been received following neighbour notification of the proposal raising any view sharing concerns it is considered appropriate that view sharing be separately considered.

Using the planning principles of NSW Land and Environment Court in *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in



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regard to the view impacts using the "4 Step process" to establish whether the view sharing is acceptable.

Steps 1 and 2

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

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

Comments:

The site is located directly opposite Town Beach on the southern side of William Street, Port Macquarie. The southern edge of William Street is flanked by multi-storey residential buildings enjoying northerly views across Rotary Park and Town Beach to the Pacific Ocean.

The views to be likely affected by the proposed redevelopment are considered to be from the residential unit buildings described below:

- Southern units of the **Luxor** Apartment Building fronting Owen Street (SP73027) located directly west of the site;
- Western-most units of the **Sandcastle** Apartments building (SP72688) located directly east of the site;
- The north-facing units within the **Amari** Apartments located at 7-11 Gordon Street (SP101435); and
- The north-facing units within the **La Mer** residential flat building on the corner of Gordon and Owen Streets (SP21008) located approximately 130m south of the site.

These buildings are considered likely to enjoy views across the site to Town Beach and the ocean.

The site is also visible from Town Beach and the southern arm of the break wall from the public domain.

In considering those properties identified above, views are obtained from the following parts of the properties:

Luxor

- The Luxor Apartment Building is separated into northern and southern sections.
- The northern portion of the building fronts William Street and enjoys views directly to the north across William Street and onto Town Beach.
- Views further north are considered likely to be filtered by the Norfolk Island Pine trees within Rotary Park.
- The position of the development site to the east is not considered likely to impede these northerly views.



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- The southern units of the Luxor building front Owen Street and enjoy views north along Owen Street through to Towns Beach.
- The views to be assessed include the front, or eastern boundary and are understood to be enjoyed from the kitchen, living room and bedrooms.

Sandcastle

- The Sandcastle building enjoys uninterrupted views to the north across William Street.
- The position of the development site to the west is not considered likely to impede these views.
- The units at the western end of the building are understood to have bedrooms and bathrooms along the western or side boundary elevation. These rooms have small windows in which views to the north-west across the side boundary and development site may be available.

Amari Apartments

- This six-storey apartment building consists of four units per floor, with the exception of the top, or fifth floor. All units enjoy frontage to the south (Gordon Street) and north.
- From the northern (rear) elevation of the Amari Apartments views of the Ocean and horizon across the Port City Bowling Club's car park, Owen Street and the existing development on the site are available. Particularly for the units on the eastern side of the apartment building.
- Views to the Ocean and horizon are limited for the units on the western side of the building.
- The units along the eastern edge of the apartment building also enjoy views to the east across the bowling club and Oxley Oval to the Ocean and horizon.

La Mer

- This 8-storey building has a number of north-facing units which enjoy northerly views across the properties rear boundary over the Port City Bowling Club's car park and along Owen Street to the coastline beyond.
- The views from Town Beach and the southern arm of the break wall are located within managed public spaces.

Step 3

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

Comments:

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

Viewer location	Description of existing views	Description of proposed views	Impact
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<u>Luxor</u>	<p>From the northern elevation fronting William Street the Luxor building enjoys views to north-east to Town Beach and Ocean.</p> <p>From the eastern elevation fronting Owen Street the Luxor building enjoys views to the north-east along Owen Street and across William Street to Town Beach and Ocean. Views to the east across the Port City Bowling Club and Oxley Oval are also available providing horizon views over Oxley Beach.</p> <p>Unit 424 of the Luxor Building is currently available for purchase. This unit extends over the fourth and fifth floor of the southern portion of the Luxor building.</p>	<p>The views from the northern elevation are not considered likely to be impacted by the proposal.</p> <p>The views from the eastern elevation to Town Beach and the ocean will continue to be available.</p> <p>It is considered likely that a small portion of the north-eastern view shed will be impeded by the proposed building.</p> <p>The views from the eastern elevation to the east towards Oxley Beach, across the bowling club and Oxley Oval, are not considered likely to be impacted.</p>	<p>No impacts to the views enjoyed from the northern elevation of the Luxor building are anticipated.</p> <p>The impact of the proposal on the views from the eastern elevation towards Town Beach and the Ocean are considered moderate.</p> <p>In this regard, it is noted that views to the beach will still likely be available where people on the balcony of Unit 424 can potentially see the sand on Town Beach.</p> <p>However, it is recognised that a small portion of the north-easterly view may be impacted by the proposed building.</p> <p>Views from the eastern elevation across the bowling club and Oxley Oval, will be maintained.</p> <p>Overall, the impact on view sharing from the Luxor building is considered moderate.</p>
<u>Sandcastle</u>	<p>From the northern elevation fronting William Street the Sandcastle building enjoys views to north-east to Town Beach and Ocean.</p> <p>From the western elevation the Sandcastle building looks across the development site</p>	<p>The views from the northern elevation are not considered likely to be impacted by the proposal.</p> <p>From the western elevation a portion of the views to the north-west are considered likely to be reduced by the proposed building.</p>	<p>No impacts to the views enjoyed from the northern elevation of the Sandcastle building.</p> <p>The 3-4m setback provided within the proposed design, from the first floor up, is considered to</p>

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	<p>towards the northern and western portions of Town Beach. As outlined above, these views are understood to be obtained from small bathroom and bedroom windows. In addition, the Sandcastle units enjoy views to the southeast across Oxley Oval to Oxley Beach and the ocean beyond.</p>		<p>reduce the potential impacts on the views enjoyed from the western elevation. The Sandcastle building will maintain views to the north of Town Beach and beyond to Queen's Head. The views to the south east to Oxley Beach will also be uninterrupted. Overall, the impact on view sharing from the Sandcastle Building is considered minor.</p>
<u>Amari Apartments</u>	<p>This six-storey apartment building consists of four units per floor, with the exception of the top, or fifth floor. All units enjoy frontage to the south (Gordon Street) and north. From the northern (rear) elevation of the Amari Apartments views of the Ocean and horizon across the Port City Bowling Club's car park, Owen Street and the existing development on the site are available. Particularly for the units on the eastern side of the apartment building. Views to the Ocean and horizon are limited for the units on the western side of the building. The units along the eastern edge of the apartment building also enjoy views to the east across the bowling club and</p>	<p>The proposed building is considered likely to remove a portion of the views across the subject site to the ocean and horizon. It is considered that views to the ocean will remain available to the units on the eastern edge of the building, with the upper floors likely to maintain views to the beach due to the corridor available along Owen Street. Northerly views from the western units across the site to the ocean and horizon, although forming only a small portion of the view shed, are considered likely to be affected by the proposed building.</p>	<p>Loss of small portion of the northern view shed to the ocean and horizon are likely, particularly for the western units. The proposal is not considered likely to affect the views to the east across the Bowling Club and Oxley Oval. Overall, the impact on view sharing from the Amari Apartments is considered to be moderate.</p>

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	Oxley Oval to the Ocean and horizon.		
<u>La Mer</u>	From the northern elevation of the La Mer building, some of the upper floor units (5th floor and above) have views to Town Beach and the coastline beyond. These views are obtained across the Port City Bowling Club car park and Owen Street. These views are obtained through the road reserve between the Luxor Building and the buildings on the development site. The lower floors (ground through 4) do not have views of Town Beach but may have views of the coastline to the north beyond. The upper floors of the La Mer building also enjoys views to the east across the Hastings Secondary College and Oxley Oval to the ocean.	The proposed building is considered likely to reduce a small portion of the northerly views to the distant coastline for the upper floor units (fifth floor up). The proposed building is not considered to impede views to the east.	The views from the upper floors may have a small portion of their northern skyline and views of Town Beach may be interrupted by the building. The views from the lower floors of La Mer are considered unlikely to be impacted by the proposed building. These levels are considered likely to only see skyline over the top of the existing structures and this will remain available. For all floors, views along the Owen Street road reserve towards Town Beach and views to the east will not be impacted. Overall, the impact on view sharing from the La Mer building is considered moderate.

Step 4

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

Comments:

The majority of the built form is located within the adopted building height and setback controls for the area.



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However, the proposal includes variations to the LEP floor space ratio standard, as discussed earlier in this report.

In relation to the non-compliance with FSR controls, it is considered that this variation does not result in any identifiable additional impact on views compared to what could be a compliant proposal.

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

It is acknowledged that the development would have some impacts on existing views, considering the reasonableness of the development discussed under 'Step 4' above, it is considered that there are not sufficient grounds for refusal of the application on this basis.

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

Roads

The site has road frontage to William Street, Owen Street and Maritime Lane.

Adjacent to the site, William Street is a sealed public road under the care and control of Council. William Street is a Sub Arterial road with an 11.5m formation near the site, within a 30m road reserve. William Street has existing upright kerb and gutter and line marked parallel parking in place.

Adjacent to the site, Owen Street is a sealed public road under the care and control of Council. Owen Street is a Local Street with a 23m formation within a 30m road reserve. Owen Street has an existing central separating median, upright kerb and gutter, and line marked 45-degree angle parking near the frontage of the site.

Adjacent to the site, Maritime Lane is a sealed public road under the care and control of Council. Maritime Lane is a Local Street with an approximate 5.1m formation within a 6m road reserve. Maritime Lane has existing upright kerb and gutter along the frontage to the site.

Traffic and Transport

The application includes a traffic and parking review from TPS Traffic & Parking Systems dated 10th December 2020. Conclusions and recommendations of the review include:

- The proposed development will result in an approximate 15% - 20% increase in Maritime Lane traffic movements at Owen Street in peak hours.
- Maritime Lane should be widened to a formation width of 5.5m along the frontage of the site to facilitate two-way traffic flows in Maritime Lane.
- The additional traffic movements likely to arise from the development in Maritime Lane will have insignificant effect on the function of and the existing users of Maritime Lane
- The additional traffic movements at the Owen Street / Maritime Lane intersection likely to arise from this development will have insignificant effect on the capacity, function, and safety of this intersection.
- Refuse collection should occur via a truck which can be parked wholly within the development site without obstructing Maritime Lane. The truck should be of such size to enable the vehicle to be turned around at the driveway into the development and not reversed down Maritime Lane from Owen Street.



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Refer to relevant conditions of consent where key issues and recommendations are addressed.

Using the RMS Guide to Traffic Generating Developments TDT2013/04a, it is noted that the average trip generation per unit in a regional area is 4.58 vehicle trips per unit per day. With 15 units in this development, this equates to just under 70 additional daily vehicle movements within Maritime Lane and onto Owen Street that are associated with this development. The additional traffic as outlined above associated with this development is unlikely to have any adverse impacts to the existing road network within the immediate locality of the site.

Site Frontage and Access

Vehicle access to the site is proposed through a two-way access driveway to Maritime Lane. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Due to the type and size of the development, additional works are required to include:

- Footpath paving along the William and Owen Street frontages.
- Widening of Maritime Lane for the frontage of the site with new upright kerb and gutter to provide a carriageway width of 5.5m.

The access driveway proposal off Maritime Lane is considered the most acceptable outcome based on the following reasons:

- An access driveway from Owen Street right beside Maritime Lane would likely increase vehicle and pedestrian conflicts at this location.
- To comply with local standards, an access driveway from Owen Street would be required to be min. 6m away from the Maritime Lane intersection, which would require the removal of minimum 2 existing on street car parking spaces. With the current proposal and existing driveway removal off Owen Street, 2 on street car parking spaces are gained.
- An access driveway off William Street is considered not suitable since this is a Sub Arterial road, and there are lower priority roads with frontage to the site.
- The access driveway from Maritime Lane includes a relatively flat initial grade, sufficient enough in length to hold a vehicle completely within the site. This allows a vehicle exiting the basement adequate visibility to a vehicle reversing out of the PWD spaces on the opposite side of Maritime Lane.
- Maritime Lane is a low speed environment and is considered appropriate for a driveway servicing the development as proposed.
- The use of Maritime Lane for the purposes of vehicle access to the development as proposed is considered an appropriate use of this public road, and is unlikely to adversely impact to the existing road network within the immediate locality of the site.

Parking and Manoeuvring

Parking spaces are proposed to be provided on-site within a basement. Parking and driveway widths on site are capable of complying with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles whom enter the basement to be able to turn around and exit site in a forward manner. Site plans show adequate area is available to facilitate this requirement.

Water Supply Connection

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Council records indicate that the development sites are fronted by a 200mm DICL water main on the same side of Maritime Lane and a 150mm PVC water main on the opposite side of Owen Street. Each individual unit shall be individually metered with the meters either located at an easily accessible location or there is the option for utilizing remotely read electronic meters.

Final water service sizing will need to be determined by a hydraulic consultant to suit the development as well as addressing fire service coverage to AS 2419 and backflow protection.

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

Sewer Connection

Council records indicate that the development sites are currently connected to sewer via junctions to the sewer line that runs outside the southern property boundary. The proposed development shall drain all sewage to a new or existing sewer manhole approved by the Water & Sewer Planning Manager.

The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.

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

Stormwater

The site naturally grades towards the south-west corner, at the intersection of Owen Street and Maritime Lane, and is currently not serviced by public piped drainage system.

In 2017, PMHC completed a concept stormwater design for the Eastport area to allow for the future augmentation of the public piped system to alleviate known stormwater issues in this area. The design allowed for the extension of the public piped network up Owen Street including to this site.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline network within Owen Street to the south. In this regard, the existing network is required to be extended in line with the Eastport Concept as outlined above.

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

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

- On site stormwater detention facilities
- Water quality controls

The stormwater plans submitted with this proposed development are generally consistent with the above requirements, and relevant conditions have been recommended to address these requirements.

Other Utilities

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Telecommunication and electricity services are available to the site.

Other Land Resources

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

Water Cycle

The proposed development will not have any significant adverse impacts on water resources and the water cycle.

The proposal has not been nominated by the Applicant to be Integrated Development under the Water Management Act 2000 having regard to the likely possibility of encountering the water table during construction. A specialist initial geotechnical report prepared by Regional Geotechnical Solutions has been submitted which advises that groundwater inflows are likely to be encountered at a depth of 2.4m of excavation. A consent condition is recommended to require a permit to be obtained under the Water Management Act 2000.

Soils

The proposed development will not have any significant 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

The construction and/or operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and Fauna

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

Waste

A common bin storage area has been identified in the basement car park. In relation to bin collection, a condition is recommended requiring satisfactory arrangements for a private waste collection service.

A standard precautionary site management condition is also recommended for the construction phase of the development. No adverse impacts are anticipated.

Energy

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

Noise and Vibration

The construction and/or operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. There are no communal areas proposed in the development which could result in noise generation. Standard precautionary site management condition recommended.

Bushfire

The site is not identified as being bushfire prone.



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

Social Impacts in the Locality

Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts.

Economic Impacts in the Locality

The proposal is not considered to have any significant adverse economic impacts on the locality. 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.

Construction

Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.

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

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

Cumulative Impacts

The proposed development is not considered to have any significant 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

Eight (8) written submissions were received following public exhibition of the application. Issues raised in the submissions have been raised with the Applicant for consideration.



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Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
<u>Building height</u> <ol style="list-style-type: none"> 1. Building height will tower over the neighbouring building to east known as The Sandcastle. 2. Building should not be higher than The Sandcastle building and will look out of balance. 3. The building at 26.5m in height should be lowered to be the same height as the neighbouring Luxor building to the west. 4. The building should be lowered to be at a similar height to the top of The Sandcastle. 5. The height and design of building will create excessive draughts. 	<p>The proposed building does not exceed the maximum building height permitted by the <i>Port Macquarie-Hastings Local Environmental Plan 2011</i>. That being 26.5 metres.</p> <p>The proposed design is architecturally different from the existing Sandcastle building. This will result in a streetscape and distant visual impact from the public domain that will be visually interesting to onlookers and will ensure that the area is attractive to residents and visitors in a manner consistent with the intentions of the DCP.</p> <p>The proposed building is similar in design and scale to the immediately adjacent residential flat buildings, being the Luxor and Sandcastle.</p>
<u>Solar access and overshadowing</u> <ol style="list-style-type: none"> 1. Impact on solar access to Unit 401/21 William Street (western end of The Sandcastle building). 2. Shadowing of existing properties will increase based upon the submitted plans. 	<p>Due to the position of the proposed building to the west of the Sandcastle building, and the provision of a typical 3 metre setback to the common boundary, the proposed building is not considered likely to have any impacts on access to sunlight within the Sandcastle building.</p> <p>The submitted documentation included satisfactory sun study diagrams which demonstrated that the proposed building does not reduce access to sunlight to any of the surrounding properties for a period of less than two (2) hours. In this regard, the sun study diagrams demonstrate that the proposed building will only impact sunlight access to the western elevation of the Sandcastle building during the late afternoon period (after 3pm) on 21 June (winter solstice).</p>

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	Further, it is noted that the windows on the western elevation of the Sandcastle building are not utilised primarily for solar access. The majority of these windows are small, high level windows and would not permit sufficient light for any energy or heating purposes.
Traffic <ol style="list-style-type: none"> 1. Additional traffic entering and leaving Maritime Lane above the existing traffic generated by the Eastport Bowling Club, residential units, Tennis Courts, Markets, future Surfing Museum and Museum site. 2. Additional delivery vehicles and garbage truck deliveries. 3. Consideration should be given to relocating the vehicle access to basement to Owen Street. 4. Council or a survey should monitor existing traffic conditions in Maritime Lane. 5. A traffic study should be undertaken. 6. Existing Maritime laneway use is dangerous. 7. The new building will alter the site lines looking along Maritime Lane. 8. William Street should not resemble the Gold Coast. 	<p>These matters have been raised with the Applicant for consideration during assessment of the application. The Applicant has provided the following specialist additional details:</p> <p><i>During the preparation of this submission response, we obtained advice from Traffic & Parking Solutions (TPS, Glen Holdsworth). TPS reviewed the proposal and the potential increase in traffic in Maritime Lane.</i></p> <p><i>TPS advised that the assessment of the capacity for Maritime Lane to accommodate the proposed development should be based on the period when the subject development and developments with which the subject development will interact, are likely to generate peak traffic interactions and/or conflicts. This is considered to be the weekday morning and afternoon peak hour periods between 7:30 and 9:00am and 3:30pm and 5:30pm.</i></p> <p><i>Whilst survey data describing traffic movements via Maritime Lane is not available, TPS utilised their vast traffic knowledge and experience to determine the following estimate of the maximum likely probable traffic movements via the lane in peak hours to the immediate east of Owen Street. Estimated Maximum Likely Peak Hour Traffic Movements Via Maritime Lane (at Owen St)</i></p>

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Submission Issue/Summary	Planning Comment/Response					
	8am - 9am			4pm - 5pm		
	In	Out	Total	In	Out	Total
Existing Sandcastle Residents (84 units)	5	40	45	40	5	45
Bowls Club (1)	5	0	15	10	5	15
Miscellaneous	2	2	4	5	5	10
Sub-Total	12	42	54	55	15	70
Proposed Development	2	8	10	8	2	10
Total	14	50	64	63	17	80

Based on the above, TPS confirmed that the volumes are significantly less than the capacity of a two-lane access and the development will only result in a minor increase in traffic movements within the laneway in peak periods.

The above details are considered satisfactory and it is considered that the use of Maritime Lane for the purposes of vehicle access is considered an appropriate use of a public laneway.

The driveway will be of a similar design to that servicing the adjoining Sandcastle building and will afford vehicles exiting the proposed basement car park with sufficient visibility.

Maritime Lane is a low speed environment and is considered appropriate for a driveway of this nature. Placing a driveway for a 15-unit Residential Flat Building in close proximity to the intersection with William Street and within 1 metre of Maritime Lane is considered likely to increase potential vehicle conflicts.

Further, it is noted that the proposal seeks to widen Maritime Lane, west of the proposed driveway, to improve vehicle passing and manoeuvrability and the general use of the laneway. In addition, by removing the driveway layback within Owen Street, two (2) new additional public parking spaces will be made available in this busy location.

The proposed landscaping and fencing treatments within the sites south-western corner are not considered

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	<p>likely to restrict views to oncoming traffic travelling south along Owen Street.</p> <p>In this regard, the proposed fencing is setback from the corner and will be softened by landscaping.</p> <p>The width of the Owen Street verge, coupled with the angled parking along the eastern edge of Owen Street are considered to provide sufficient visibility for vehicles exiting Maritime Lane to see oncoming vehicles.</p> <p>Refer also to other assessment comments provided earlier in this report to address traffic.</p>
<p><u>Conflict with existing disabled parking spaces</u></p> <p>Vehicles will exit basement directly into vehicles reversing out of the 4 disabled car parking spaces used by guests of the neighbouring Eastport Bowling Club.</p>	<p>The proposed basement will provide parking for residents and their visitors and includes a turn-around bay to enable all vehicles entering the basement, regardless of whether a parking space is available, to enter and exit in a forward manner.</p> <p>The proposed driveway will also include a level section (6m in length) before entering Maritime Lane, thereby allowing drivers clear visibility to oncoming traffic, including vehicles leaving the accessible spaces. This is detailed within section B of the submitted Architectural Plans.</p> <p>Whilst it is recognised that the proposal will result in a minor increase in vehicle movements within the western end of Maritime Lane it is considered that the design of the driveway provides suitable visibility to reduce potential vehicle conflicts and is an appropriate use of a public laneway.</p> <p>The Applicant has also provided additional specialist details that <i>'the frequency of interaction between vehicles moving at the rear of the existing PWD spaces and vehicles moving in/out of the PWD spaces will not be significantly affected by the proposed development. Whilst the</i></p>

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Submission Issue/Summary	Planning Comment/Response
	<i>onus to avoid conflict resides with the motorist moving in or out of the PWD spaces, the proposed location of the development driveway will provide substantial visibility between a motorist leaving the development and a vehicle being reversed from a PWD space. This will serve to make the probability of an incident insignificant'.</i>
<p><u>Privacy impacts</u></p> <p>The apartments will potentially overlook directly into The Sandcastle apartments.</p>	<p>The Sandcastle apartments are currently the highest on the eastern side of Owen Street and enjoy expansive views over the surrounding lands, including Town Beach, the adjoining residential units and the Port City Bowling Club.</p> <p>The design of the western elevation of the Sandcastle building is sufficiently considerate of a future development on the subject site, such as the proposal. In this regard, the western elevation of the Sandcastle building is setback from the western boundary, staggered and angled with north-westerly portions to provide views out towards the coast, rather than across the subject site.</p> <p>In addition, the balconies on the north-western corner of the Sandcastle building are provided with screens to maximise privacy to residents.</p> <p>As outlined above, the proposed development is compliant with the height of building provisions described within the <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> and the design satisfactorily responds to visual context impacts with the adjoining Sandcastle building.</p>
<p><u>Visitor parking</u></p> <p>Inadequate space for tenant and visitor parking in the basement creating parking congestion on streets.</p>	<p>The proposal provides car parking compliant with the minimum numerical provisions of the <i>Port Macquarie-Hastings Development Control Plan 2013</i>.</p>
<p><u>Front setbacks</u></p> <p>The building is not setback enough from the streets and provides insufficient garden spaces.</p>	<p>The proposed setbacks are consistent with the provisions of the <i>Port Macquarie-Hastings Development Control Plan 2013</i>.</p>



AGENDA**DEVELOPMENT ASSESSMENT PANEL
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The proposed development satisfies relevant planning controls including justified variations and will not adversely impact on the wider public interest.

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

Climate change

The proposal is not considered to be vulnerable to any identifiable known risks associated with climate change.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**Section 7.11 Contributions**

In assessing s7.11 contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and applicable Contribution Plans.

The site has been provided contribution credit based on the two (2) existing lots being an existing residential lots >450m². It also is recognised that there is 3 existing units on No.28 William Street and a 5-bedroom dwelling on 26 William Street.

The proposed development will comprise a residential flat building containing 15 units/apartments, strata subdivision and consolidation of the two (2) existing Torrens title lots.

The breakdown of the proposed units/apartments includes the following:

- 1 x 2-bedroom unit;
- 13 x 3 bedroom units;
- 1 x 4-bedroom unit; and

Contributions are recommended to be charged accordingly.

Having considered the above, the proposed development will increase the demand for public amenities/services as listed under the following Contribution Plans:

1. Port Macquarie-Hastings Administration Building Contributions Plan 2007
2. Hastings S94 Administration Levy Contributions Plan
3. Port Macquarie-Hastings Open Space Contributions Plan 2018
4. Hastings S94 Major Roads Contributions Plan
5. Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005



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As a result, s7.11 contributions apply refer to **Attachment 3** and a condition of consent has been imposed to ensure payment.

Section 7.12 Contributions

The proposed development does not contain any commercial/industrial component. As a result, s7.12 contributions do not apply.

Section 64 Water and Sewer Contributions

In assessing s64 water and sewer contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and applicable Development Servicing Plans.

The site has been provided contribution credit based on the two (2) existing lots being an existing residential lots >450m². It also is recognised that there is 3 existing units on No.28 William Street and a 5-bedroom dwelling on 26 William Street.

The proposed development will comprise a residential flat building containing 15 units/apartments, strata subdivision and consolidation of the two (2) existing Torrens title lots.

The breakdown of the proposed units/apartments includes the following:

- 1 x 2-bedroom unit;
- 13 x 3 bedroom units;
- 1 x 4-bedroom unit; and

Contributions are recommended to be charged accordingly as the proposed development will increase the demand on water and sewer services.

As a result, s64 contributions under the Water Management Act 2000 apply and a condition of consent has been imposed to ensure payment.

A copy of the contributions estimate is included as **Attachment 3**.




5. 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.  DA2020 - 715 Recommended Conditions
2.  DA2020 - 715 Plans
3.  DA2020 - 715 Contribution Estimate



AGENDA

**DEVELOPMENT ASSESSMENT PANEL
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**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/715****DATE: 4/03/2021****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations 2000*

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Development plans	Sheets DA1.0 to DA8.3	King & Campbell	11 December 2020
Draft Strata Plans	Sheets 1 to 10	Stephen Nicholas Kipreotis	2 July 2020
Stormwater Management Plan	6110 Stormwater Management Report	King & Campbell	5 November 2019
Servicing Plan	Sheet 01	King & Campbell	3 July 2020
BASIX Certificate	1117045M	Aspect Z	16 July 2020

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No building or subdivision work shall commence until a Construction Certificate or Subdivision Works Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. Along the William Street frontage, this shall be full width to match existing finishes and the Town Centre Master Plan, whilst along the Owen Street frontage, this can be concrete footpath in accordance with AUSPEC and Council Standard drawings. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (11) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title

subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

 - Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
 - Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate or Subdivision Works Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development, including widening of Maritime Lane for the full frontage of the development site.
 2. Earthworks.
 3. Public parking areas including; driveways and access aisles; parking bays, delivery vehicle service bays & turning areas in accordance with AS2890.
 4. Sewerage reticulation.

5. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 6. Retaining walls.
 7. Stormwater systems.
 8. Erosion & Sedimentation controls.
 9. Location of all existing and proposed utility services including:
 - a) Conduits for electricity supply and communication services (including fibre optic cable).
 - b) Water supply
 - c) Sewerage
 - d) Stormwater
 10. Landscaping/waste management facilities.
 11. Traffic management control plans.
 12. Erection of any hoardings and buildings in and/or over the public road space.
 13. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD202 Port Macquarie-Hastings Council current version.
 14. All roadworks along the full frontage(s) including paving, lighting and any necessary kerb construction or reconstruction in accordance with the current Town Centre Master Plan.
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (5) (B011) Prior to the issue of Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash

contribution is required, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (7) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.

- (11) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (12) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- The legal point of discharge for the proposed development is defined as Council's piped drainage system.

In this regard, Council's piped drainage system along the eastern side of Owen Street must be extended by an appropriately sized pipe in accordance with the Eastport Stormwater Management Plan. This shall extend to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20-year Average Recurrence Interval storm event.
 - The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 6110E_Servicing Plan DA, dated 03.07.2020.
 - The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - Hydraulic modelling must be submitted demonstrating that sufficient freeboard is provided relative from the top water level reached in the road reserve (Maritime Lane) during a 1% AEP storm event and the driveway access crest into the basement car parking areas.
 - The stormwater design must include detail of how the proposed basement carpark will be drained. Where minor surface areas drain to the basement, such as from the access driveway, a pump out system is permitted with discharge directed to the OSD storage tanks(s).

Pump-out of the subsoil drainage associated with the basement carpark is not permitted unless it can be demonstrated that groundwater flows are minimal/intermittent and subject to direct connection of the site discharge to Council's piped drainage system. This option will only be considered when supported by detailed geotechnical investigation.
- (13) (B198) A certifying authority must not issue a Construction Certificate for the residential flat development unless the certifying authority has received a statement by the qualified designer verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles specified in *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*.

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- (14) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (15) (B195) Council records indicate that the development sites are fronted by a 200mm DICL water main on the same side of Maritime Lane and a 150mm PVC water main on the opposite side of Owen Street. Each individual unit shall be individually metered with the meters either located at an easily accessible location or there is the option for utilizing remotely read electronic meters. Details are to be provided on the hydraulic plans.
- (16) (B196) Council records indicate that the development sites are currently connected to sewer via junctions to the sewer line that runs outside the southern property boundary. The proposed development shall drain all sewage to a new or existing sewer manhole approved by the Water & Sewer Planning Manager. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.
- (17) (B197) An aquifer interference approval shall be obtained under Section 91 of the Water Management Act 2000 prior to the issue of a Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) weeks' notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C007) Provision of a boarding, fence or other measures to restrict public access to the site during the course of works. Where the boarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.
- (5) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a) at completion of installation of erosion control measures
 - b) at completion of installation of traffic management works

- c) at the commencement of earthworks;
- d) when the sub-grade is exposed and prior to placing of pavement materials;
- e) when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- f) at the completion of each pavement (sub base/base) layer;
- g) before pouring of kerb and gutter;
- h) prior to the pouring of concrete for sewerage works and/or works on public property;
- i) on completion of road gravelling or pavement;
- j) during construction of sewer infrastructure;
- k) prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (4) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (5) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (6) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate.
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.

- (5) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (6) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E039) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming certify the following:
- b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (8) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
- This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (9) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.
- The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:
- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
 - b. The Proprietor shall have the OSD inspected annually by a competent person.
 - c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
 - d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.
- The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- (10) (E048) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.
- In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans.

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This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (11) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.

- (12) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.

- (13) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (14) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (15) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.

- (16) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (17) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (18) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (19) (E072) Lodgement of a security deposit with Council upon practical completion of a public infrastructure.
- (20) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants restrictions, easements and/or covenants, with the Council having the benefit of these covenants and having the sole authority to release, vary or modify these covenants each restriction, easement and/or covenant.
 - a. Restriction as to user for private garbage service to be in place requiring the collection of all domestic waste comprising general waste (rubbish), recycling and food and garden organics by a private contractor. All wastes are to be collected as separate waste streams. Garbage collection by private contractors shall occur from within the property and not obstruct the use of the public roads.
- (21) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (22) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (23) (E196) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

- (2) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both residents and visitors.

DRAFT

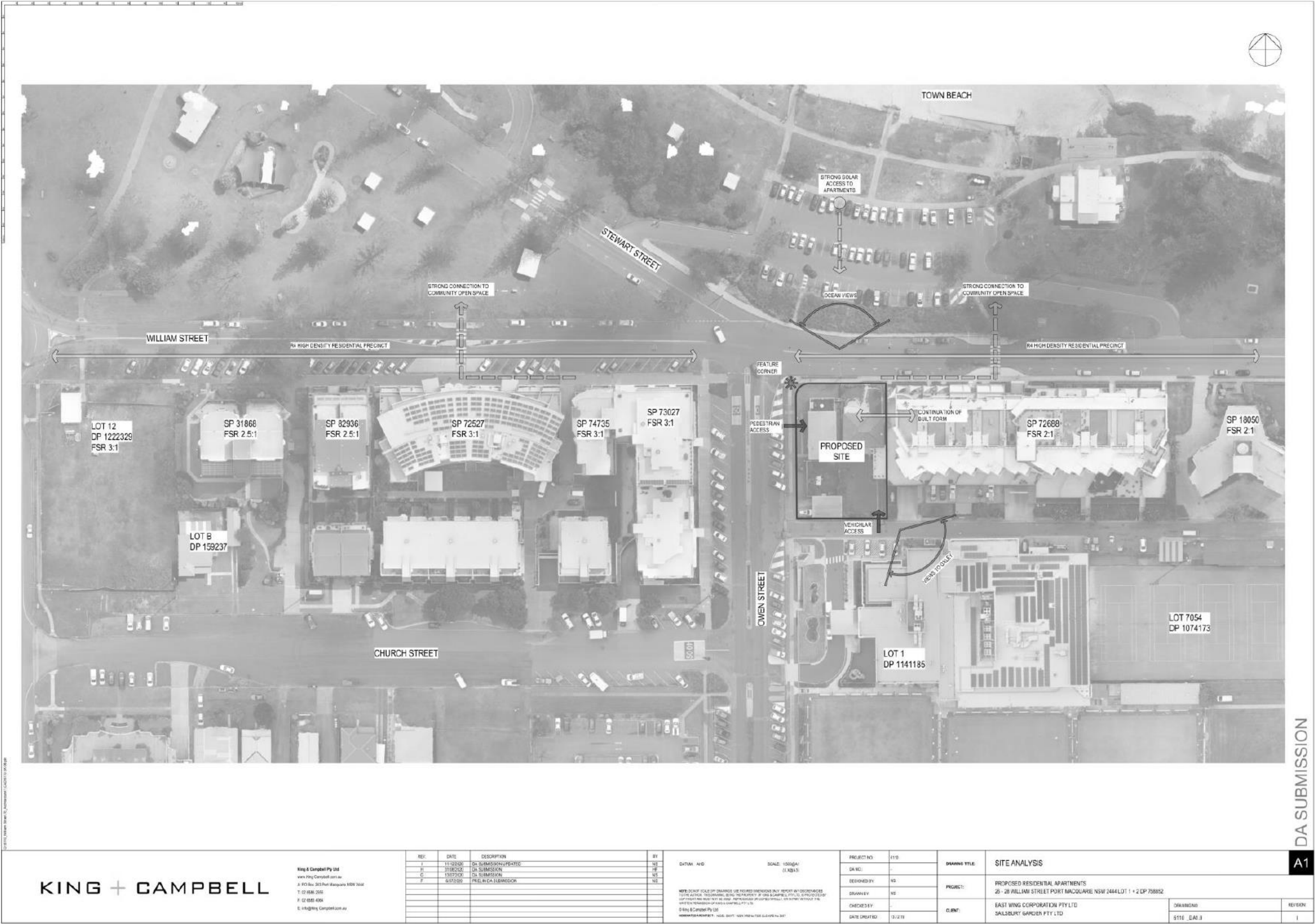
SHEET INDEX		
Layout	Layout Name	Rev.
	COVER SHEET	I
DA1.0	SITE ANALYSIS	I
DA1.1	SITE PLAN	I
DA1.2	EXTERNAL WORKS / LANDSCAPE PLAN	I
DA1.3	DEMOLITION PLAN	I
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DA1.8	THIRD FLOOR RPLAN	I
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DA2.1	SECTION A	I
DA2.2	SECTION B	I
DA2.3	SECTION C	I
DA3.1	NORTH ELEVATION	I
DA3.2	EAST ELEVATION	I
DA3.5	SOUTH ELEVATION	I
DA3.6	WEST ELEVATION	I
DA3.7	STREET ELEVATION	I
DA5.1	SURVEY	I
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DA5.3	AREAS	I
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DA5.5	PRIVACY ANALYSIS	I
DA6.1	SUN STUDY - DECEMBER	I
DA6.2	SUN STUDY - JUNE	I
DA6.3	SUN STUDY - LIVING AREAS	I
DA7.1	PERSPECTIVE	I
DA8.1	CONTRIBUTIONS PLAN - No. 28 WILLIAM STREET	I
DA8.2	CONTRIBUTIONS PLAN - No. 26 WILLIAM STREET	I
DA8.3	CONTRIBUTION PLANS - No. 26 WILLIAM STREET	I

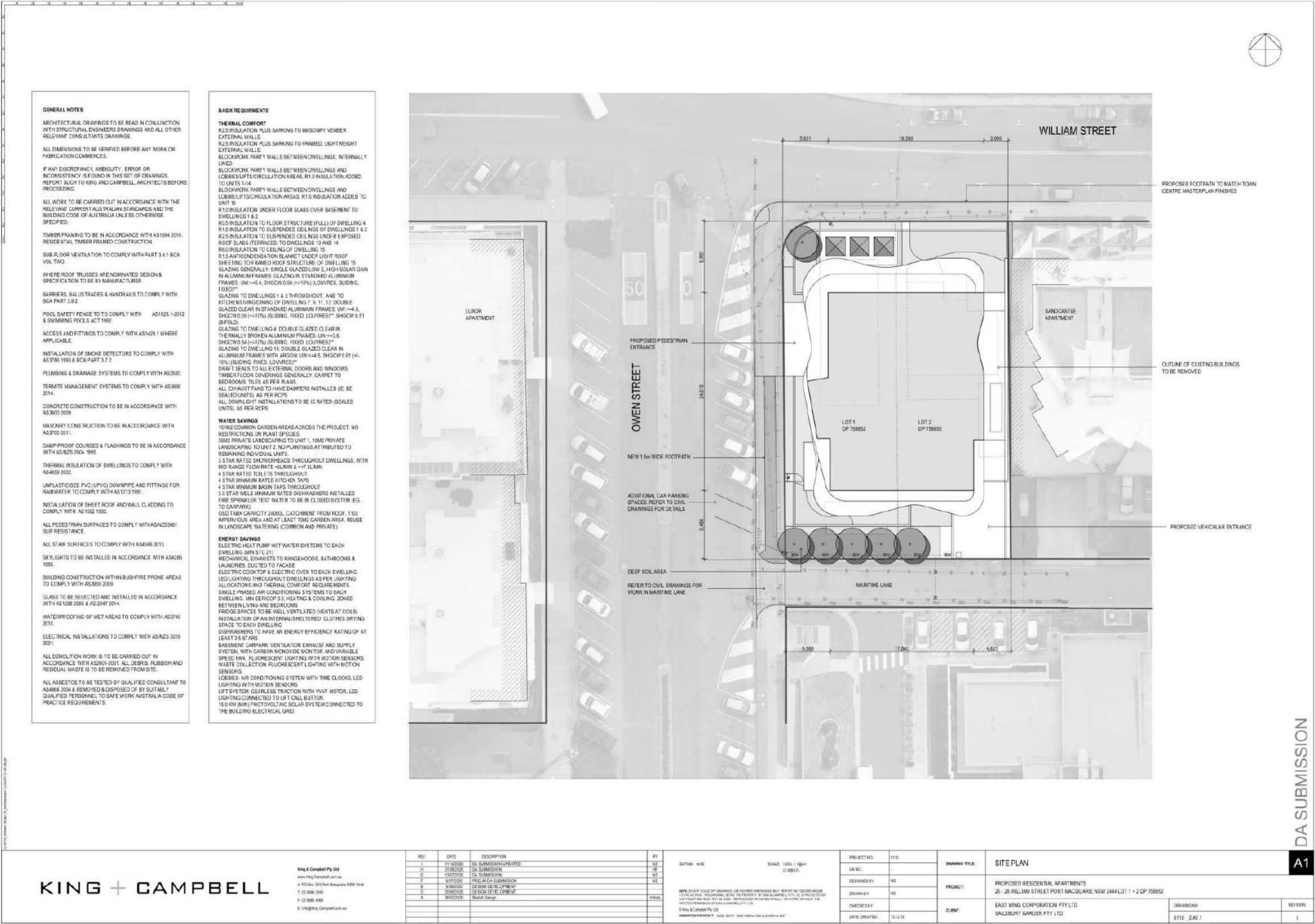
KING + CAMPBELL

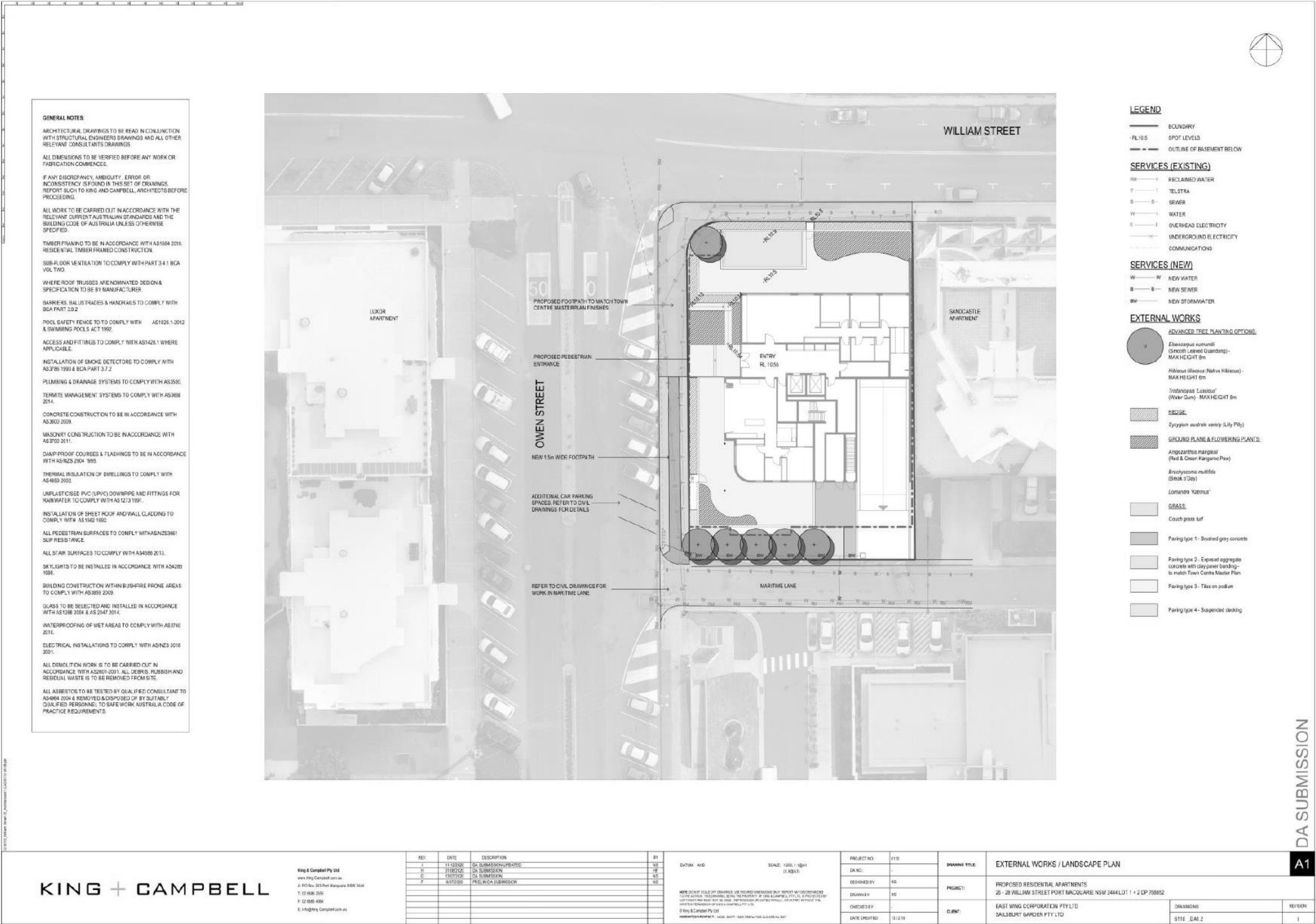
DEVELOPMENT APPLICATION

PROPOSED RESIDENTIAL APARTMENTS
26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852



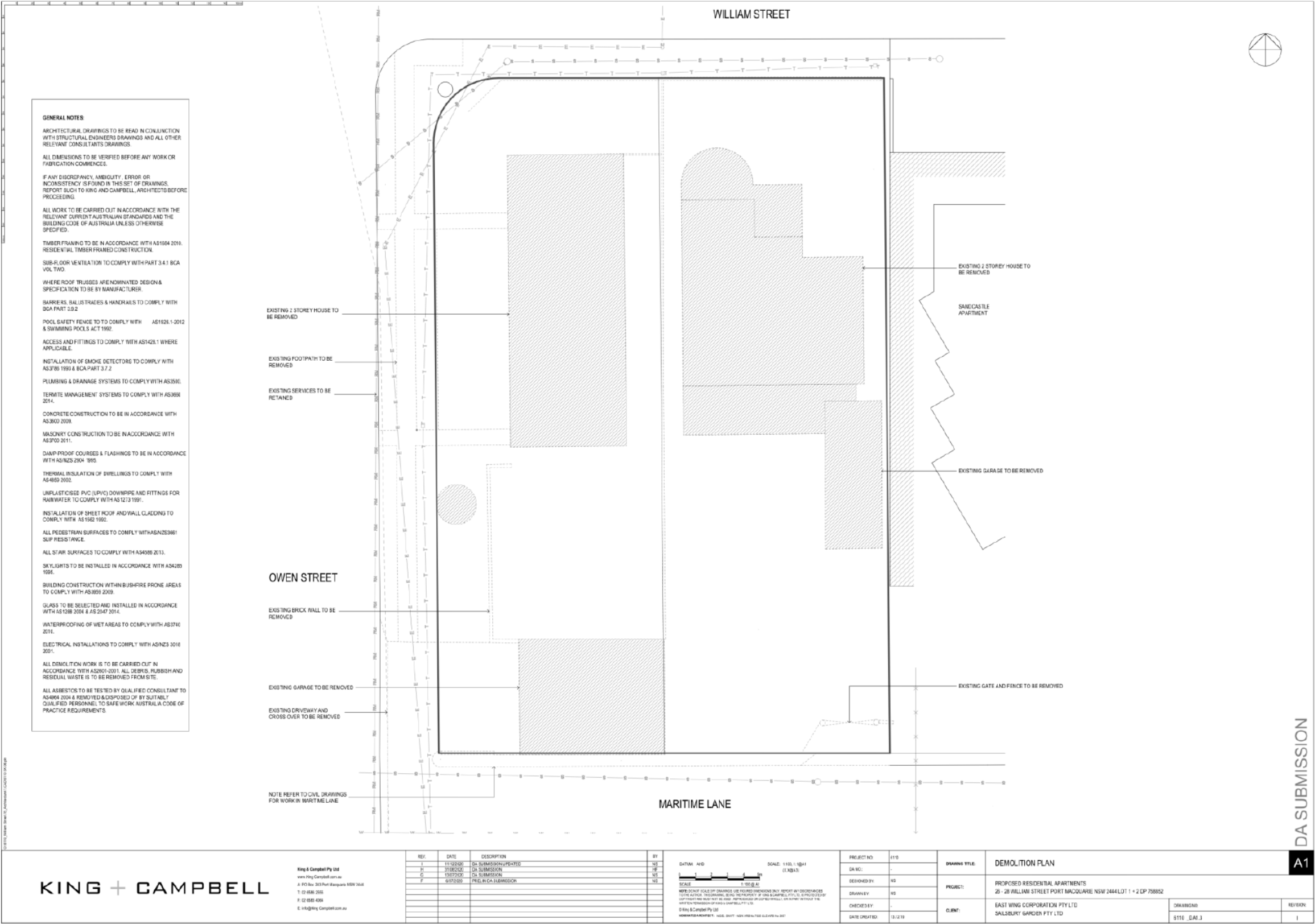


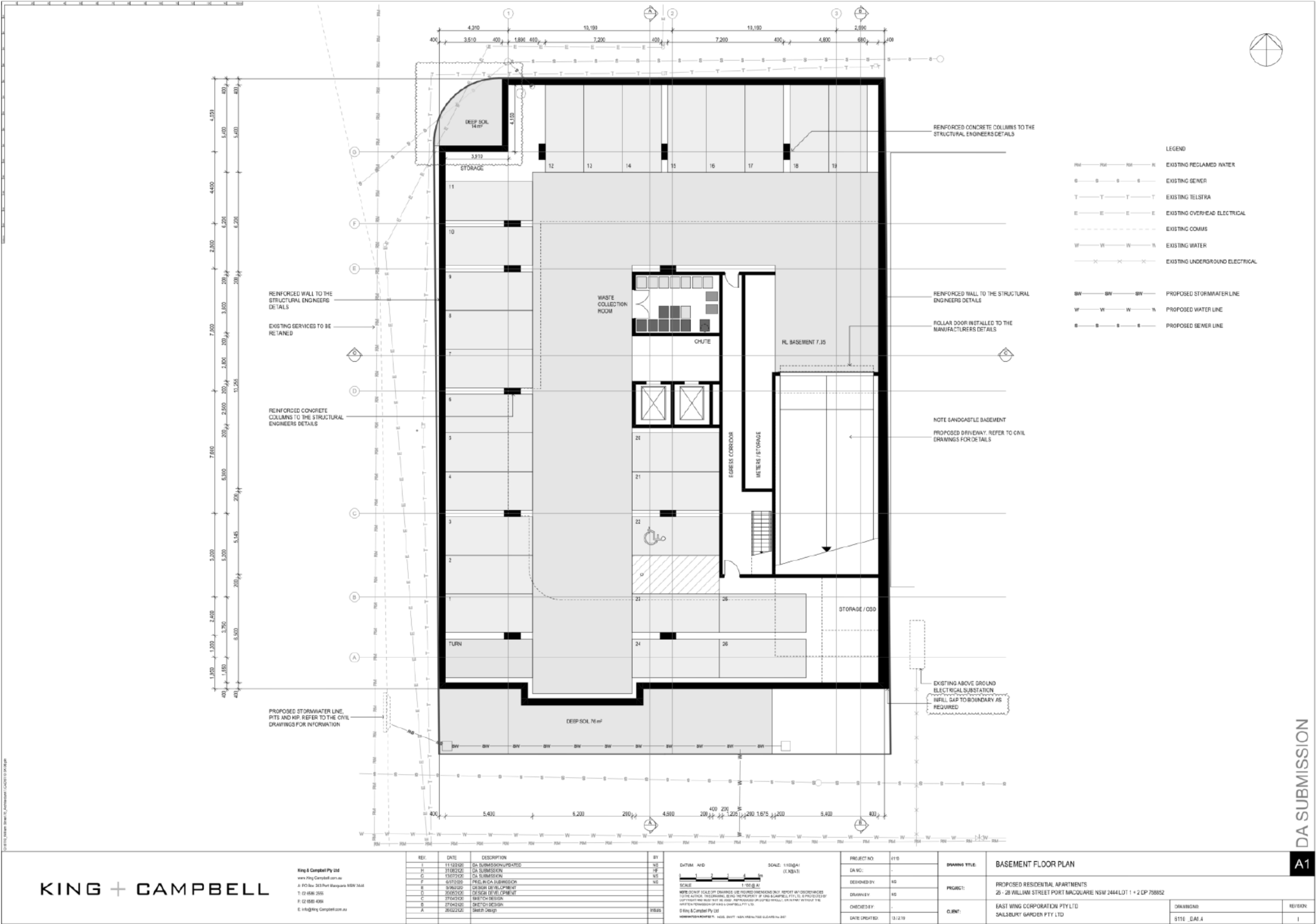


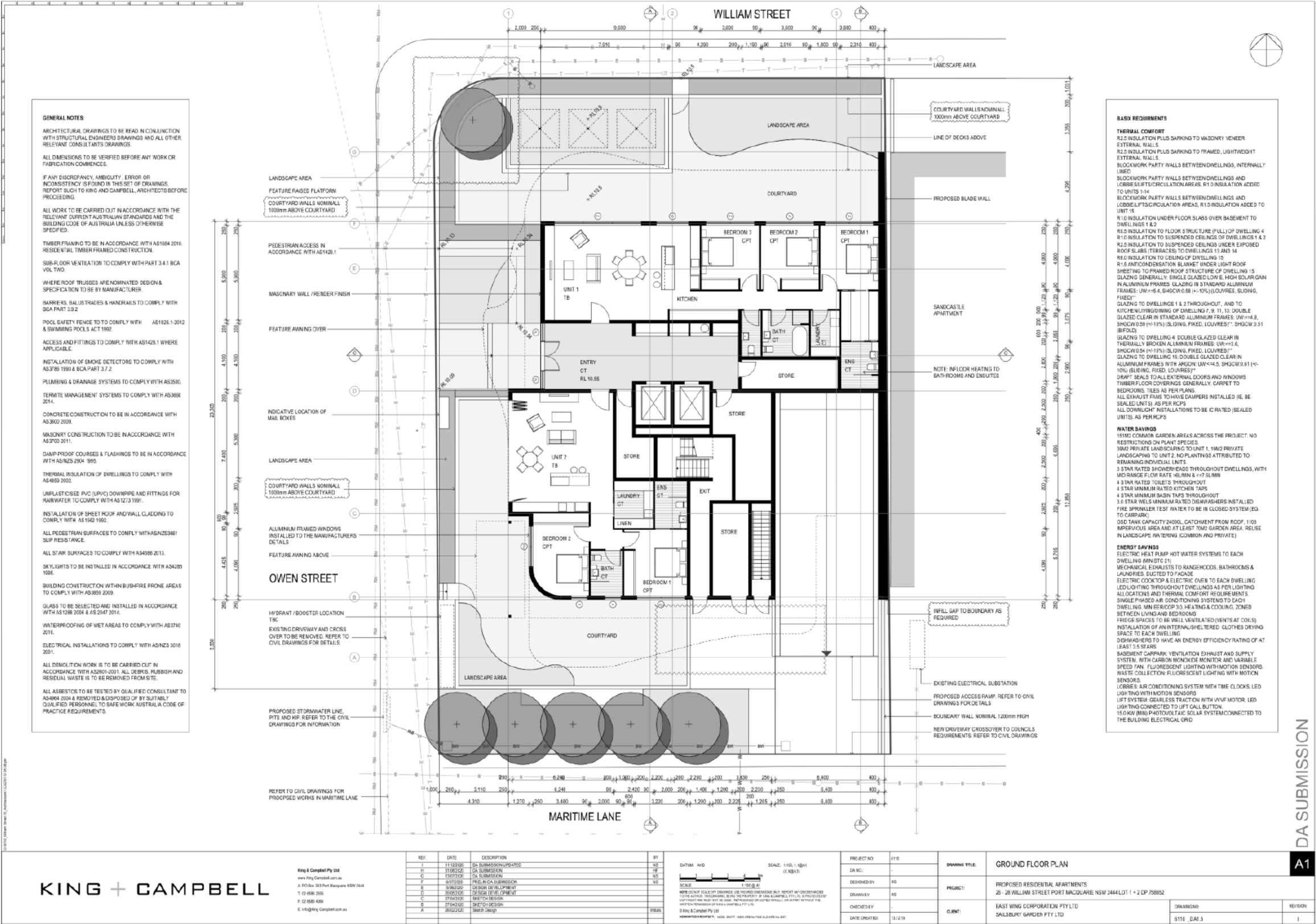


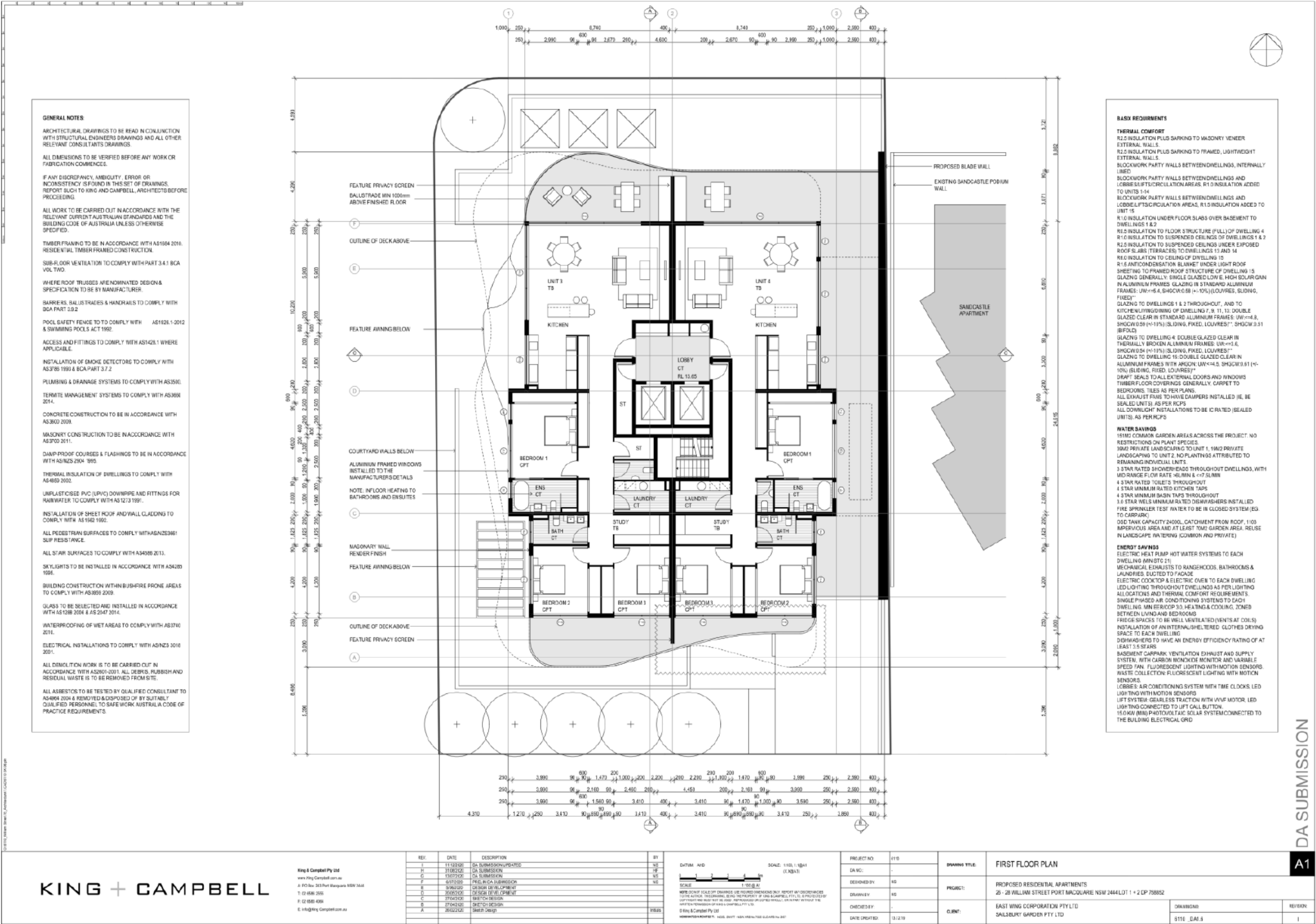
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DA SUBMISSION
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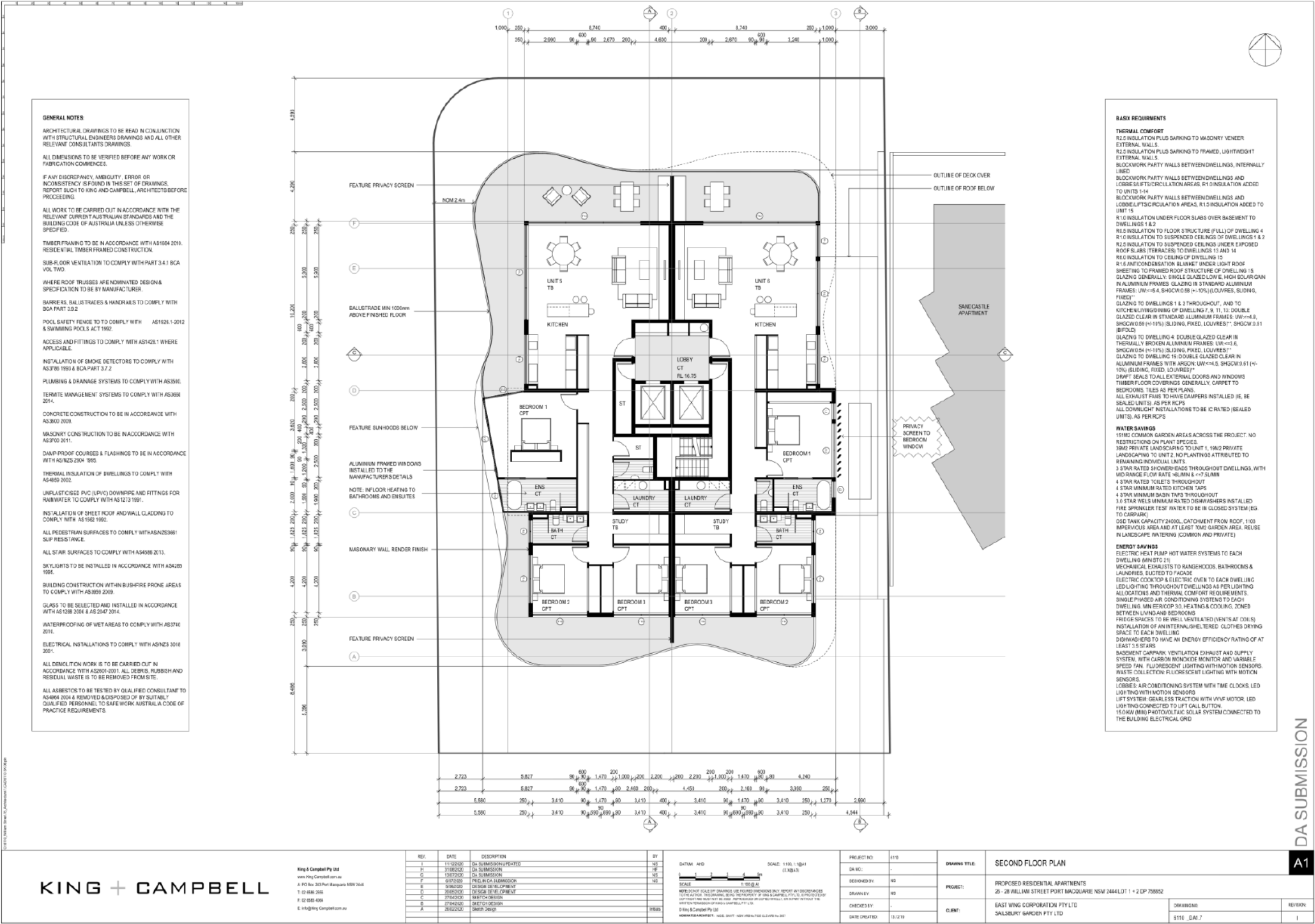
King & Campbell Pty Ltd
www.kingandcampbell.com.au
A PO Box 353 Port Macquarie NSW 2444
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E: info@kingandcampbell.com.au

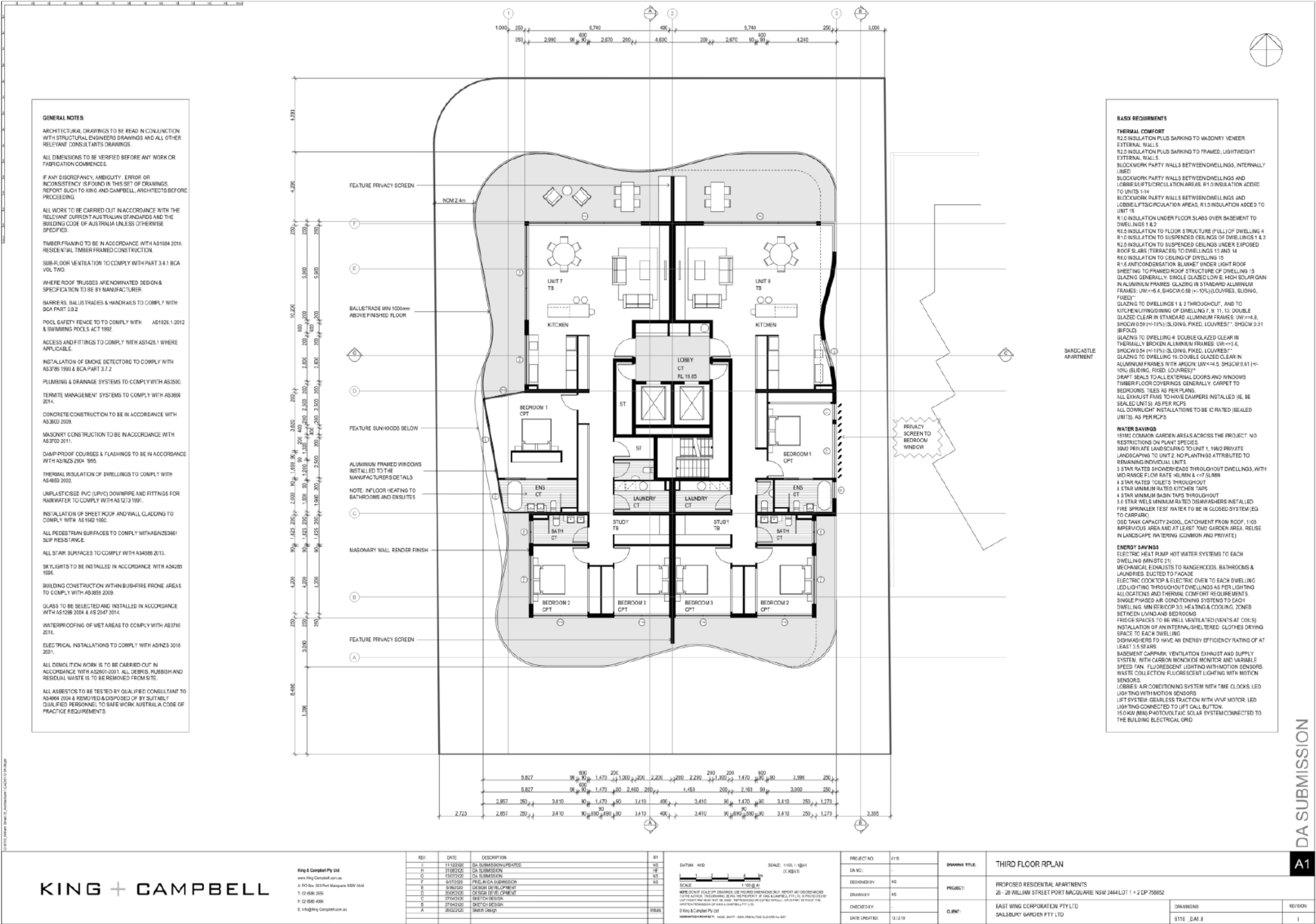
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3	18/07/20	DA SUBMISSION	MS
4	01/02/21	PUBLIC DA SUBMISSION	MS
5	09/02/21	DESIGN DEVELOPMENT	MS
6	20/02/21	DESIGN DEVELOPMENT	MS
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9	28/02/21	SKETCH DESIGN	MS

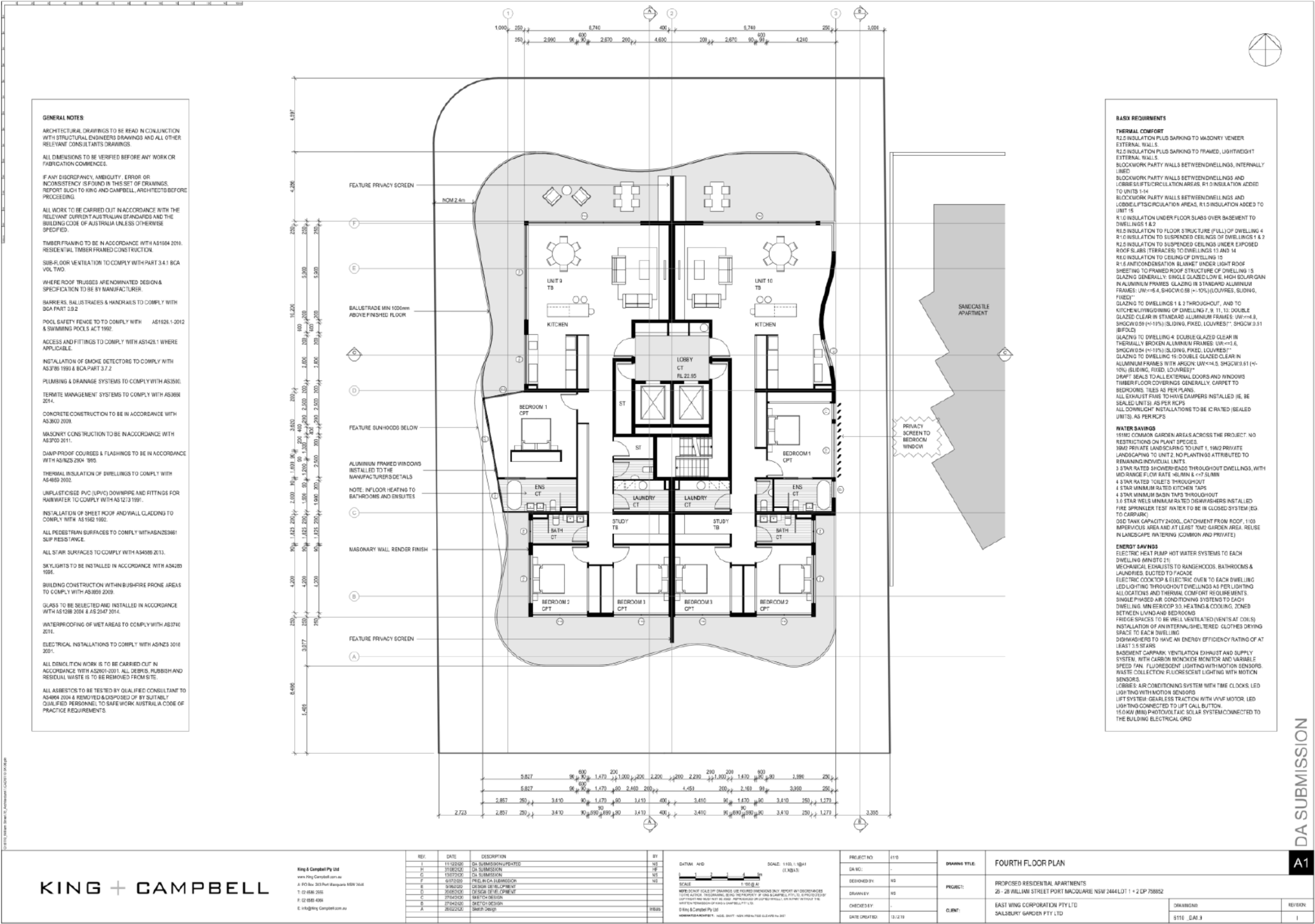
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DATE AND SCALE: 1:100 (1:100)	DRAWN BY: MS
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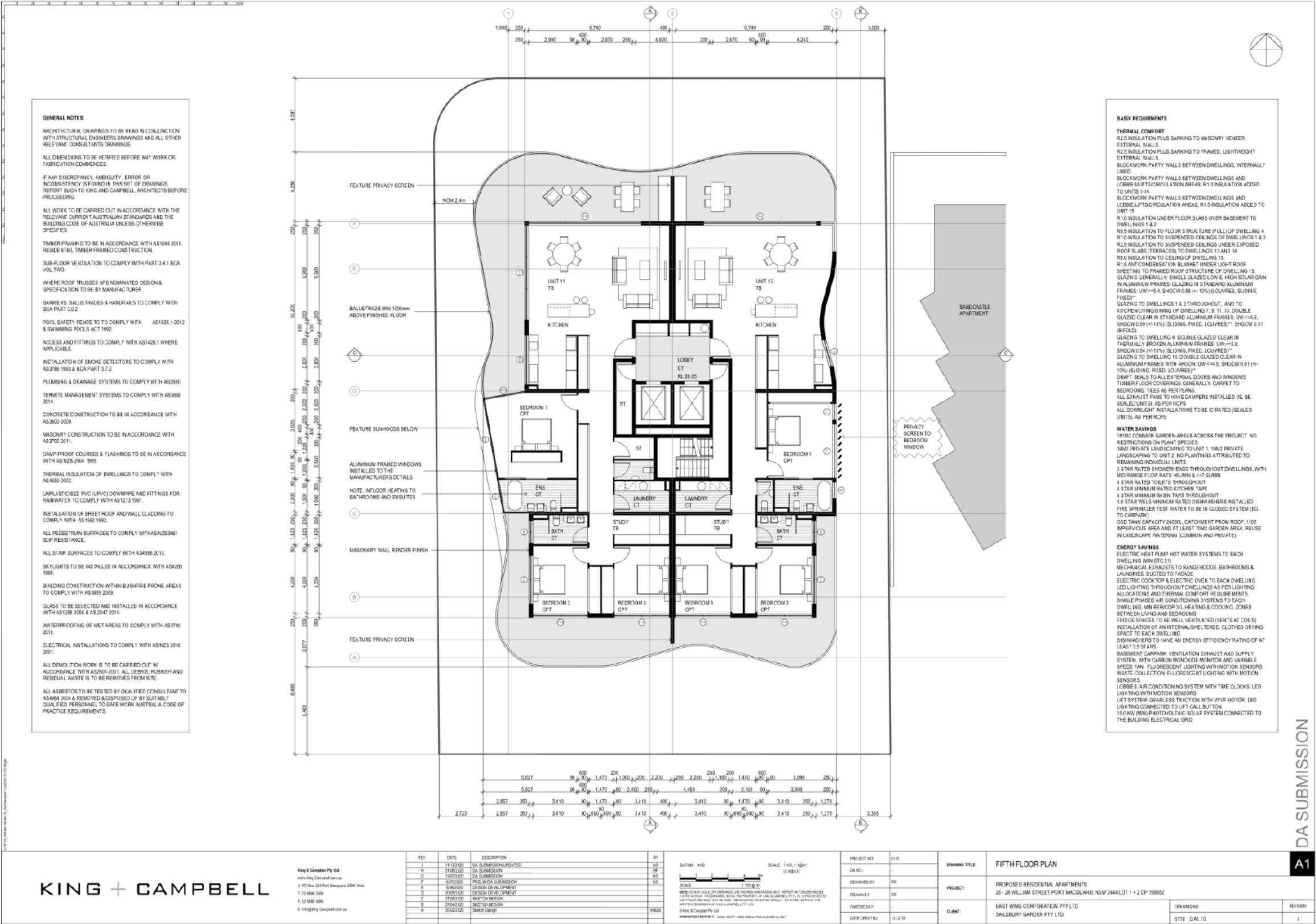
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CHECKED BY: -	SALSBURY GARDEN PTY LTD
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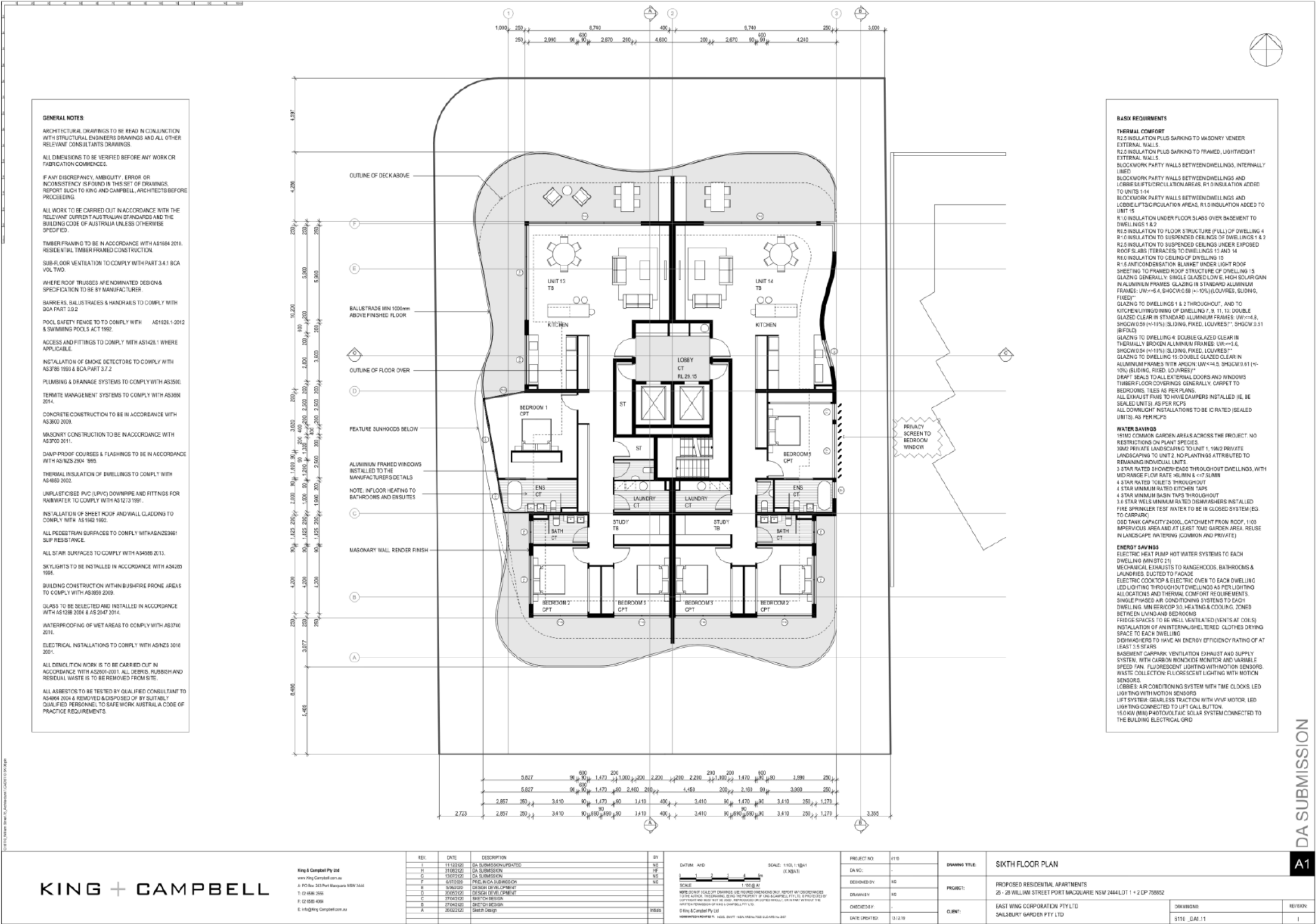
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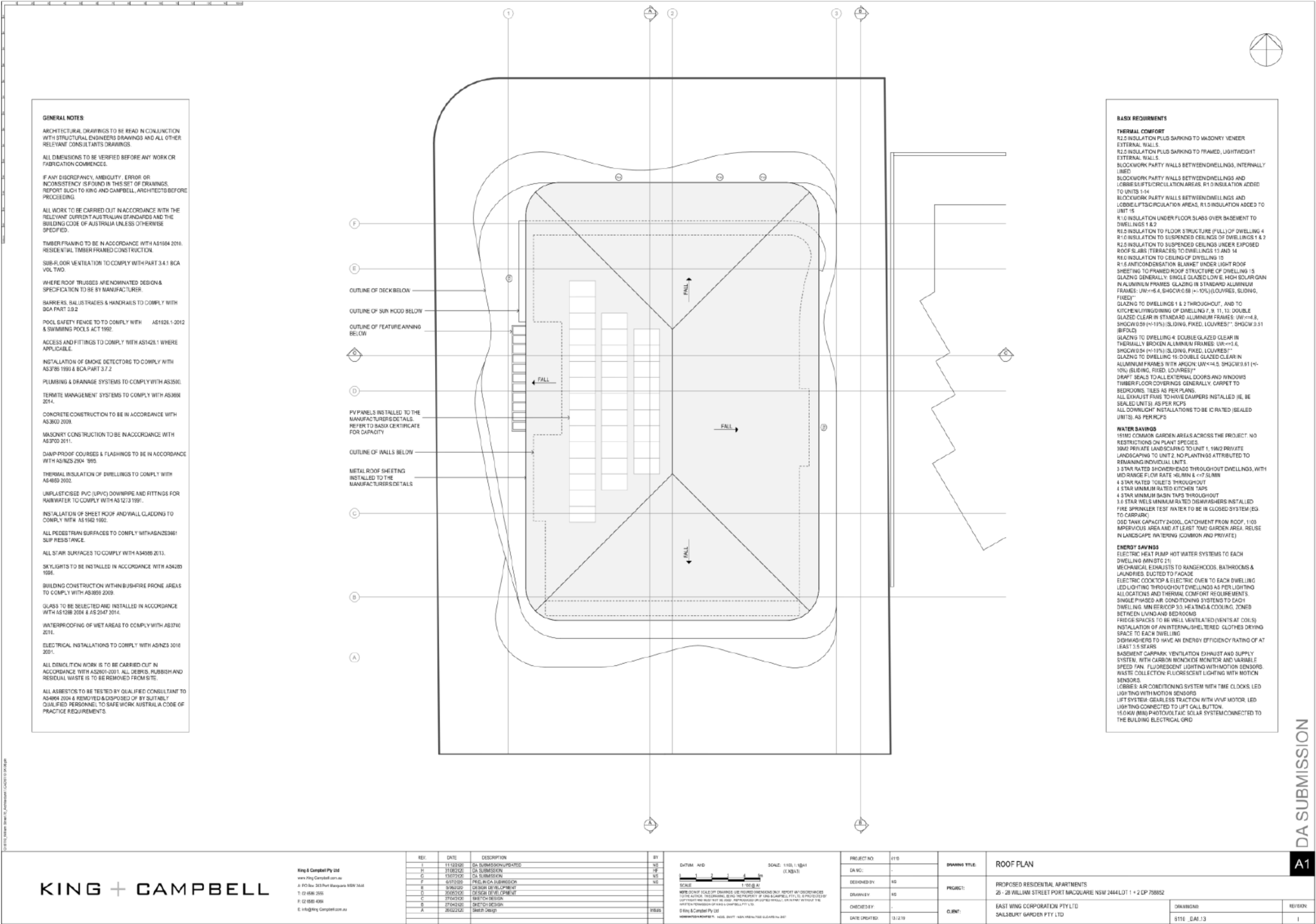


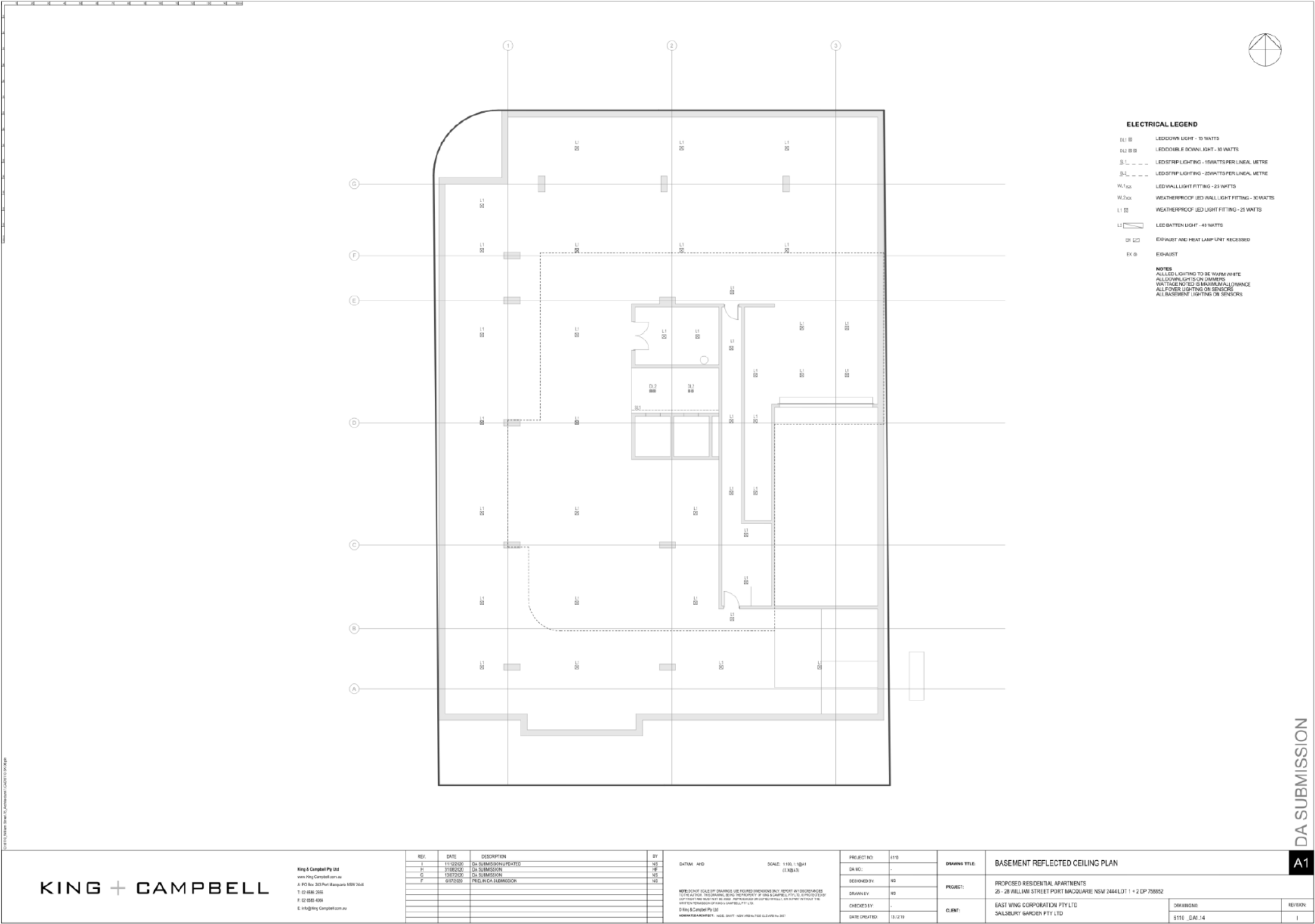


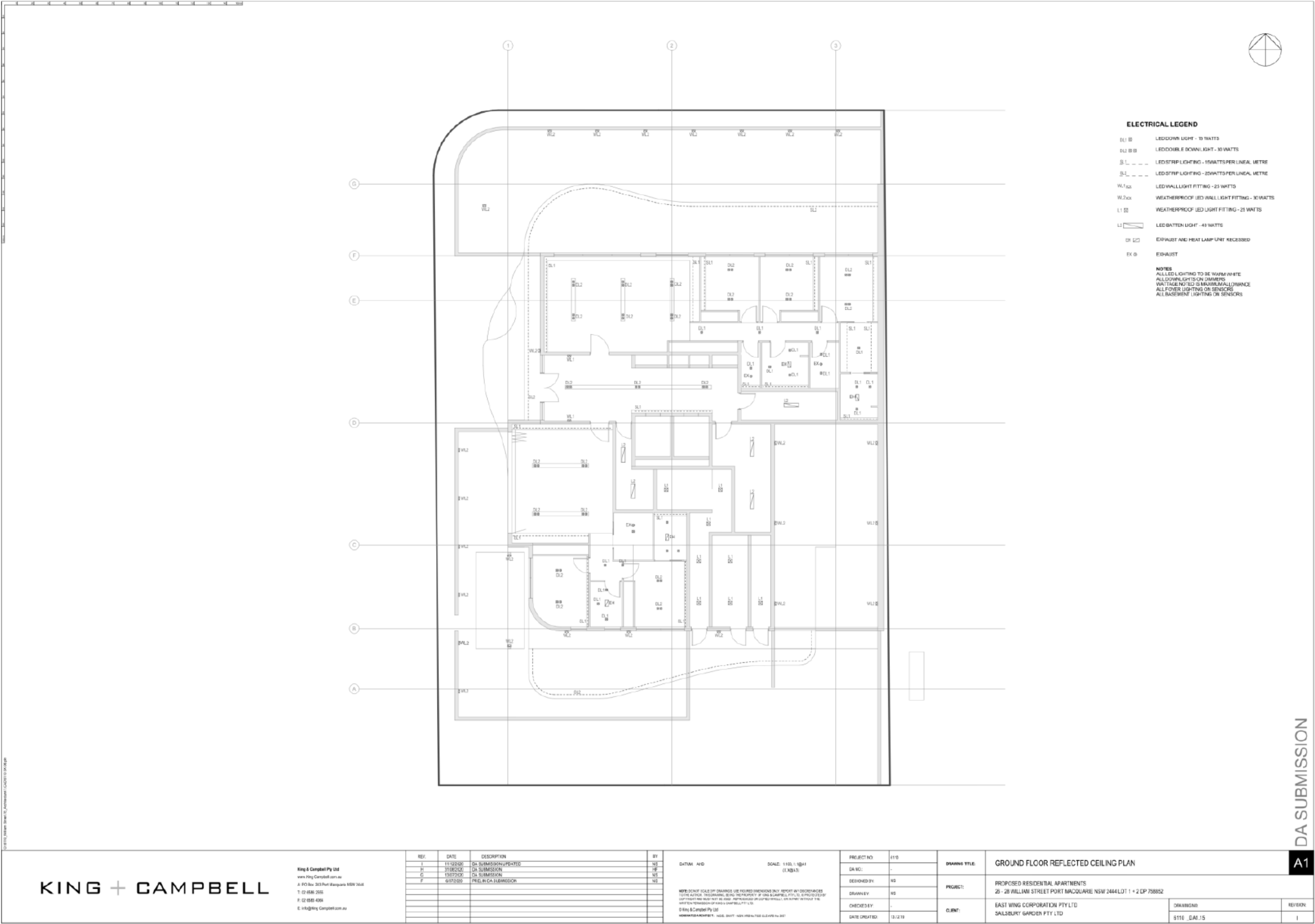


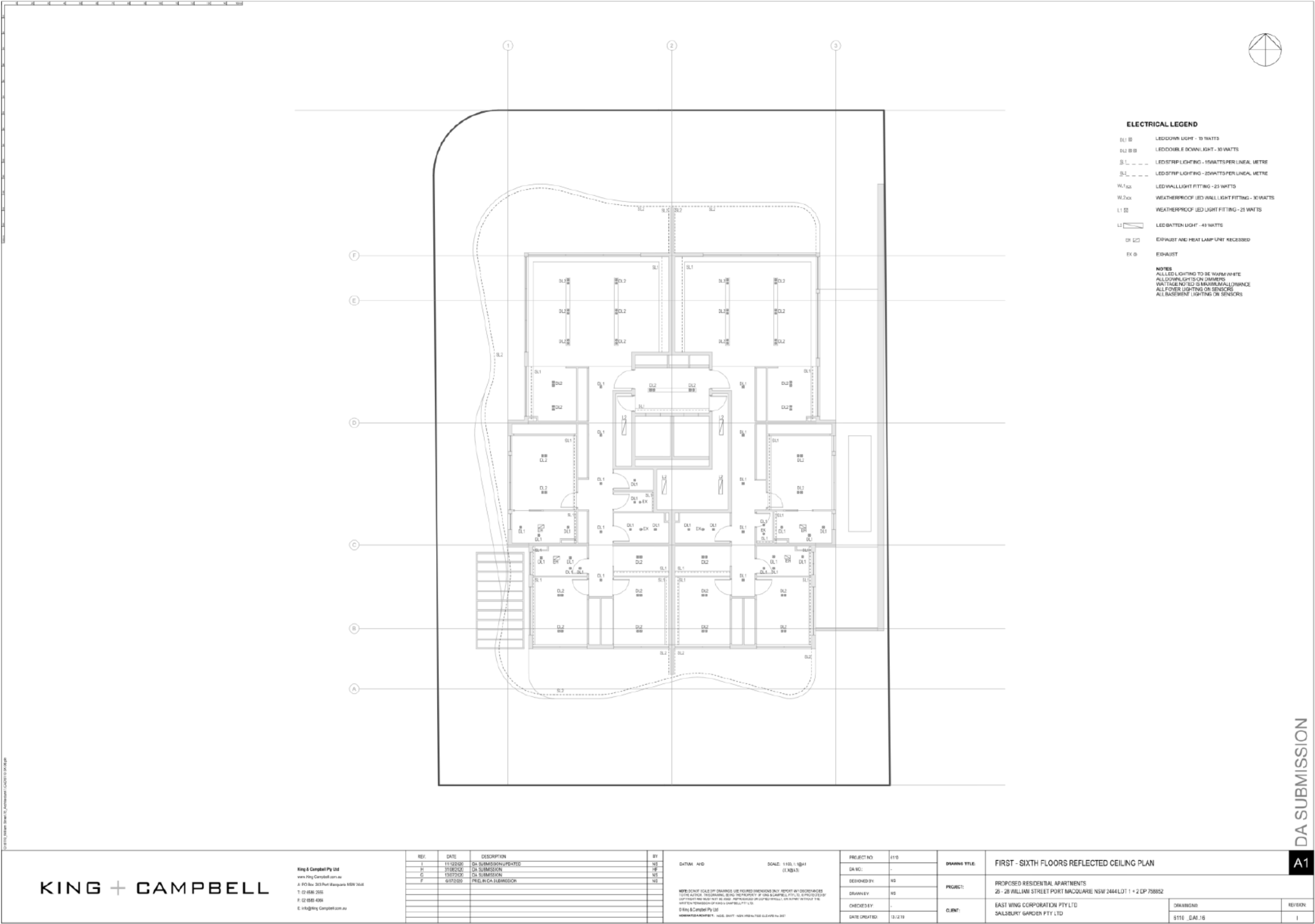




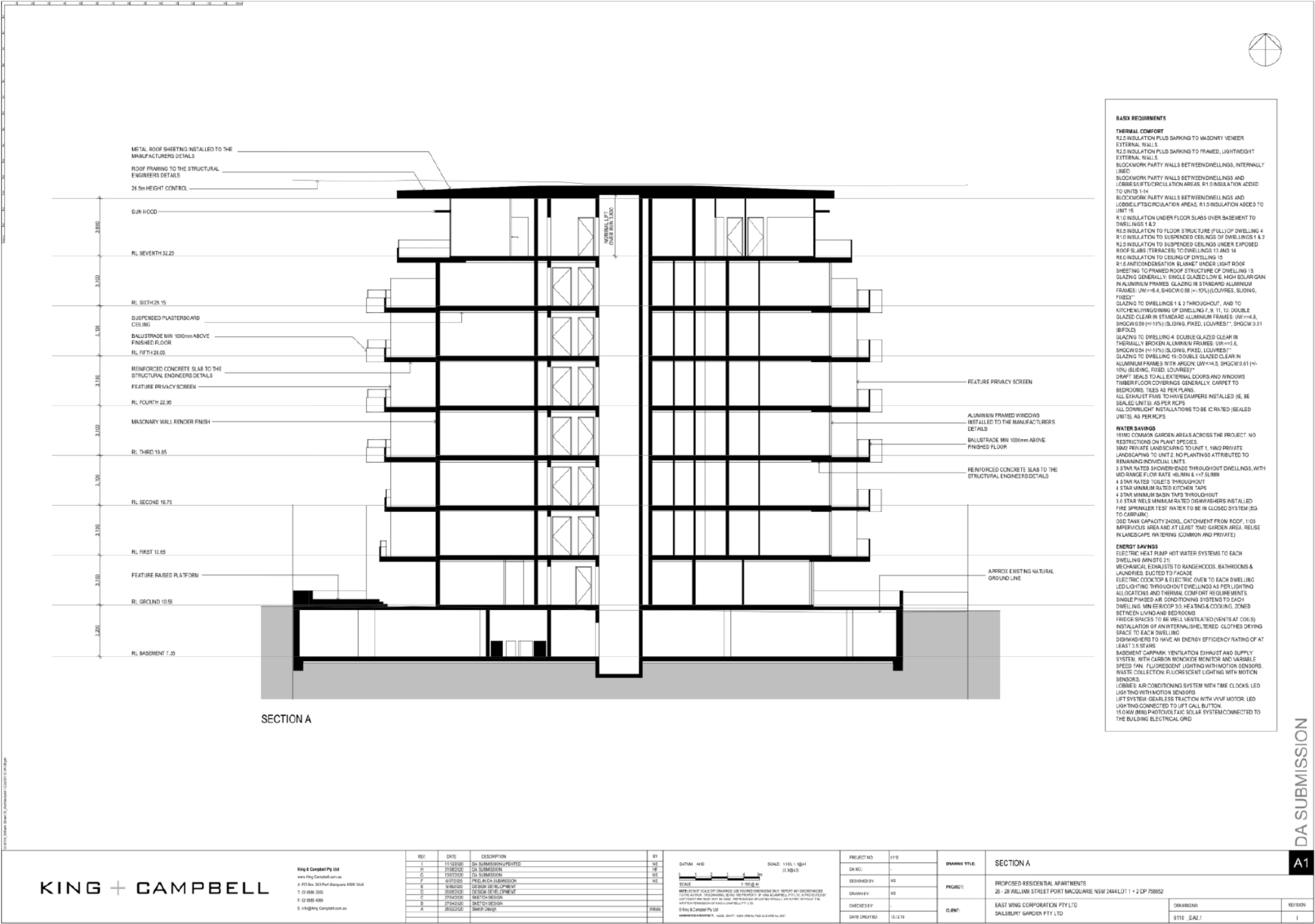


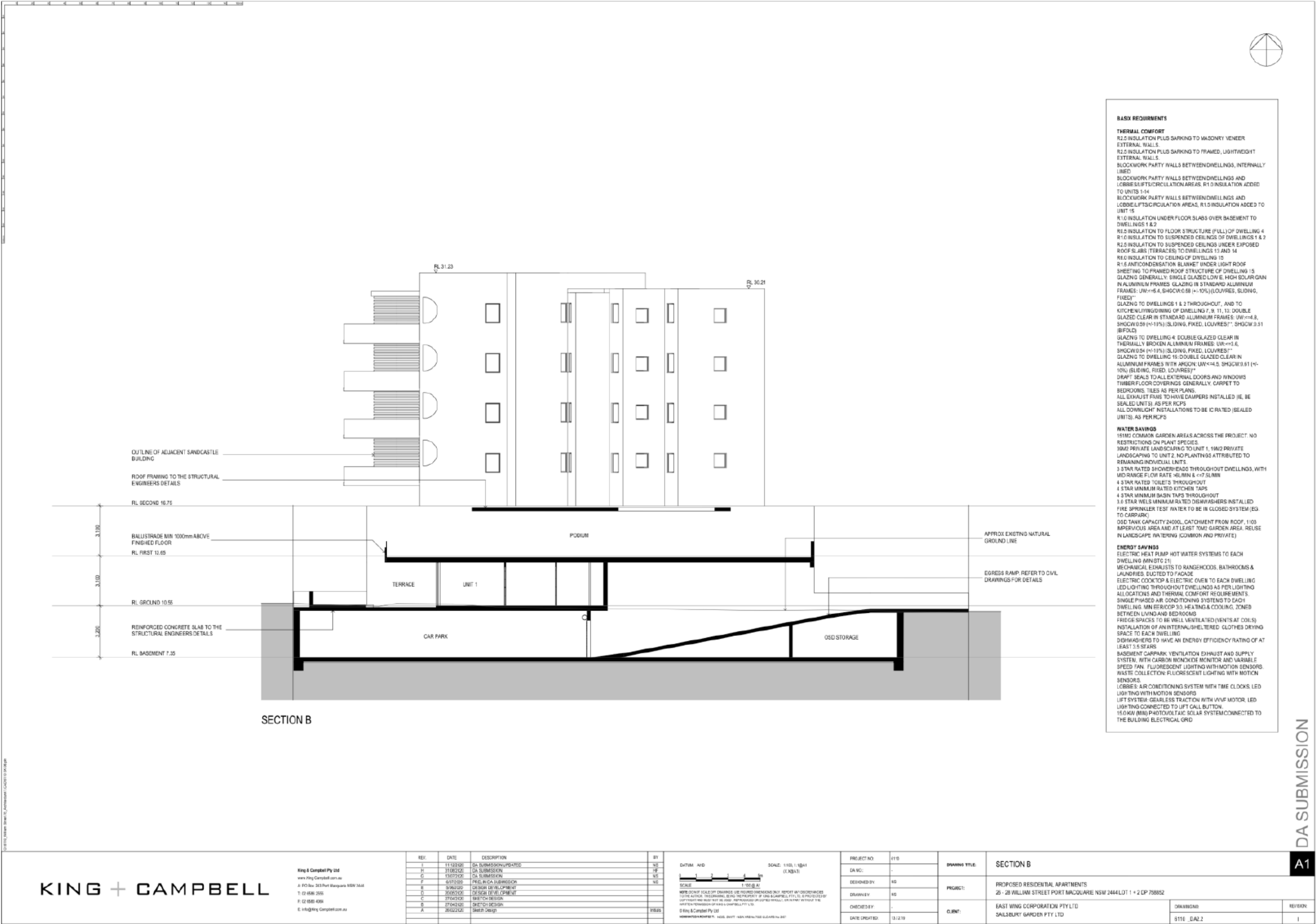








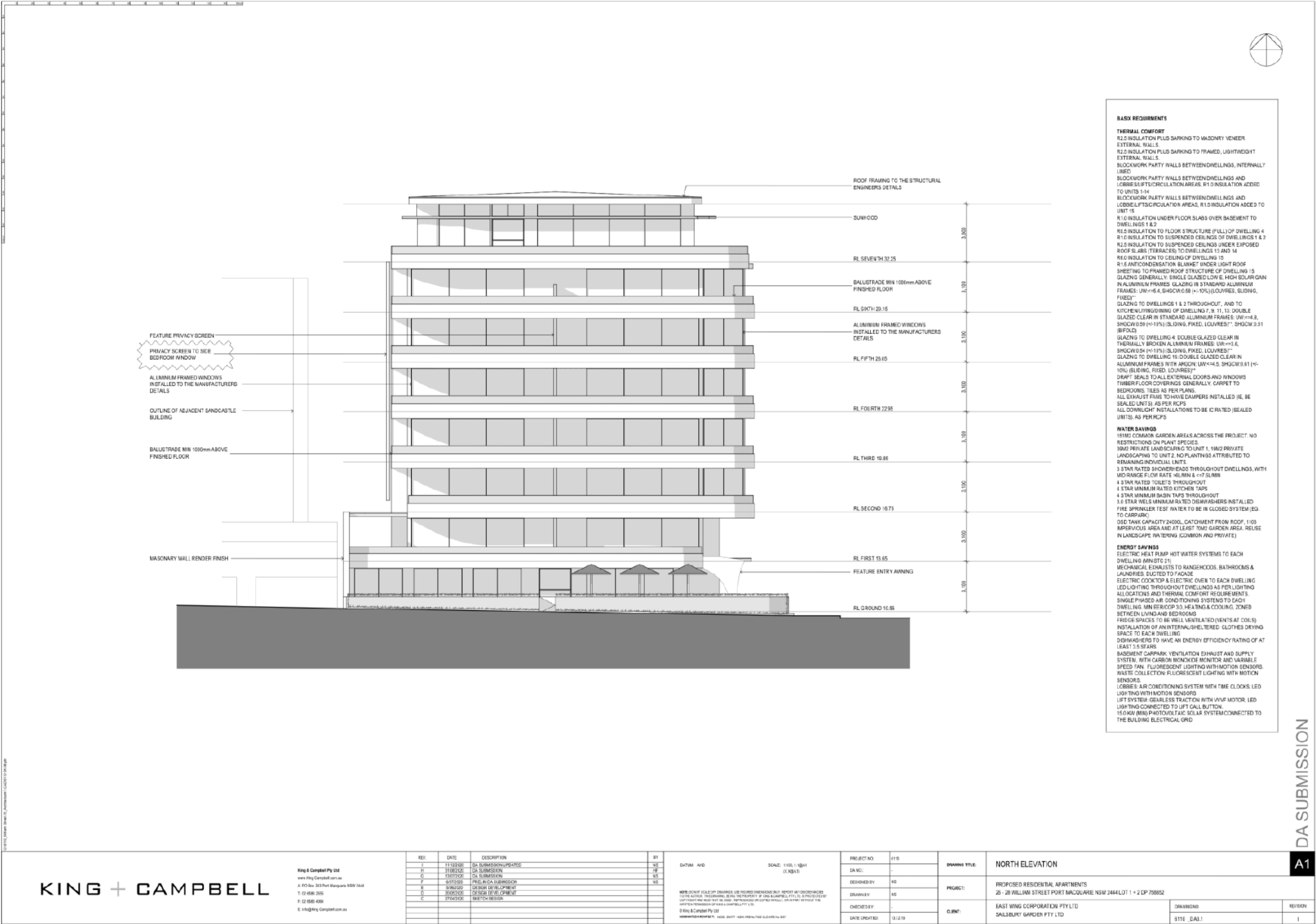




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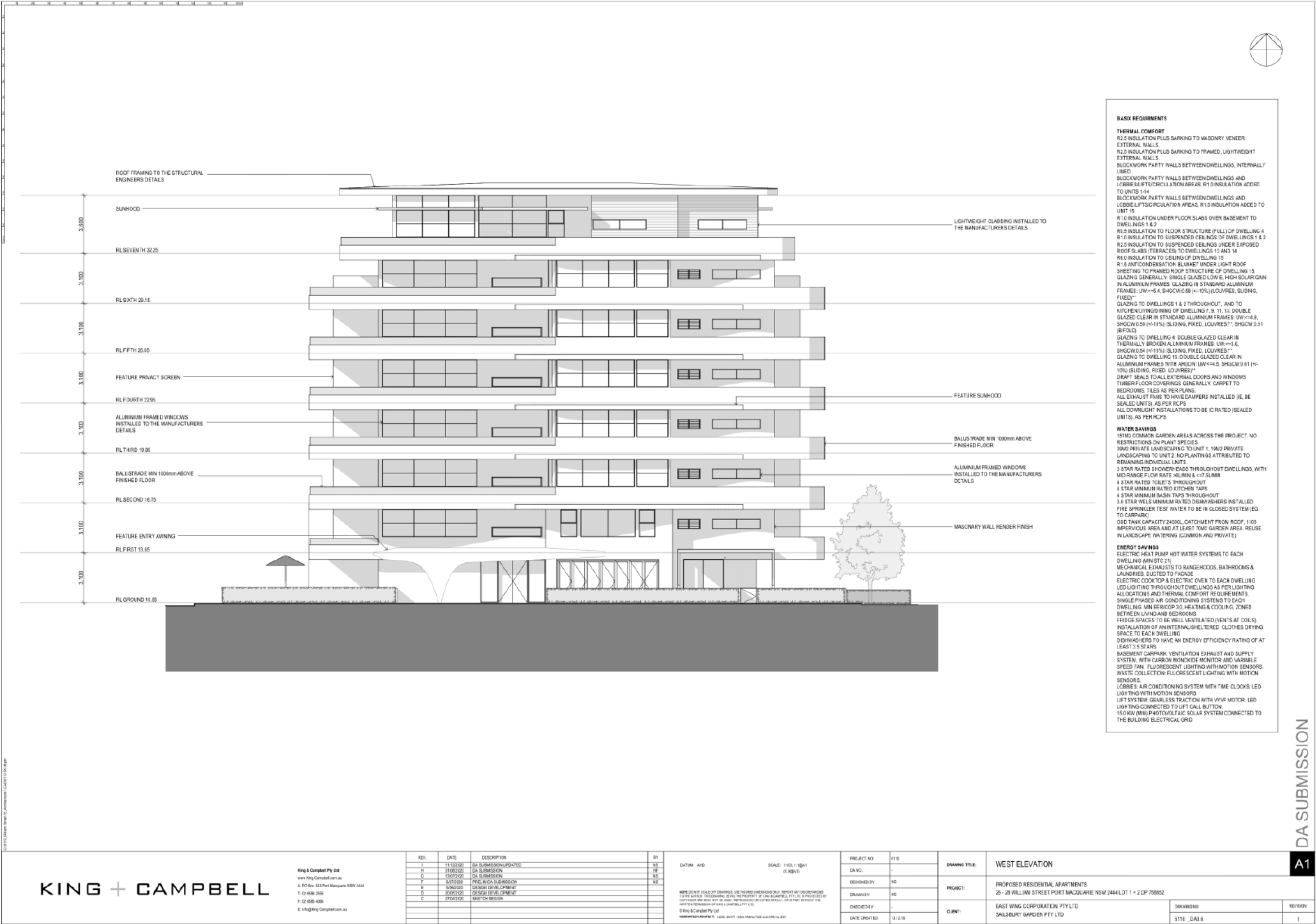
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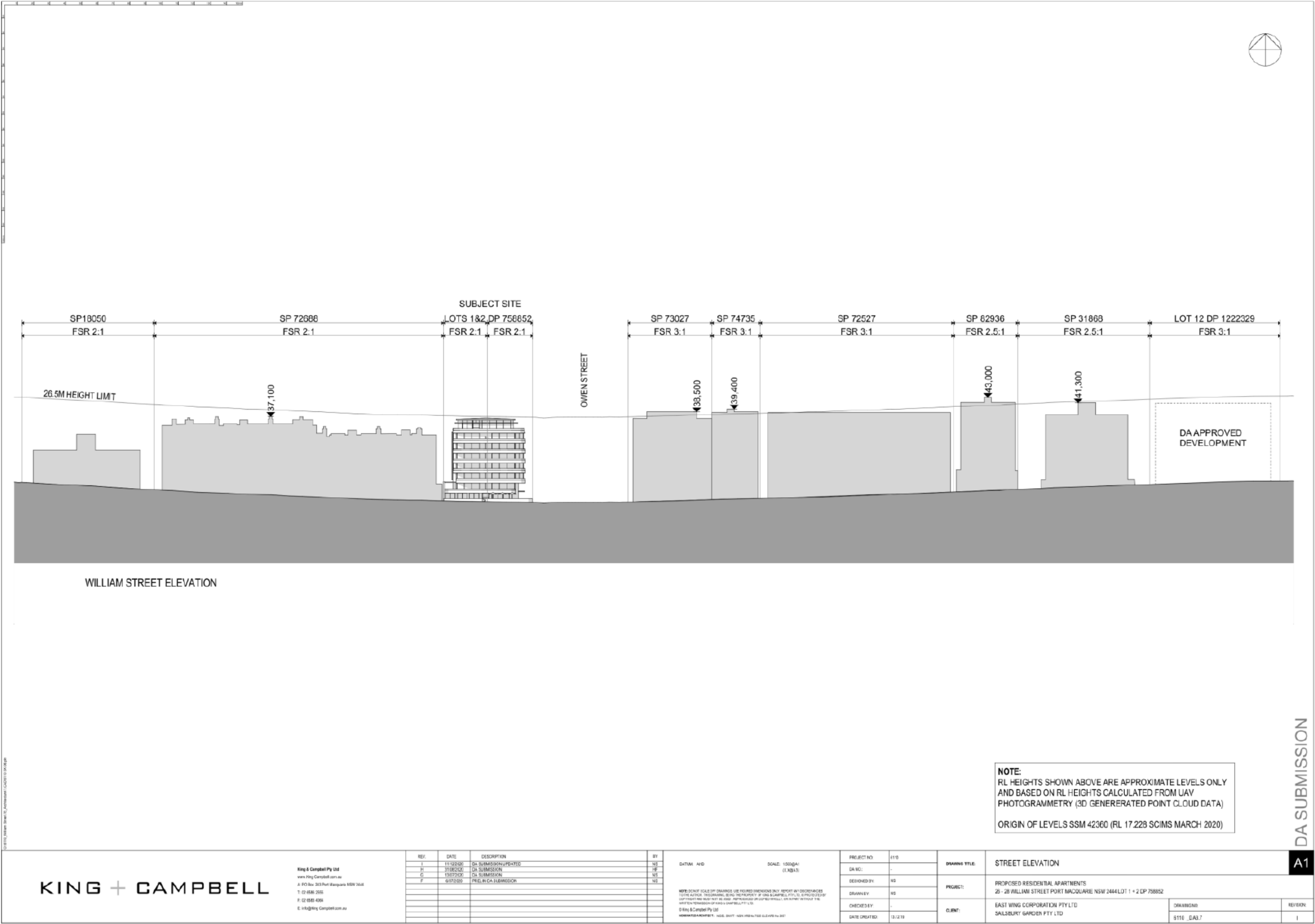










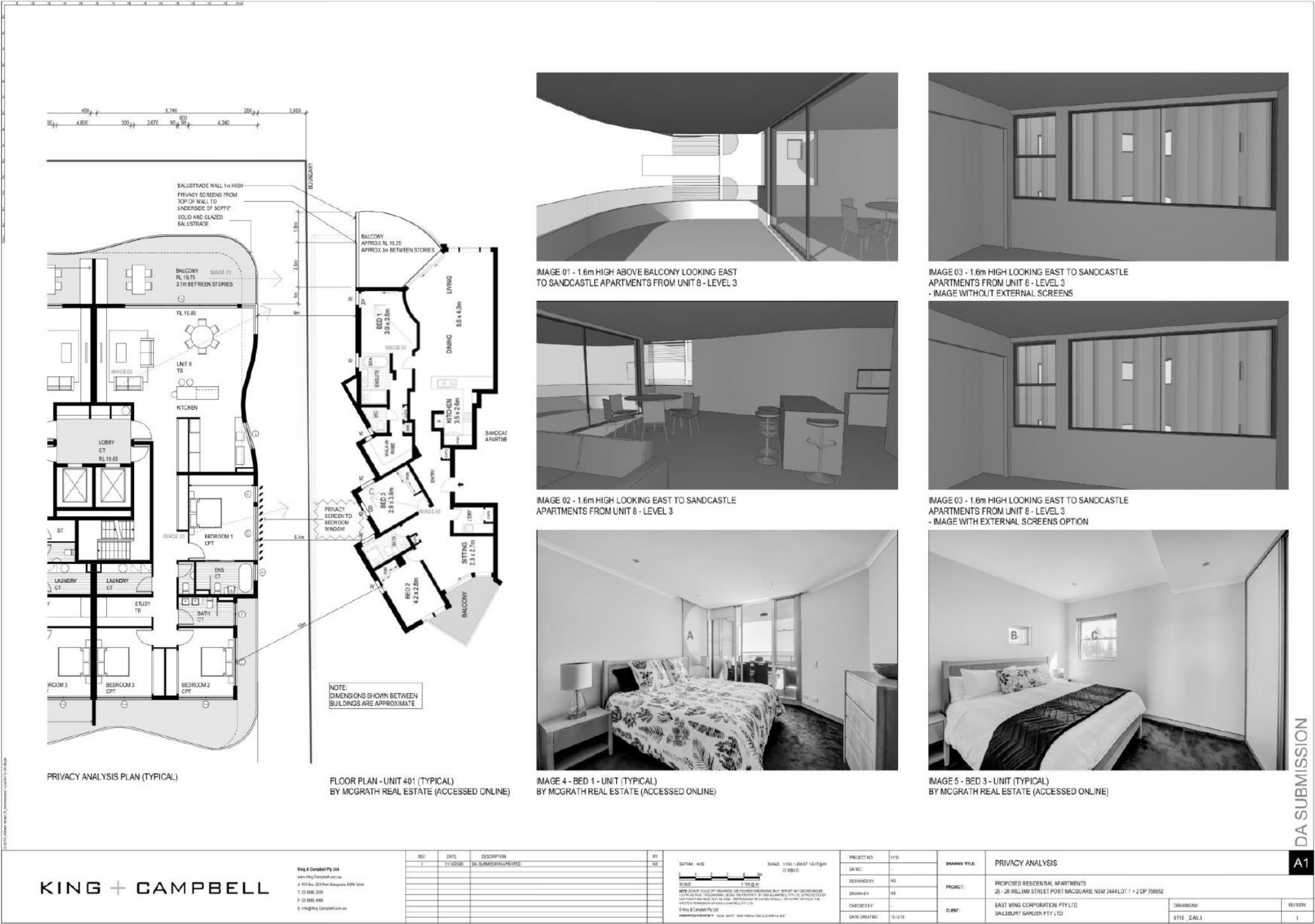


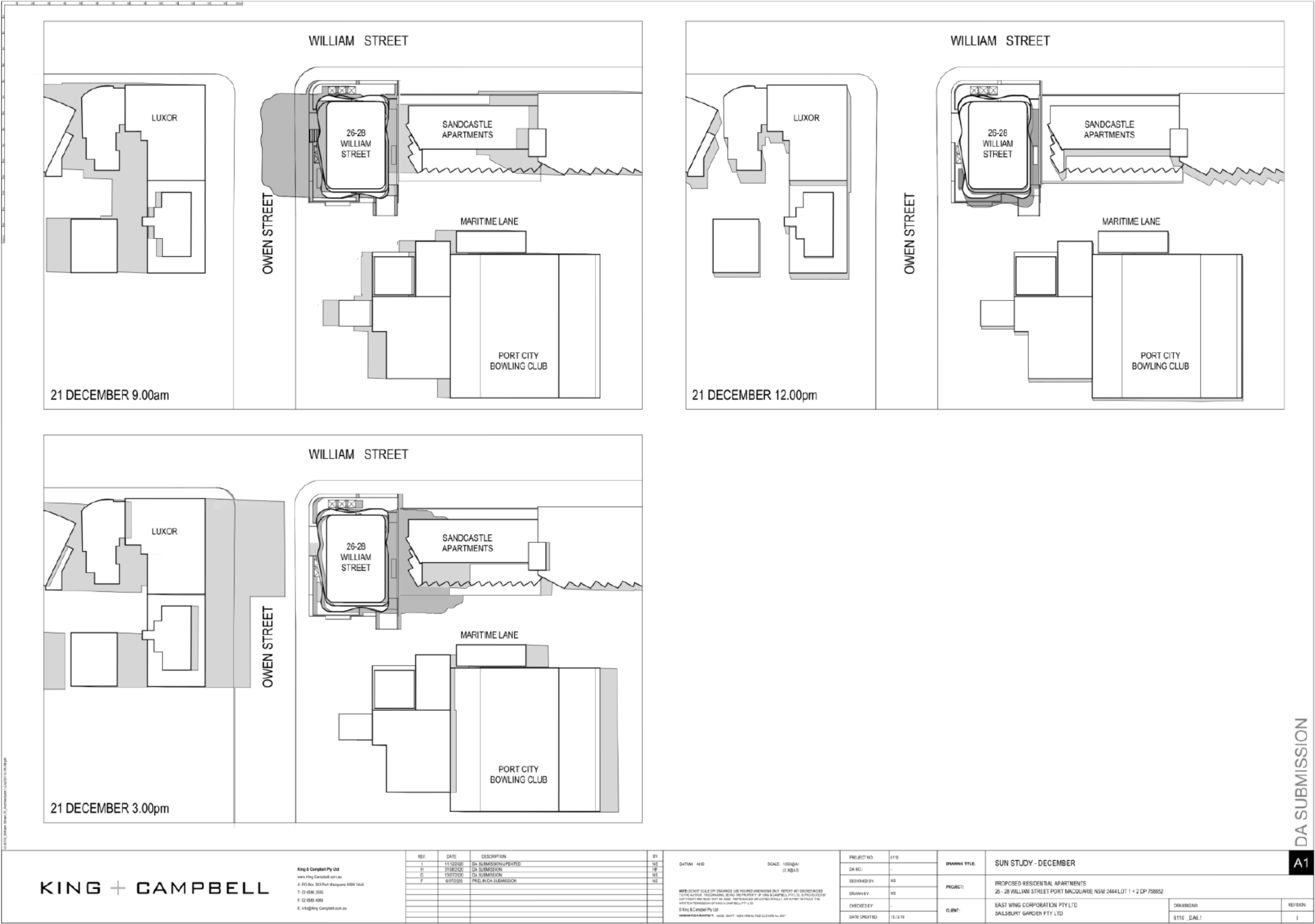


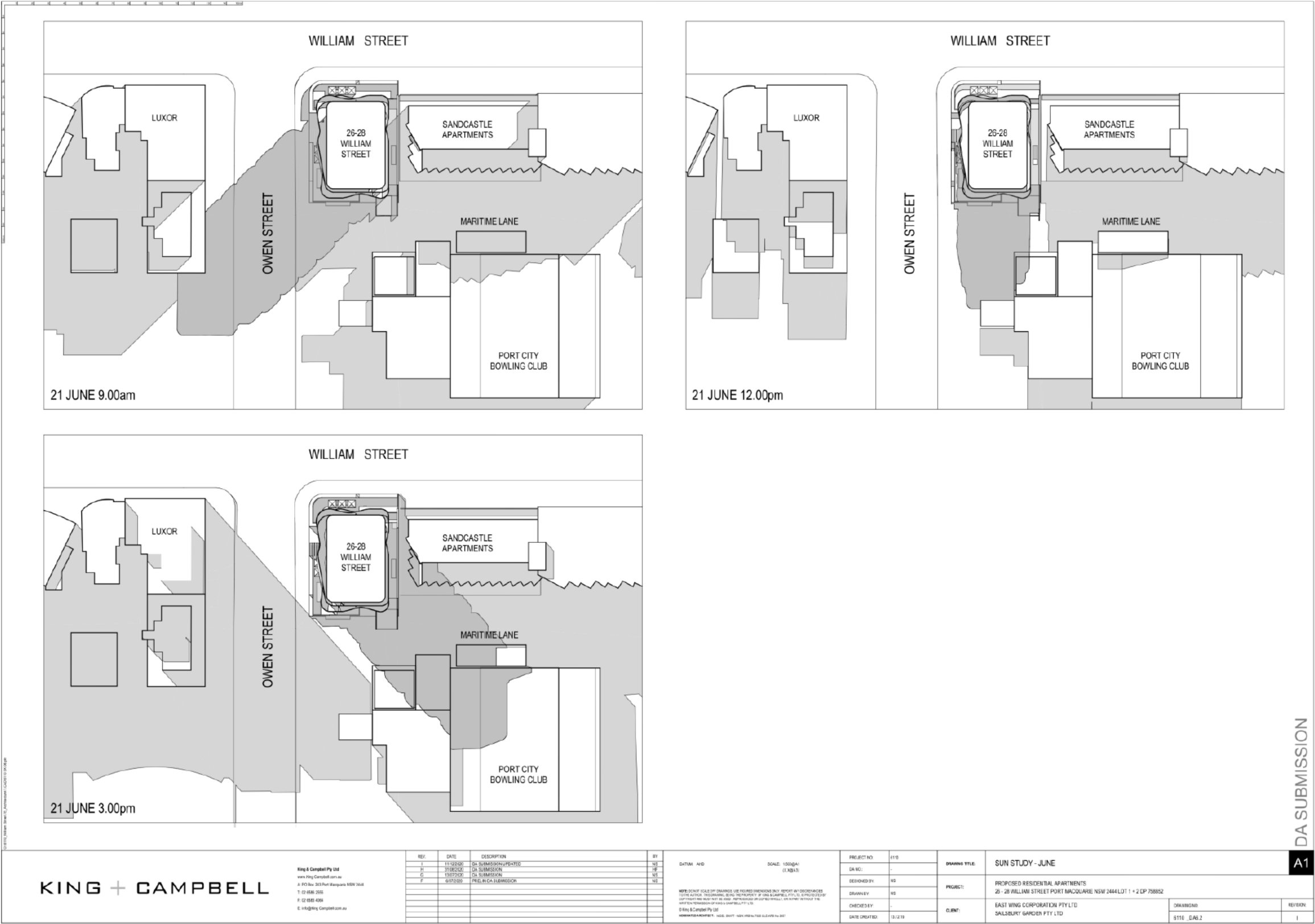


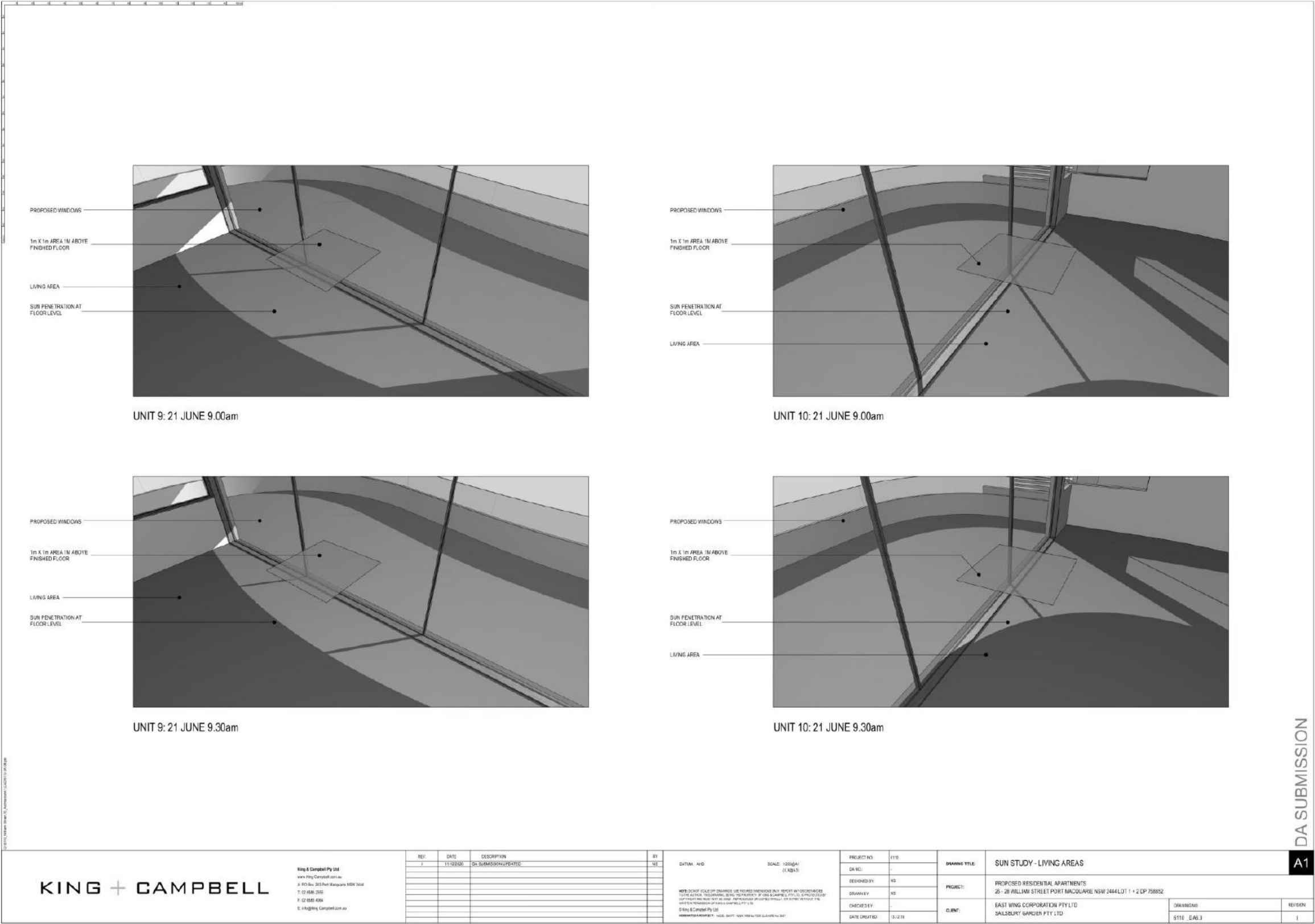


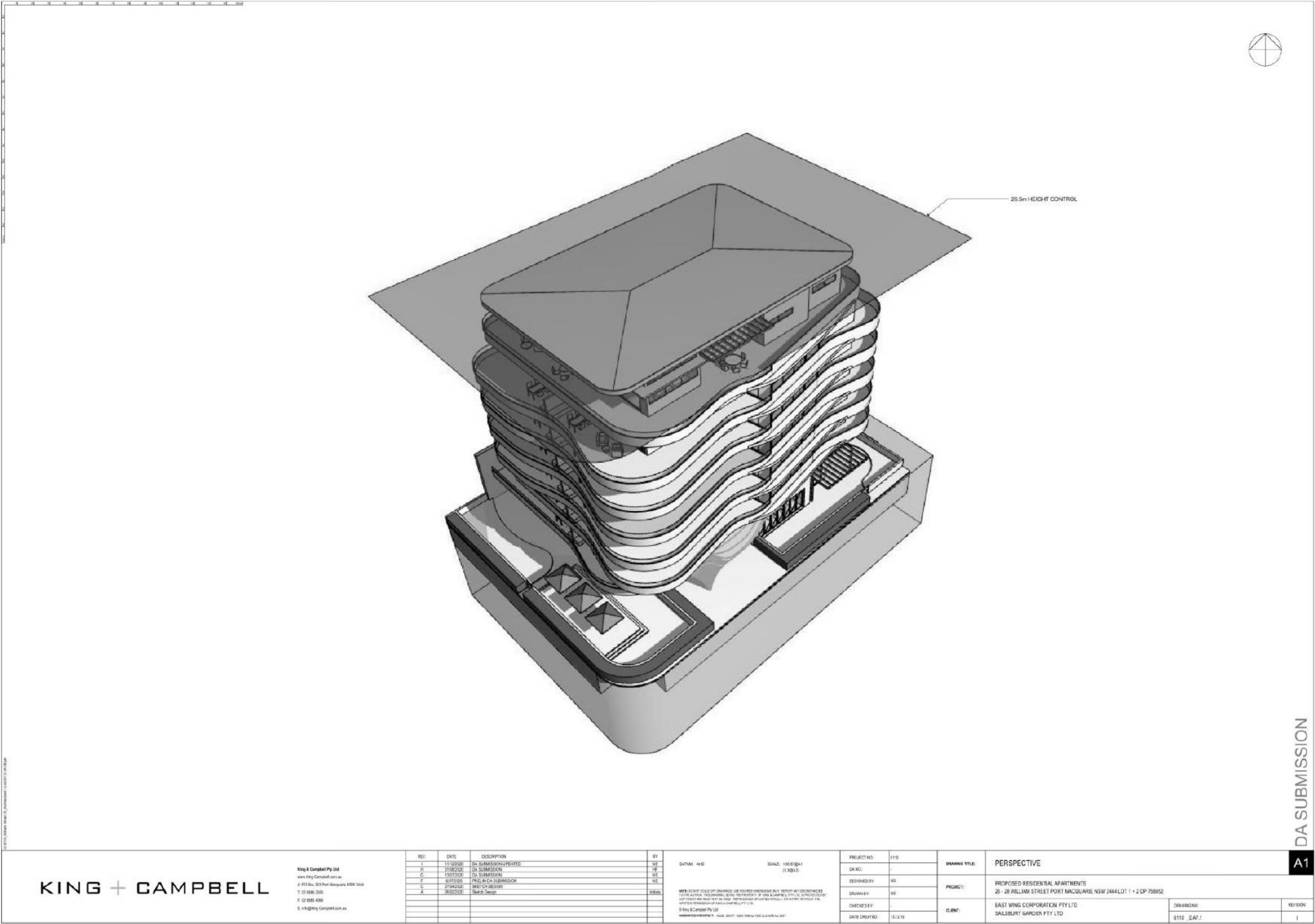
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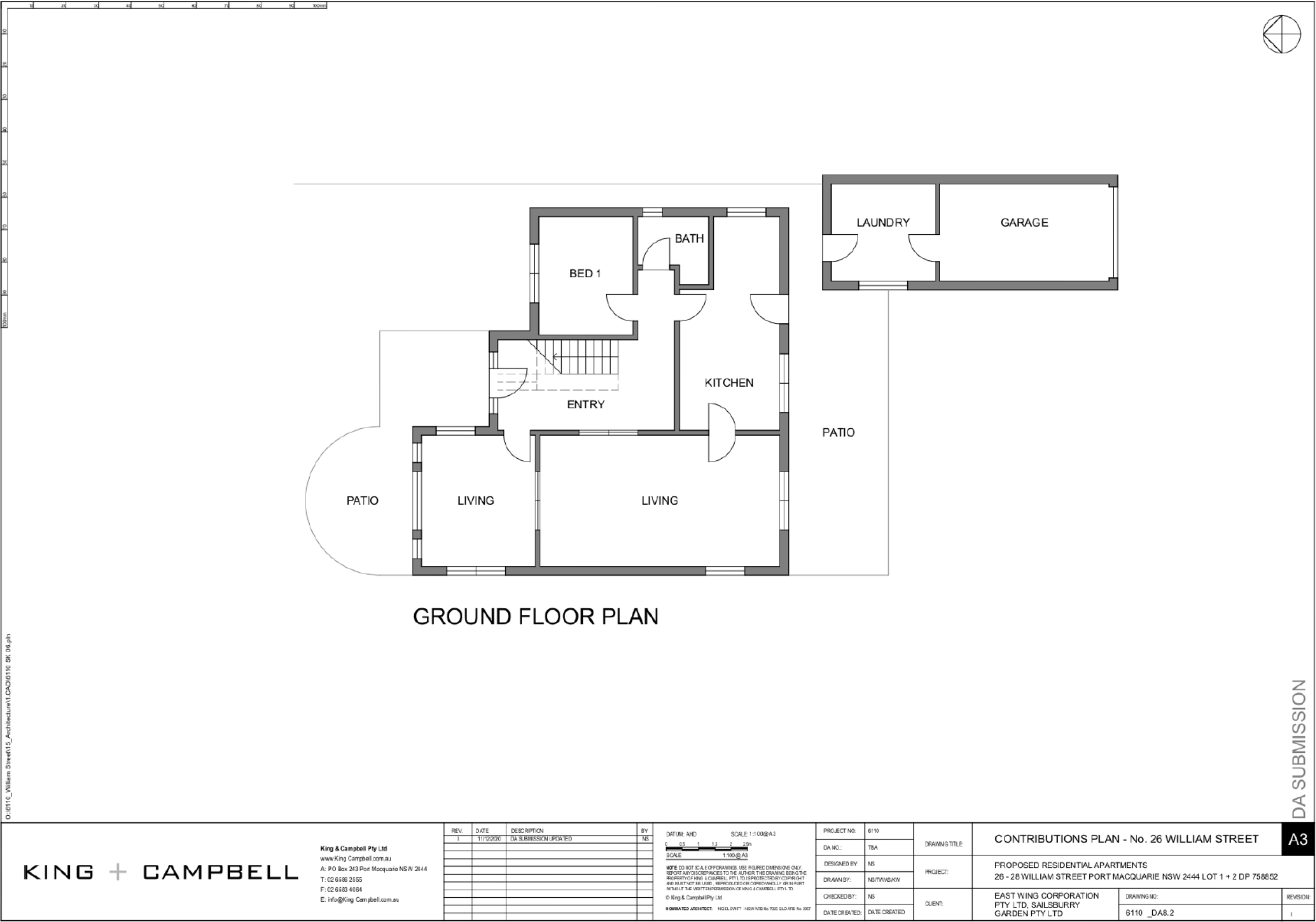


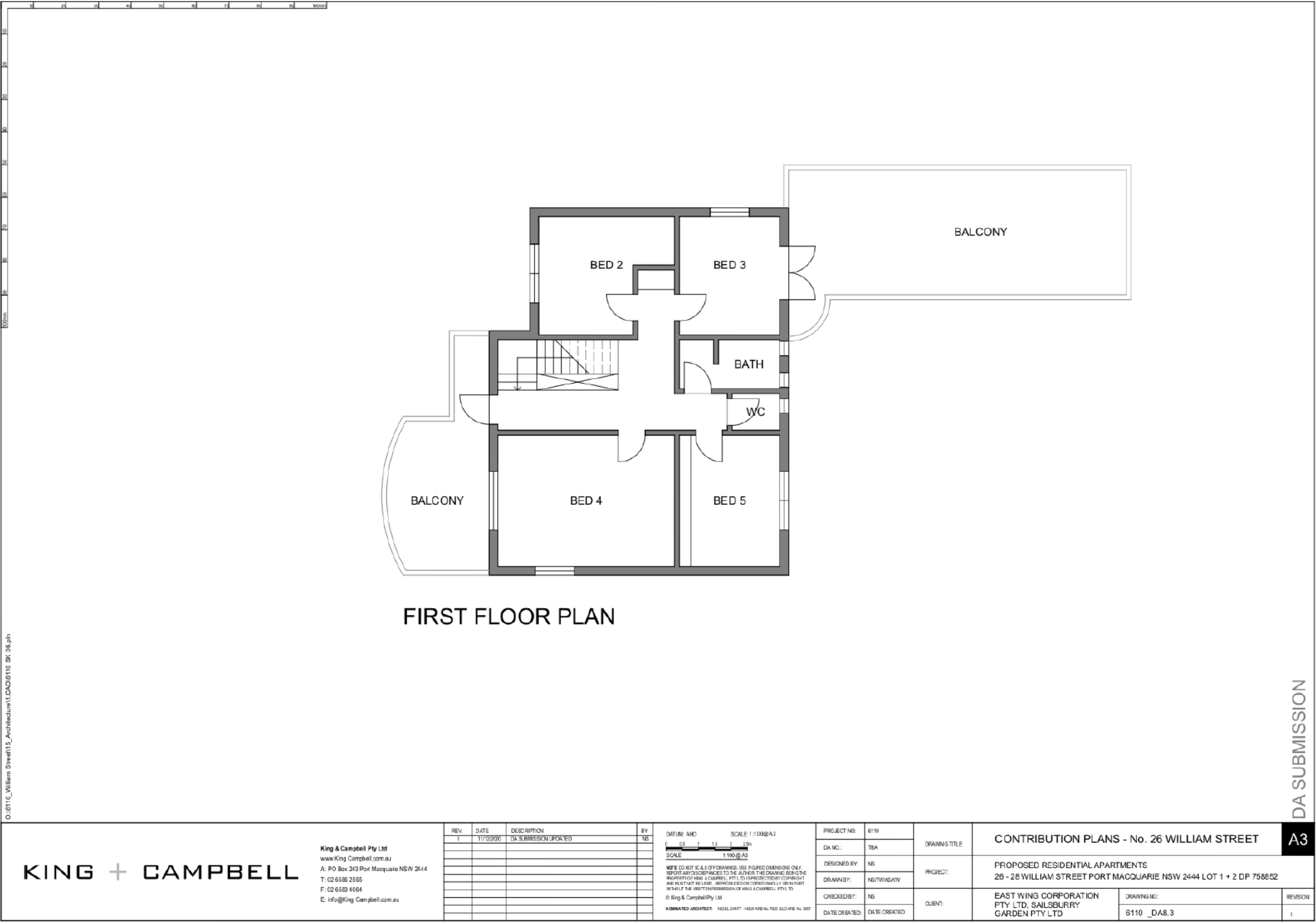












ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL

18/03/2021

TS 6110
Please quote our ref: 6110_C4.6Variation

KING + CAMPBELL

23 November 2020

The General Manager
Port Macquarie-Hastings Council
PO Box 243
PORT MACQUARIE NSW 2444

Attention: Mr Patrick Galbraith-Robertson

Dear Patrick,

**RE: CLAUSE 4.6 VARIATION REQUEST, CLAUSE 4.4 OF THE PORT MACQUARIE-
HASTINGS LOCAL ENVIRONMENTAL PLAN
RESIDENTIAL FLAT BUILDING & STRATA SUBDIVISION
LOTS 1 AND 2, SEC 65, DP 758852, 26-28 WILLIAM STREET, PORT
MACQUARIE**

COUNCIL REFERENCE: DA2020/715.1

This variation request relates to the proposed residential flat building proposed at the abovementioned site and has been prepared pursuant to the provisions of Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the purposes of seeking consent to vary the provisions of Clause 4.4 Floor Space Ratio of Port Macquarie-Hastings Local Environmental Plan 2011.

The Port Macquarie-Hastings Local Environmental Plan 2011 (PM-HLEP) maps the subject site as having a maximum 2:1 floor space ratio (FSR).

The subject site has an area of 1,174m² and the maximum FSR permissible on the site in accordance with the PM-HLEP is 2:1, or 2,348m². This application seeks to provide a total gross floor area of 2,888m², being a FSR of 2.5:1, or an exceedance of 540m² (or 22 per cent).

Accordingly, this submission has been prepared in accordance with the provisions of Clause 4.6 of the PM-HLEP as well as the Departmental publication Varying development standards: A guide (August 2011).

The objectives of Clause 4.6 of the PM-HLEP are to provide an appropriate degree of flexibility in the application of certain development standards and to assist in achieving better outcomes for and from development. This includes variations to the identified floor space ratio limits outlined in the LEP mapping.

This submission contends that strict compliance with the maximum FSR of 2:1 is unreasonable or unnecessary in the circumstances of this application and that the variation, pursuant to the provisions of Clause 4.6, can be supported.

urban design
civil engineering
architecture
town planning
landscape architecture
surveying

directors

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B Scrr, MIS Aust
Grad Dip Planning (UTS)
Registered Surveyor

David Tooby
B L Arch, AAIA
Registered Landscape Architect

Scott Marchant
B Scrr (Hons)
Registered Surveyor

Nigel Swift
B Arch, BA Arch, AIA
Nominated Architect
NSW Architects Registration Board No 7025
QLD Architects Registration Board No 3957

Craig Campbell
B Eng (Civil) MBA MIEAust CPEng NER

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Attachment 2

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In accordance with the provisions of sub-clause 4.6(3), it is argued that compliance with the FSR provisions identified under Clause 4.4 are unreasonable and unnecessary in the circumstances of this case for the following reasons:

- As outlined above, this application seeks to provide a FSR of 2.5:1, exceeding the maximum mapped FSR of 2:1 defined under Clause 4.4. of the PM-H LEP. The objectives of Clause 4.4 read as follows:
 - (a) to regulate density of development and generation of vehicular and pedestrian traffic,
 - (b) to encourage increased building height and site amalgamation at key locations,
 - (c) to provide sufficient floor space for high quality development for the foreseeable future,
 - (d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

The proposal is considered consistent with the above objectives for the following reasons:

- a) The density of the proposed building will be similar to the immediately adjoining residential developments within William Street.

In this regard, the Sandcastle building was originally approved under DA2001/71 to have a gross floor area (GFA) of 7,786.6m², resulting in a floor space ratio (FSR) of 2.06:1. This exceeded the 1:1 FSR applicable at the time of consent. The application was subsequently modified to include an additional 7 units, or 1,079m² GFA, resulting in an approximate FSR of 2.35:1. The existing Sandcastle building therefore exceeds the 2:1 FSR applicable to the site by an estimated 17.3%.

The adjacent 8-storey Luxor building to the west has an approximate FSR of 3:1 consistent with the FSR applying to the site (3:1).

Further, the proposal also provides car parking consistent with the numerical provisions of the DCP (refer **Section 3.5**) and is not considered likely to generate vehicular or pedestrian traffic inconsistent with that anticipated to occur within this high-density residential environment.

- b) The subject site is considered a key location, being an under-developed site opposite Town Beach and close to the Port Macquarie CBD. The site is located between 5 and 8 storey residential flat buildings and currently consists of two separate Torrens title allotments which are sought to be amalgamated as a part of this proposal.

On this basis, the PM-H LEP 2011's R4 High Density zoning, height of building and FSR provisions, as well as the surrounding high-density residential development are considered to encourage the proposal, particularly the increase in density and height, and the proposed lot

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consolidation.

- c) The proposed building has been architecturally designed and assessed against the provisions of SEPP 65 – Design Quality of Residential Apartment Building and its accompanying Design Guideline. Refer to **Appendix K**. The proposed building is therefore considered to be of high design quality and the FSR is considered suitable for the following reasons:
- a. The proposed FSR is considered to be commensurate with the high-density context of the locality which includes similar sized residential buildings on the properties to the east and west (5 storey Sandcastle apartment (approximate FSR of 2.35:1) and 8 storey Luxor residential units (FSR of 3:1);
 - b. The provision of compliant car parking, including visitor parking (refer **Section 3.5**) over a single basement level is considered to demonstrate an appropriate level of service and confirms that the proposed FSR can be accommodated on the site;
 - c. The proposed FSR with respect to the visual bulk and scale of the building, in the context of the existing buildings within William Street, is not considered to appear out of context, refer to the visual analysis included within **Section 4.7.2**; and
 - d. The design of the proposed building ensures a high internal performance for each of the apartments through northerly aspects, crossflow ventilation and solar access. This is considered to demonstrate that the proposed floor space on the site is acceptable.
- d) The proposed development is considered compatible with the bulk and scale of the existing and desired future character of the locality for the following reasons:
- a. The front, side and rear setbacks of the proposed building align with the adjoining Sandcastle building and comply with those required by the Port Macquarie-Hastings Development Control Plan 2013, refer Section 3.5;
 - b. The recessed nature of the front and rear of the building is considered to minimise the buildings impact on the streetscape; and
 - c. The proposed building does not exceed the maximum 26.5m building height mapped within the PM-H LEP 2011 and will be of a similar height to the adjoining residential flat buildings (Sandcastle and Luxor).

The proposed FSR is justified on the basis that it is associated with an infill development, which provides for a desirable and integrated streetscape outcome

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which includes both sites, 26 and 28 William Street. The amalgamation of the sites allows for both properties to be serviced by a single driveway access from Maritime Lane in a manner consistent with the adjoining Sandcastle apartment building and which provides for a cohesive and desirable streetscape outcome for both William and Owen Streets.

The lack of impact on surrounding properties associated with the proposed building by manner of view sharing is considered to further demonstrate that the FSR is suited to this site. Refer to Section 4.7.2 of the submitted SoEE.

Further, as demonstrated within the overshadowing diagrams (Appendix D of the submitted SoEE) and SEPP 65 table (Appendix K of the submitted SoEE of the submitted SoEE), the proposed residential flat building will maintain privacy and sunlight to reasonable levels to surrounding properties.

Based on the above, compliance with the maximum 2:1 FSR prescribed by Clause 4.4 of the PM-H LEP 2011 is considered unreasonable and unnecessary in the circumstances of this case.

If you have any questions in relation to this letter please do not hesitate to contact the undersigned on Phone (02) 6586 2555.

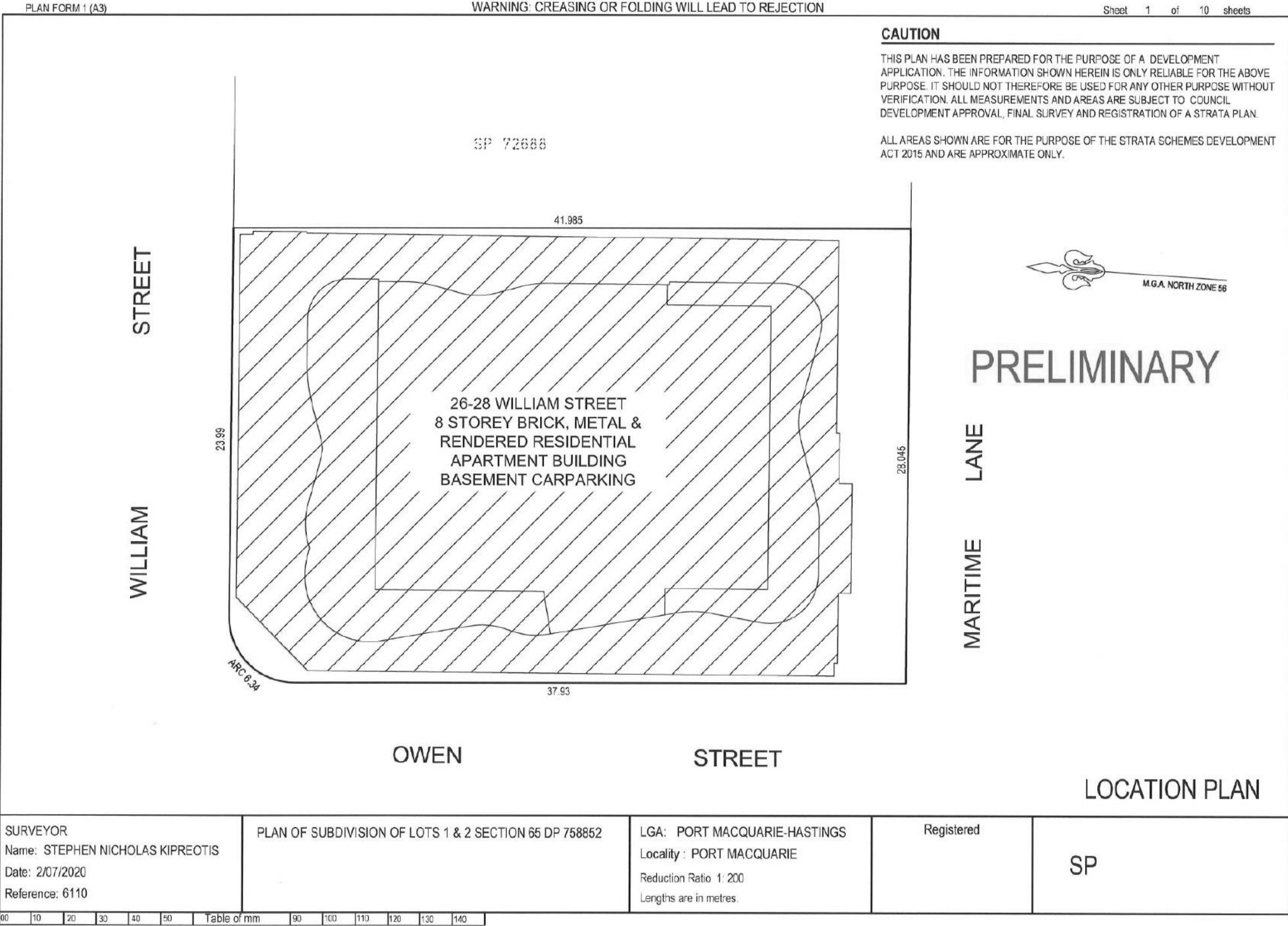
Yours sincerely
King & Campbell Pty Ltd

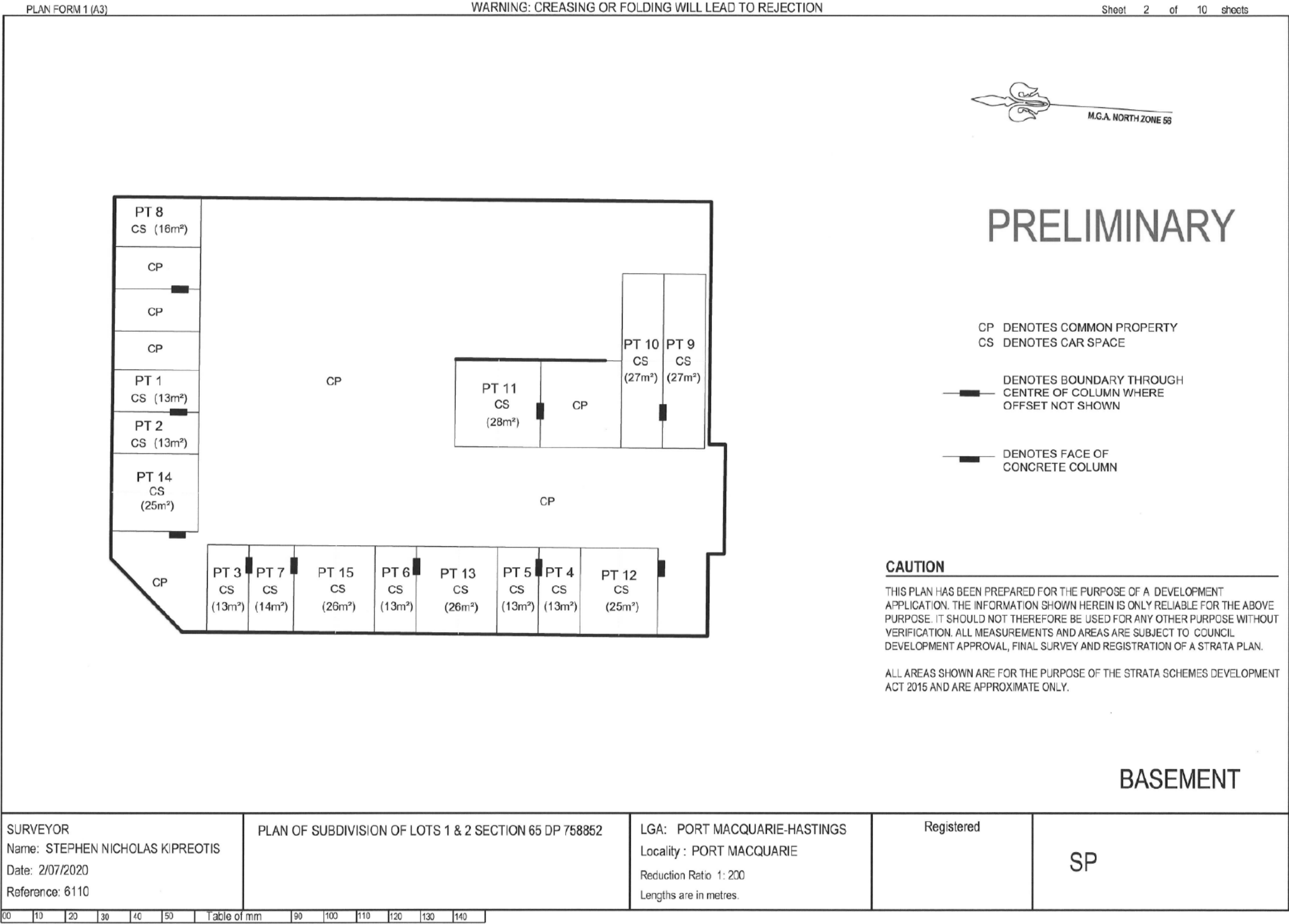
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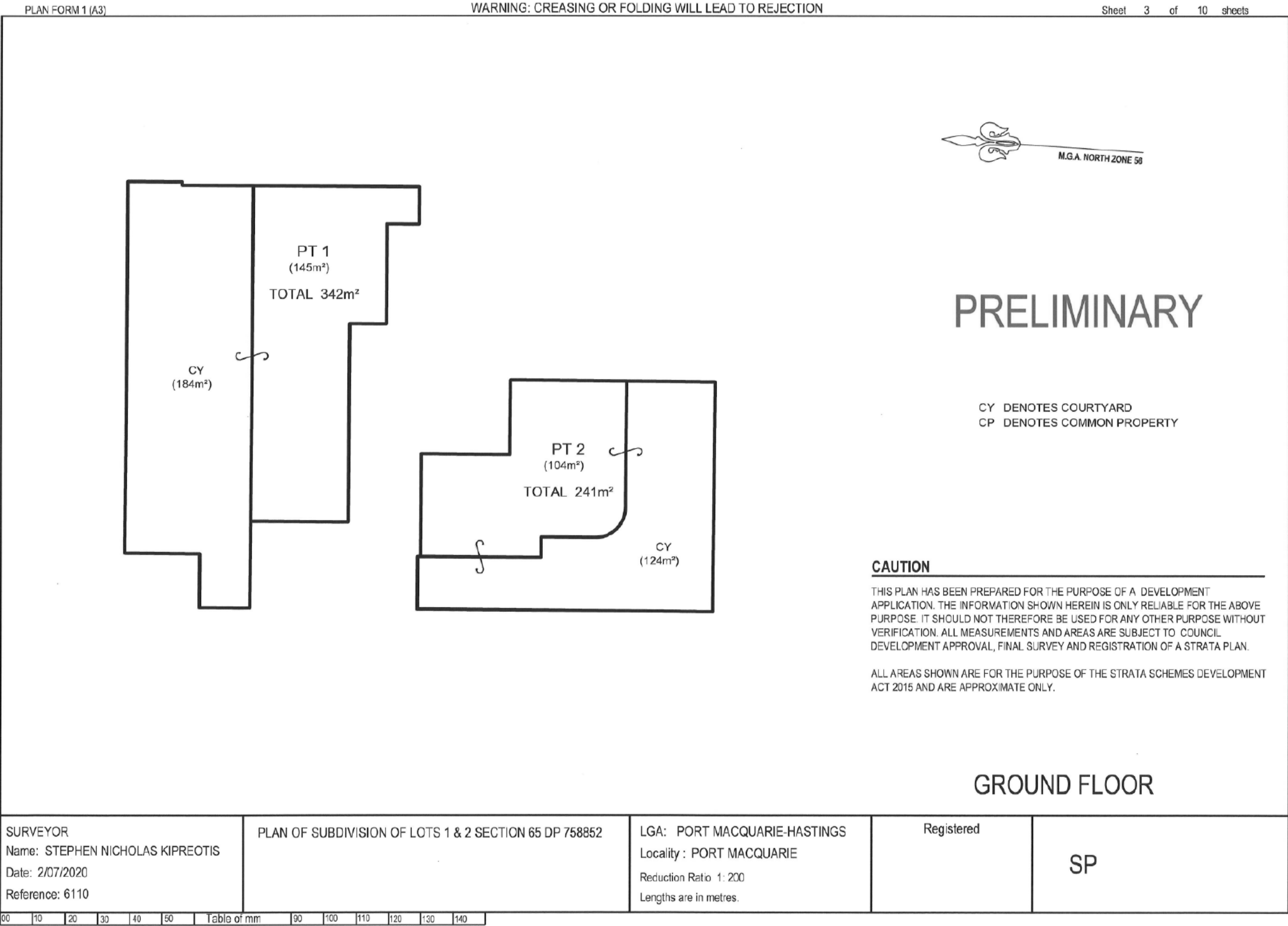
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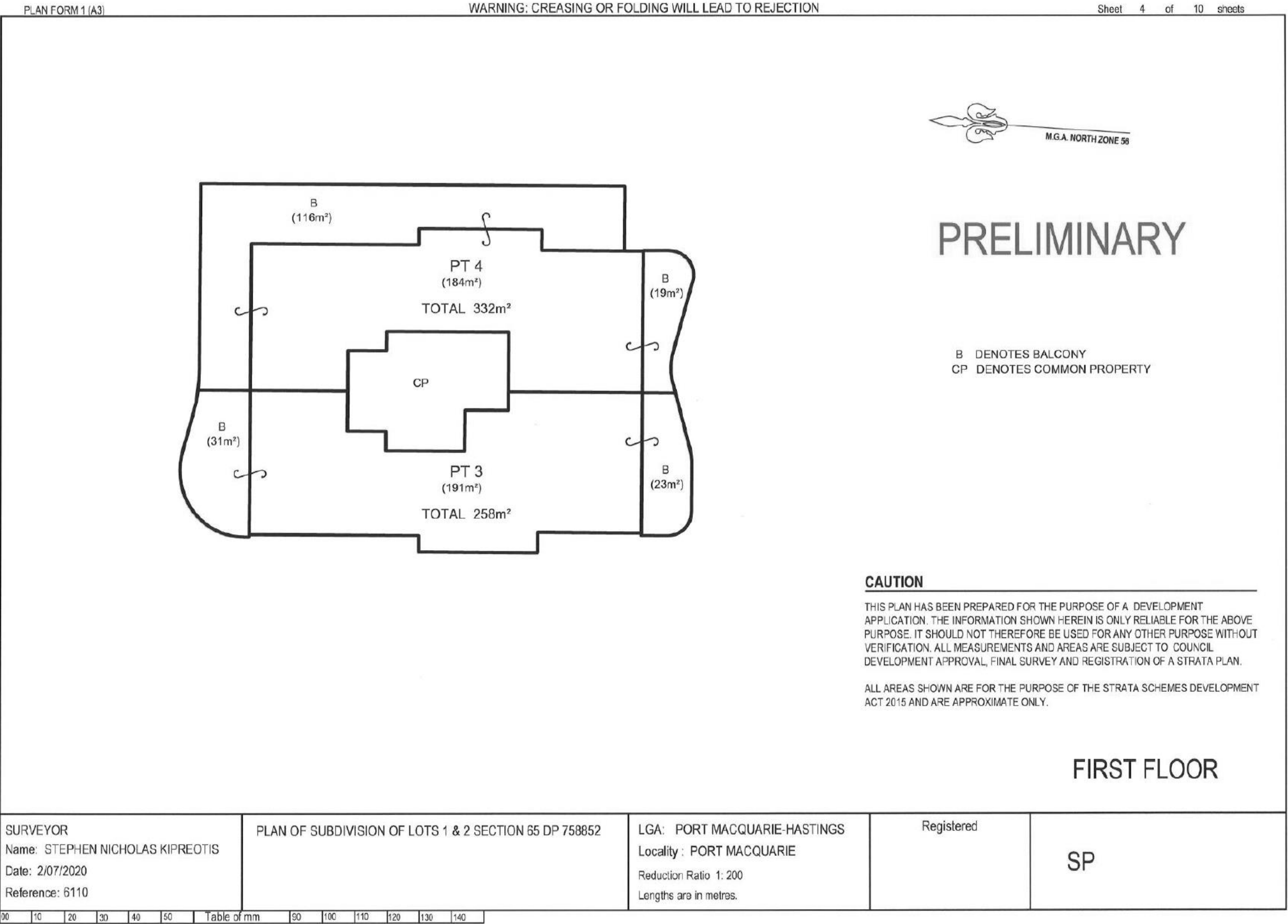
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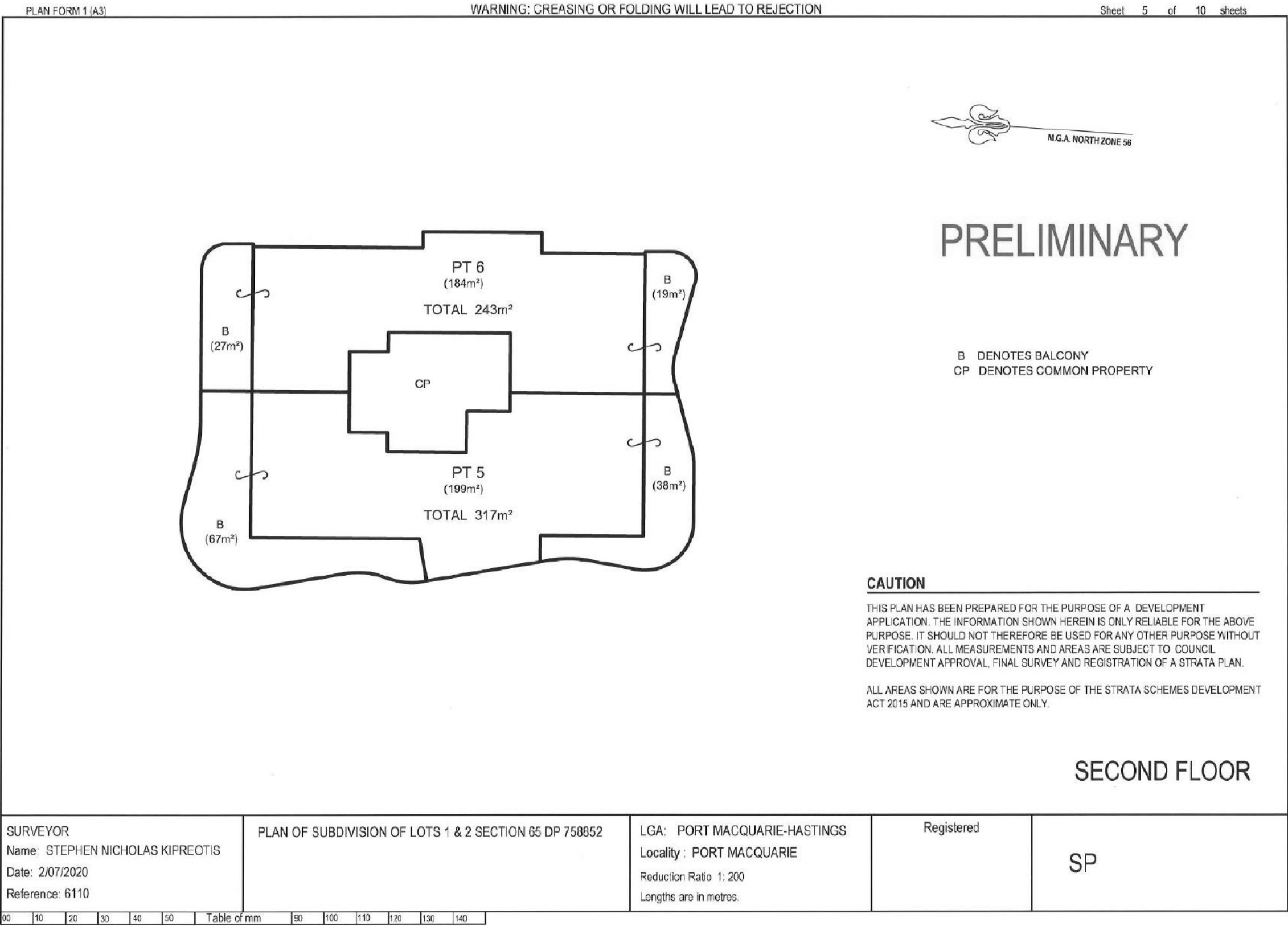
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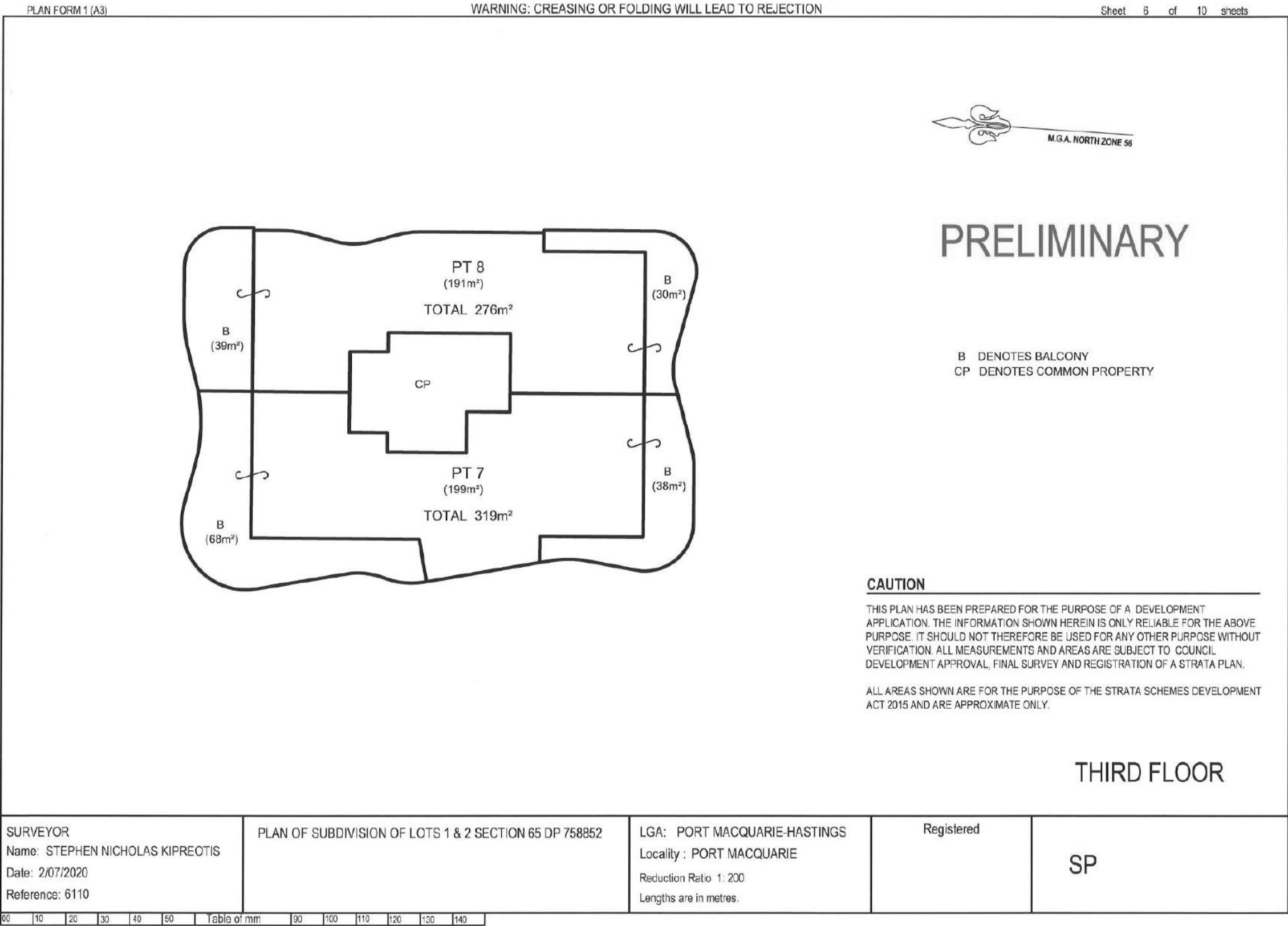


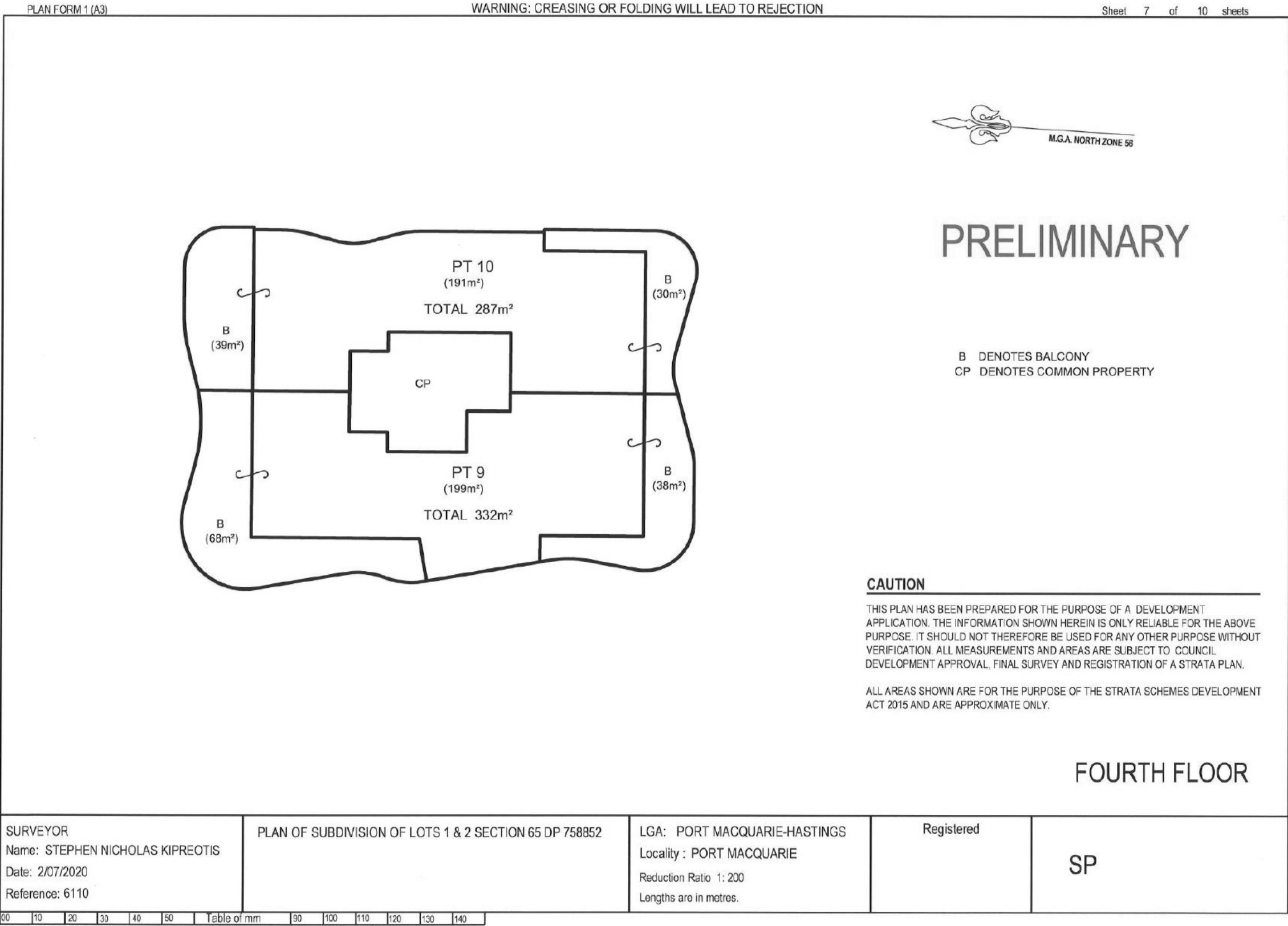


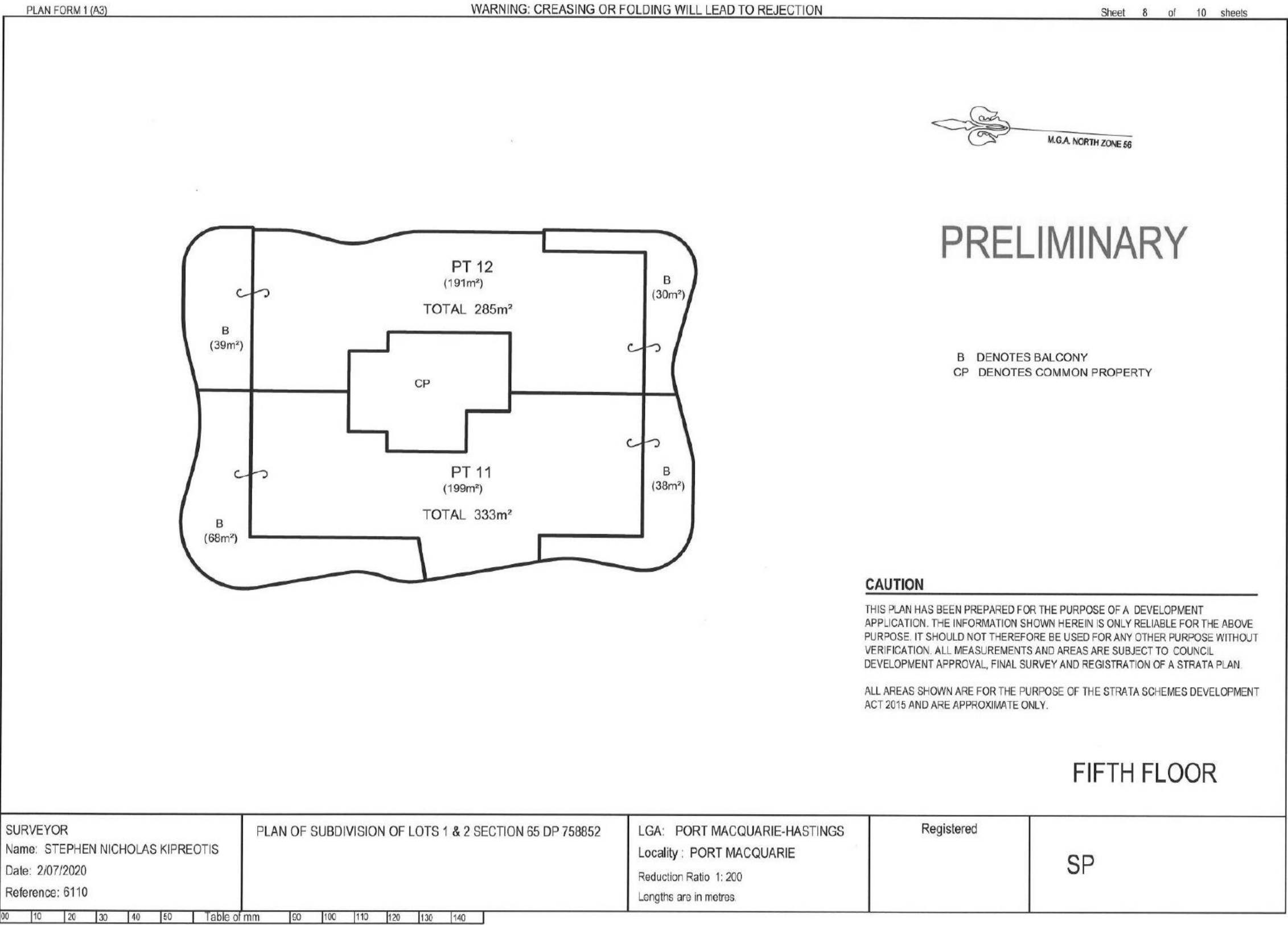


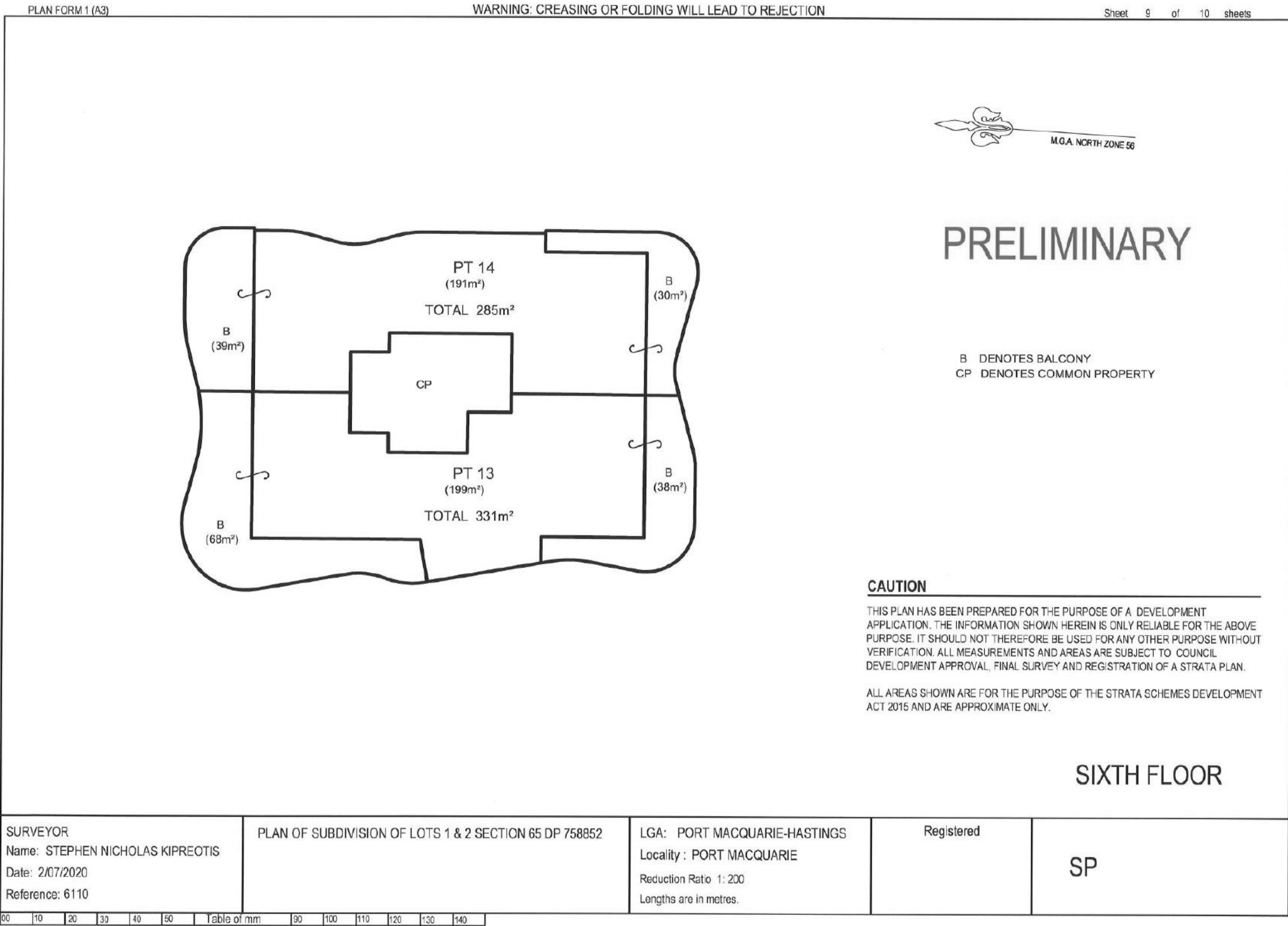


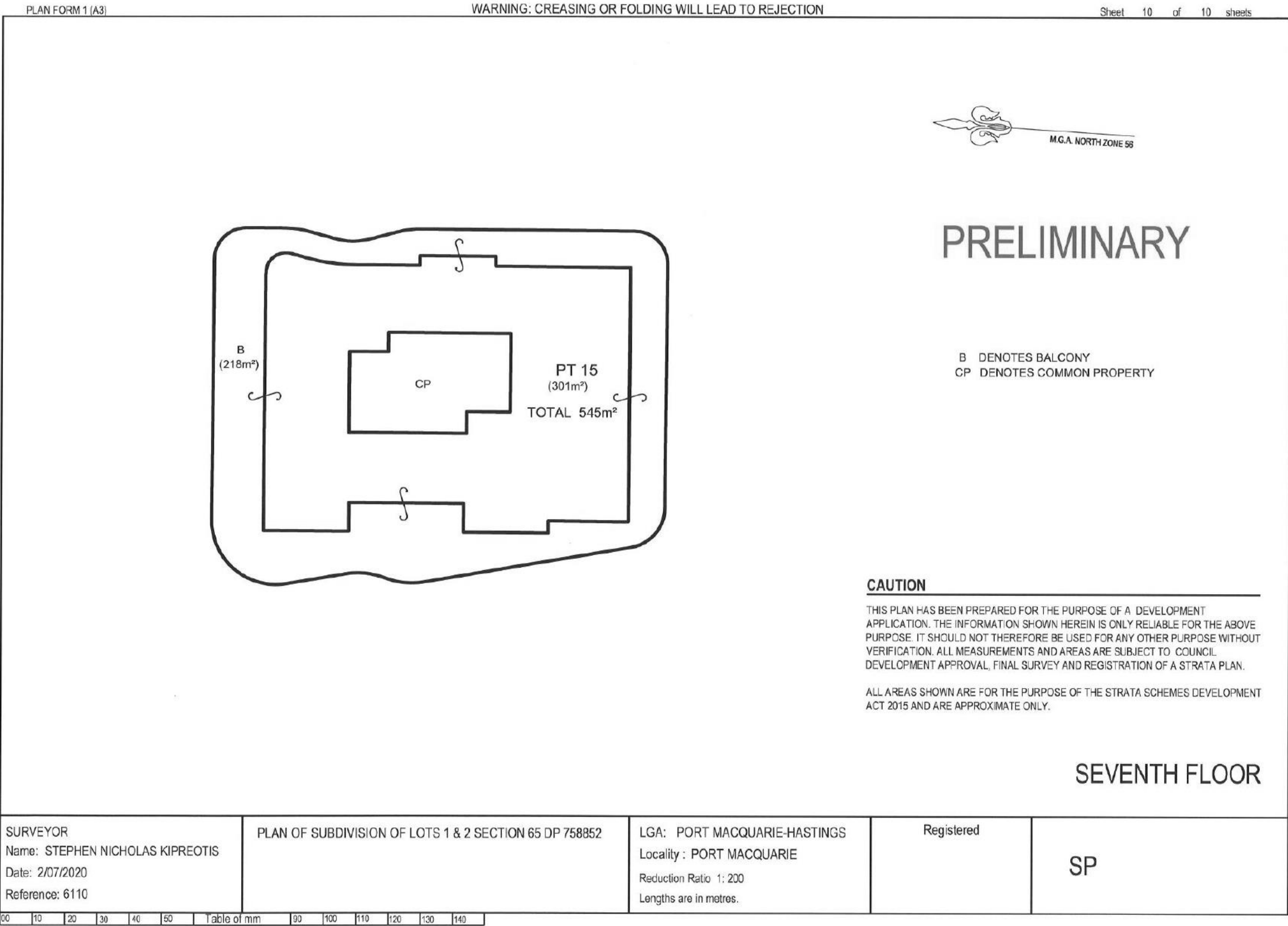














PROPOSED VIEW LOOKING SOUTH FROM BREAKWALL

DA SUBMISSION

<div>KING + CAMPBELL</div>	King & Campbell Pty Ltd	REV:	DATE	DESCRIPTION	BY	DWTN: ASD	SCALE: 1:250	PROJECT NO:	1519	DRAWING TITLE	PHOTOMONTAGE - 1	<div>A</div>					
	www.kingcampbell.com.au																
	A: 1/100 Pitt Street, Macquarie NSW 2444																
	P: 02 9550 4500																
	E: info@kingcampbell.com.au							DESIGNED BY:	AS	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 25 - 28 MILLIN STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 CP 758552						
								DRAWN BY:	AS				CLIENT:	EAST WING CORPORATION PTY LTD SALSBUURY GARDEN PTY LTD	REV: 001		
								CHECKED BY:									
								DATE CREATED:	13/1/20								



PROPOSED VIEW FROM CNR ROTARY PARK

DA SUBMISSION

A1

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CHANGING NO.	REVISION	
0000-0000		

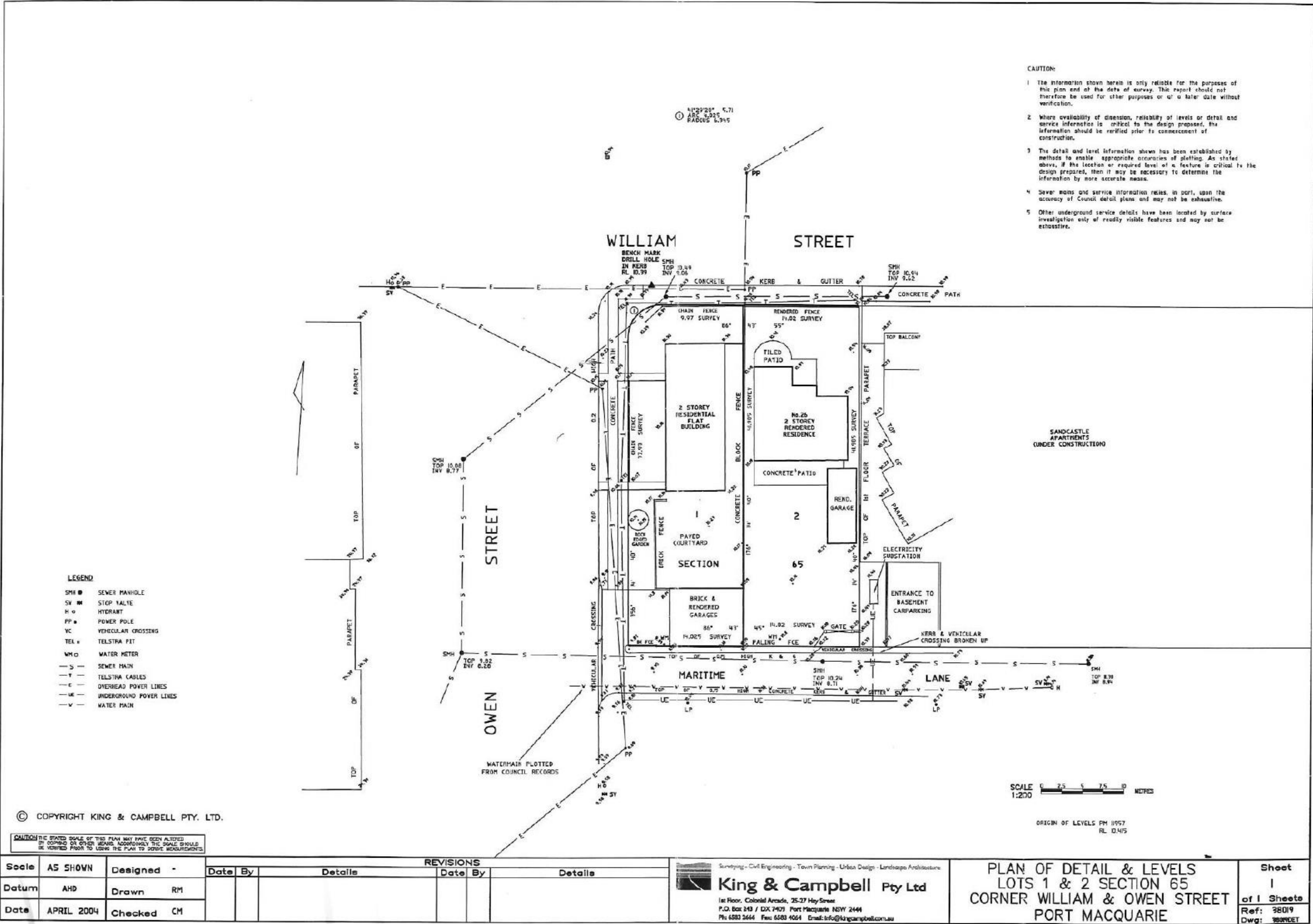


PROPOSED VIEW LOOKING NORTH FROM OWEN STREET

DATA SUBMISSION

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ATTACHMENT

DEVELOPMENT ASSESSMENT PANEL
18/03/2021

Developer Charges - Estimate

Applicants Name: Salisbury Gardens Pty Ltd CARE King & Campbell Pty Ltd
Property Address: 26-28 William Street, Port Macquarie
Lot & Dip: Lot(s): 1 & 2, DP(s): 758852
Development: Residential flat building with strata subdivision and consolidation of 2 forrens title lots



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	7.08	\$10,375.00 Per ET	\$73,455.00
2 Sewerage Scheme Port Macquarie	11.5	\$3,936.00 Per ET	\$45,264.00
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	10.36	\$7,777.00 Per ET	\$80,589.70
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	10.36	\$5,730.00 Per ET	\$59,362.80
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	10.36	\$4,705.00 Per ET	\$48,743.80
6 Com 1.3.07 - Administration Building - All areas	10.36	\$926.00 Per ET	\$9,593.30
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2%	S94 Contribution	\$4,361.90
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$321,350.50

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:

5-Mar-2021

Estimate Prepared By Pat Galbraith-Robertson

This is an ESTIMATE ONLY - NOT for Payment Purposes

CARE King & Campbell Pty Ltd, 26-28 William Street, Port Macquarie, 5-Mar-2021.xls

PORT MACQUARIE-HASTINGS COUNCIL

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**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/715****DATE: 4/03/2021****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations 2000*

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Development plans	Sheets DA1.0 to DA8.3	King & Campbell	11 December 2020
Draft Strata Plans	Sheets 1 to 10	Stephen Nicholas Kipreotis	2 July 2020
Stormwater Management Plan	6110 Stormwater Management Report	King & Campbell	5 November 2019
Servicing Plan	Sheet 01	King & Campbell	3 July 2020
BASIX Certificate	1117045M	Aspect Z	16 July 2020

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No building or subdivision work shall commence until a Construction Certificate or Subdivision Works Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. Along the William Street frontage, this shall be full width to match existing finishes and the Town Centre Master Plan, whilst along the Owen Street frontage, this can be concrete footpath in accordance with AUSPEC and Council Standard drawings. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (11) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title

subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

 - Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
 - Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate or Subdivision Works Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development, including widening of Maritime Lane for the full frontage of the development site.
 2. Earthworks.
 3. Public parking areas including; driveways and access aisles; parking bays, delivery vehicle service bays & turning areas in accordance with AS2890.
 4. Sewerage reticulation.

5. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 6. Retaining walls.
 7. Stormwater systems.
 8. Erosion & Sedimentation controls.
 9. Location of all existing and proposed utility services including:
 - a) Conduits for electricity supply and communication services (including fibre optic cable).
 - b) Water supply
 - c) Sewerage
 - d) Stormwater
 10. Landscaping/waste management facilities.
 11. Traffic management control plans.
 12. Erection of any hoardings and buildings in and/or over the public road space.
 13. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD202 Port Macquarie-Hastings Council current version.
 14. All roadworks along the full frontage(s) including paving, lighting and any necessary kerb construction or reconstruction in accordance with the current Town Centre Master Plan.
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (5) (B011) Prior to the issue of Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash

contribution is required, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (7) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.

(11) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.

(12) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:

a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.

In this regard, Council's piped drainage system along the eastern side of Owen Street must be extended by an appropriately sized pipe in accordance with the Eastport Stormwater Management Plan. This shall extend to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.

b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 6110E_Servicing Plan DA , dated 03.07.2020.

c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.

d) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.

e) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.

f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

g) Hydraulic modelling must be submitted demonstrating that sufficient freeboard is provided relative from the top water level reached in the road reserve (Maritime Lane) during a 1% AEP storm event and the driveway access crest into the basement car parking areas.

h) The stormwater design must include detail of how the proposed basement carpark will be drained. Where minor surface areas drain to the basement, such as from the access driveway, a pump out system is permitted with discharge directed to the OSD storage tanks(s).

Pump-out of the subsoil drainage associated with the basement carpark is not permitted unless it can be demonstrated that groundwater flows are minimal/intermittent and subject to direct connection of the site discharge to Council's piped drainage system. This option will only be considered when supported by detailed geotechnical investigation

(13) (B198) A certifying authority must not issue a Construction Certificate for the residential flat development unless the certifying authority has received a statement by the qualified designer verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles specified in *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*.

- (14) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (15) (B195) Council records indicate that the development sites are fronted by a 200mm DICL watermain on the same side of Maritime Lane and a 150mm PVC watermain on the opposite side of Owen Street. Each individual unit shall be individually metered with the meters either located at an easily accessible location or there is the option for utilizing remotely read electronic meters. Details are to be provided on the hydraulic plans.
- (16) (B196) Council records indicate that the development sites are currently connected to sewer via junctions to the sewer line that runs outside the southern property boundary. The proposed development shall drain all sewage to a new or existing sewer manhole approved by the Water & Sewer Planning Manager. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.
- (17) (B197) An aquifer interference approval shall be obtained under Section 91 of the Water Management Act 2000 prior to the issue of a Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C007) Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.
- (5) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a) at completion of installation of erosion control measures
 - b) at completion of installation of traffic management works

- c) at the commencement of earthworks;
- d) when the sub-grade is exposed and prior to placing of pavement materials;
- e) when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- f) at the completion of each pavement (sub base/base) layer;
- g) before pouring of kerb and gutter;
- h) prior to the pouring of concrete for sewerage works and/or works on public property;
- i) on completion of road gravelling or pavement;
- j) during construction of sewer infrastructure;
- k) prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (4) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (5) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (6) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

- (7) The Applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate.

- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (5) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (6) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E039) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming certify the following:
- b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (8) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- “This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow”.
- This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (9) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.
- The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:
- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities (“OSD”).
 - b. The Proprietor shall have the OSD inspected annually by a competent person.
 - c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
 - d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.
- The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property

Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (10) (E048) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.

In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (11) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.

- (12) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.

- (13) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

- (14) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of

AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.

- (15) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (16) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (17) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (18) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (19) (E072) Lodgement of a security deposit with Council upon practical completion of an public infrastructure.
- (20) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants restrictions, easements and/or covenants; with the Council having the benefit of these covenants and having the sole authority to release, vary or modify these covenants each restriction, easement and/or covenant.
 - a. Restriction as to user for private garbage service to be in place requiring the collection of all domestic waste comprising general waste (rubbish), recycling and food and garden organics by a private contractors. All wastes are to be collected as separate waste streams. Garbage collection by private contractors shall occur from within the property and not obstruct the use of the public roads.
- (21) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (22) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (23) (E196) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the

plans and specifications in respect of which the Construction Certificate was issued.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both residents and visitors.

DRAFT

Koala SEPP 2021

Frequently Asked Questions



March 2021

State Environmental Planning Policy (Koala Habitat Protection) 2021 (“Koala SEPP 2021”)

This document answers frequently asked questions about Koala SEPP 2021

What's the current status?

The *State Environmental Planning Policy (Koala Habitat Protection) 2021* (referred to here as “**Koala SEPP 2021**”) was made and commenced on 17 March 2021.

The principles of the Koala SEPP 2021 are to help koalas thrive by ensuring koala habitat is properly considered during the development assessment process, and to provide a process for councils to strategically manage koala habitat through the development of koala plans of management.

As an interim measure, the existing Koala SEPP 2020 will continue to apply in NSW core rural zones RU1, RU2 and RU3, except in the Blue Mountains, Campbelltown, Central Coast, Hawkesbury, Hornsby, Ku-Ring-Gai, Liverpool, Northern Beaches and Wollondilly where Koala SEPP 2021 will apply across all zones.

Why are there two Koala SEPPs?

Currently, two Koala SEPPs apply in NSW:

- The *State Environmental Planning Policy (Koala Habitat Protection) 2020*, which commenced on 30 November 2020 and largely reinstates the policy framework of SEPP 44, and
- The *State Environmental Planning Policy (Koala Habitat Protection) 2021*, which commenced on 17 March 2021 and largely reinstates the policy framework of the 2019 Koala SEPP.

This is an interim measure while new codes that include protections for high value koala habitat under the Local Land Services Act 2013 are developed as announced on 8 March. The new codes will decouple core rural zones in rural areas for land management purposes from core koala habitat identified through future Koala Plans of Management under the Koala SEPP.

Once the codes are updated, the 2020 SEPP will be repealed, and the 2021 SEPP will apply to all zones in the 83 LGAs. At that time, Development Consent requirements for Private Native Forestry (PNF) will be removed.

Which SEPP applies to me?

The SEPP that applies is determined by the relevant LGA and land use zone.

The 2020 SEPP applies to RU1, RU2 and RU3 zoned land in 74 of the 83 LGAs (Refer to list at Appendix A). For the remaining zones in these 74 LGAs, the 2021 SEPP applies.

The 2021 SEPP applies to all zones in nine of the 83 LGAs (Blue Mountains, Campbelltown, Central Coast, Hawkesbury, Hornsby, Ku-Ring-Gai, Liverpool, Northern Beaches, and Wollondilly).

Koala SEPP 2021

Frequently Asked Questions



Can both SEPPs apply to one property?

Yes. If a property has two land zones and each is covered by a different Koala SEPP, then both SEPPs must be considered in a development application. For example, if part of the property is zoned RU1, and another part is E2, then the 2020 SEPP must be considered on the RU1 portion and the 2021 SEPP must be considered on the E2 portion.

What are the key differences between the 2019 and 2021 SEPPs?

The 2021 SEPP largely replicates the provisions which existed under the repealed 2019 SEPP, as it stood when it was in force immediately before its repeal in November 2020, with a few key differences:

- The 2021 SEPP does not apply to land zoned RU1, RU2 or RU3, unless it falls within the nine specified LGAs (*see Appendix A*).
- There is a new provision for the Secretary of the Department of Regional NSW (DRNSW) to have a concurrence role on any future KPoMs. In future, a similar provision will apply to future editions of the Koala Habitat Protection Guideline. This means that both DRNSW and DPIE need to approve these documents.
- There is a provision that approved and made the Tweed and Byron Shire KPoMs and extends the application of clause 10 of the 2021 SEPP to land covered by these KPoMs, regardless of the underlying zoning of the land.

What happens once the Private Native Forestry (PNF) Codes of Practice and the Land Management Code are updated?

The changes are summarised in this table.

Current	After PNF Codes and Land Management Code are updated
The Koala SEPP interacts with PNF and the Land Management Code	There will be no link between the Koala SEPP and PNF Code of Practice.
If land is identified as <i>core koala habitat</i> in an approved <i>Koala Plan of Management (KPoM)</i> : <ul style="list-style-type: none"> ○ the PNF Codes prohibit PNF on this land ○ the land becomes Category 2 Sensitive Regulated Land under the Local Land Services Act 2013. This classification limits the range of 'allowable activities' that can be carried out on that land without approval. 	If land is identified as <i>core koala habitat</i> in an approved <i>Koala Plan of Management (KPoM)</i> : <ul style="list-style-type: none"> ○ there will be no effect on PNF or activities under the Local Land Services Act. ○ Instead, koala habitat will be protected through the updated codes.
	Requirements for development consent for PNF will be removed through the 2021 SEPP.
	The code updates will be made by the Minister for Agriculture and Regional NSW with the agreement of the Minister for Environment.

Koala SEPP 2021

Frequently Asked Questions



When will the Koala Habitat Protection Guideline be published?

The Koala Habitat Protection Guideline (the Guideline) will be published once the Local Land Services Codes are updated. When this occurs, the land application of the 2021 SEPP will be extended to cover all land zones in all 83 LGAs.

In the interim, the Department has released a [fact sheet](#) to guide development applications under the 2021 SEPP.

Does a Koala Plan of Management (KPoM) apply to me?

There are currently nine approved comprehensive KPOMs across NSW:

- Ballina
- Bellingen
- Campbelltown
- Coffs Harbour
- Kempsey
- Lismore
- Port Stephens
- Byron
- Tweed.

Development applications lodged in any of these LGAs will need to comply with the requirements of the relevant KPoM. These KPOMs are considered to be approved plans under the 2021 SEPP.

Can a council prepare a KPoM if both SEPPs apply?

Yes, but a KPoM must be made under one SEPP – either the 2020 SEPP or 2021 SEPP.

If a council wishes to prepare a KPoM under the 2021 SEPP, at present it is not possible for the KPoM to apply to land that is covered by the 2020 SEPP (that is, RU1, RU2 or RU3 zoned land outside of the nine listed LGAs).

What is the process for rezoning land? And is this different if the land has been identified in a KPoM?

Land is rezoned in NSW through the planning proposal and gateway review processes. Planning proposals can be initiated by councils, developers, or landholders, and are managed by councils and the Department. More information about this process can be found [here](#).

The Minister for Planning will issue a direction under the *Environmental Planning and Assessment Act 1979* that will prevent councils from rezoning land used for primary production to an environment zone, or to rezone land currently in rural zones 1, 2 and 3 to other rural zones. All future planning proposals of this nature will be considered by the Department.

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Koala SEPP 2021

Frequently Asked Questions



Appendix A – Koala SEPP framework by LGA

LGA	Koala SEPP 2020	Koala SEPP 2021
Armidale Regional	Land zone RU1, RU2, RU3	Applies
Ballina	Land zone RU1, RU2, RU3	Applies
Bathurst Regional	Land zone RU1, RU2, RU3	Applies
Bega Valley	Land zone RU1, RU2, RU3	Applies
Bellingen	Land zone RU1, RU2, RU3	Applies
Berrigan	Land zone RU1, RU2, RU3	Applies
Blayney	Land zone RU1, RU2, RU3	Applies
Bourke	Land zone RU1, RU2, RU3	Applies
Brewarrina	Land zone RU1, RU2, RU3	Applies
Byron	Land zone RU1, RU2, RU3	Applies
Cabonne	Land zone RU1, RU2, RU3	Applies
Central Coast	Does not apply	Applies to all zones
Central Darling	Land zone RU1, RU2, RU3	Applies
City of Blue Mountains	Does not apply	Applies to all zones
City of Campbelltown	Does not apply	Applies to all zones
City of Cessnock	Land zone RU1, RU2, RU3	Applies
City of Coffs Harbour	Land zone RU1, RU2, RU3	Applies
City of Hawkesbury	Does not apply	Applies to all zones
City of Lake Macquarie	Land zone RU1, RU2, RU3	Applies
City of Lismore	Land zone RU1, RU2, RU3	Applies
City of Lithgow	Land zone RU1, RU2, RU3	Applies
City of Liverpool	Does not apply	Applies to all zones
City of Maitland	Land zone RU1, RU2, RU3	Applies
City of Newcastle	Land zone RU1, RU2, RU3	Applies
City of Shoalhaven	Land zone RU1, RU2, RU3	Applies
City of Wagga Wagga	Land zone RU1, RU2, RU3	Applies
City of Wollongong	Land zone RU1, RU2, RU3	Applies
Clarence Valley	Land zone RU1, RU2, RU3	Applies
Coonamble Darling	Land zone RU1, RU2, RU3	Applies
Dungog	Land zone RU1, RU2, RU3	Applies
Edward River	Land zone RU1, RU2, RU3	Applies
Eurobodalla	Land zone RU1, RU2, RU3	Applies
Federation	Land zone RU1, RU2, RU3	Applies
Forbes	Land zone RU1, RU2, RU3	Applies
Gilgandra	Land zone RU1, RU2, RU3	Applies
Glen Innes Severn Shire	Land zone RU1, RU2, RU3	Applies
Goulburn Mulwaree	Land zone RU1, RU2, RU3	Applies
Greater Hume Shire	Land zone RU1, RU2, RU3	Applies
Gunnedah	Land zone RU1, RU2, RU3	Applies
Gwydir	Land zone RU1, RU2, RU3	Applies
Hilltops	Land zone RU1, RU2, RU3	Applies

Koala SEPP 2021

Frequently Asked Questions



Hornsby	Does not apply	Applies to all zones
Inverell	Land zone RU1, RU2, RU3	Applies
Kempsey	Land zone RU1, RU2, RU3	Applies
Ku-ring-gai	Does not apply	Applies to all zones
Kyogle	Land zone RU1, RU2, RU3	Applies
Leeton	Land zone RU1, RU2, RU3	Applies
Liverpool Plains	Land zone RU1, RU2, RU3	Applies
Lockhart	Land zone RU1, RU2, RU3	Applies
Mid-Coast	Land zone RU1, RU2, RU3	Applies
Mid-Western Regional	Land zone RU1, RU2, RU3	Applies
Moree Plains	Land zone RU1, RU2, RU3	Applies
Murray River	Land zone RU1, RU2, RU3	Applies
Muswellbrook	Land zone RU1, RU2, RU3	Applies
Nambucca Valley	Land zone RU1, RU2, RU3	Applies
Narrabri	Land zone RU1, RU2, RU3	Applies
Narrandera	Land zone RU1, RU2, RU3	Applies
Narromine	Land zone RU1, RU2, RU3	Applies
Northern Beaches	Does not apply	Applies to all zones
Oberon	Land zone RU1, RU2, RU3	Applies
Parkes	Land zone RU1, RU2, RU3	Applies
Port Macquarie-Hastings	Land zone RU1, RU2, RU3	Applies
Port Stephens	Land zone RU1, RU2, RU3	Applies
Queanbeyan-Palerang Regional	Land zone RU1, RU2, RU3	Applies
Richmond Valley	Land zone RU1, RU2, RU3	Applies
Singleton	Land zone RU1, RU2, RU3	Applies
Snowy Monaro	Land zone RU1, RU2, RU3	Applies
Snowy Valleys	Land zone RU1, RU2, RU3	Applies
Tamworth	Land zone RU1, RU2, RU3	Applies
Tenterfield	Land zone RU1, RU2, RU3	Applies
Tweed	Land zone RU1, RU2, RU3	Applies
Upper Hunter Shire	Land zone RU1, RU2, RU3	Applies
Upper Lachlan Shire	Land zone RU1, RU2, RU3	Applies
Uralla	Land zone RU1, RU2, RU3	Applies
Walcha	Land zone RU1, RU2, RU3	Applies
Walgett	Land zone RU1, RU2, RU3	Applies
Warren	Land zone RU1, RU2, RU3	Applies
Warrumbungle	Land zone RU1, RU2, RU3	Applies
Weddin	Land zone RU1, RU2, RU3	Applies
Wentworth	Land zone RU1, RU2, RU3	Applies
Wingecarribee	Land zone RU1, RU2, RU3	Applies
Wollondilly	Does not apply	Applies to all zones
Yass Valley	Land zone RU1, RU2, RU3	Applies



Our ref: R95/0007-03 Out-32548
Further contact: Kelly Kwan 02 9242 4038

24 March 2021

The Hon Gladys Berejiklian MP
Premier of NSW
GPO Box 5341
SYDNEY NSW 2001

Email: admin@premier.nsw.gov.au

Dear Premier

Koala SEPP 2021 and NSW Government MOU with LGNSW

Local Government NSW (LGNSW) is deeply disappointed with the lack of consultation with LGNSW and councils on the State Environmental Planning Policy (Koala Habitat Protection) 2021, which commenced on Wednesday 17 March 2021.

The NSW Government signed the *Intergovernmental Agreement to Guide NSW State-Local Government Relations on Strategic Partnerships* with LGNSW on 14 October 2019, committing to “consult with and seek the views of LGNSW in advance of introducing any laws or significant policy initiatives that will impact on the local government sector”. You have failed to do that in the case of Koala SEPP 2021.

Koala SEPP 2021 reinstates the policy framework of SEPP 2019 in 83 Local Government Areas in NSW. However, major changes have been made to the SEPP without any consultation including:

- Koala SEPP 2021 **does not apply** to land zoned RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry (except in metropolitan Sydney, Blue Mountains and the Central Coast).
- The Minister for Planning will issue a new section 9.1 direction to ensure that only the Minister, and not councils, will be empowered to rezone land used for primary production to an environmental zone, or to rezone land currently in rural zones 1, 2 and 3 to other rural zones.
- Private Native Forestry (PNF) and Local Land Services (LLS) codes will be revised to “ensure robust protections for koalas in areas of high value koala habitat”, however the removal of dual consent provisions for private native forestry in local environmental plans will see councils locked out of this process.
- Koala Plans of Management will now require the approval of the Secretary of Department of Planning, Industry and Environment as well as the concurrence of the Secretary of Department of Regional NSW.

Local Government is deeply concerned by the loss of dual consent roles for councils as it will:

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- Remove councils' ability to minimise the impact of private native forestry (PNF) operations on the local community and environment by removing the requirement for development consent,
- Restrict councils' ability to identify and protect suitable koala habitat through their environmental planning instruments,
- Restrict councils in their planning functions and ability to manage local communities, particularly as PNF operations can change traffic conditions and impact on local roads, generate noise and cause local amenity issues.

These changes are deeply concerning, due to the lack of consultation, the removal of council planning controls and the timing which pre-empts the LLS (Miscellaneous) Amendment Bill 2020 Inquiry by the Portfolio Committee No. 7 – Planning and Environment.


Portfolio Committee 7 called for submissions to its review stating "the committee is interested to find out the community's views on the operation and effectiveness of the 1994 and 2019 Koala SEPPs in protecting koalas and their habitat as well as local government's ability to manage koala populations and koala plans of management". Yet the Parliamentary Committee has now cancelled the hearings scheduled for the end of March "due to recent developments announced by the NSW Government concerning a new Koala SEPP", advising that "In the coming weeks the committee will give further consideration to the future conduct of this inquiry and will provide an update in due course." By pre-empting this review, it strongly implies that the views of local government and the broader community are not of consequence or value to the NSW Government.

Similarly, the governments' media release on 8 March 2021 indicated that the PNF and LLS codes "will be revised to ensure robust protections for koalas in areas of high value koala habitat and certainty and consistency for primary producers". Once again, this work pre-empts the findings of the LLS (Miscellaneous) Amendment Bill 2020 Inquiry, and it is unclear if there will be any consultation with key stakeholders including local government.

The lack of detail and information continues in relation to Koala SEPP 2021 itself, which includes reference to "Guidelines are being made by the Planning Secretary... for the purposes of Parts 2 [Development control of koala habitats] and 3 [Koala plans of management] of this policy. When the Guidelines are made this Policy is to be amended to incorporate references to the Guidelines." Will there be consultation with local government on these critical guidelines?

Premier, in recognition of the Intergovernmental Agreement signed by you in 2019, will you commit to work with local government to find a workable solution to koala habitat protection, including local government input into Koala SEPP 2021 and supporting policies and guidelines?

Yours sincerely



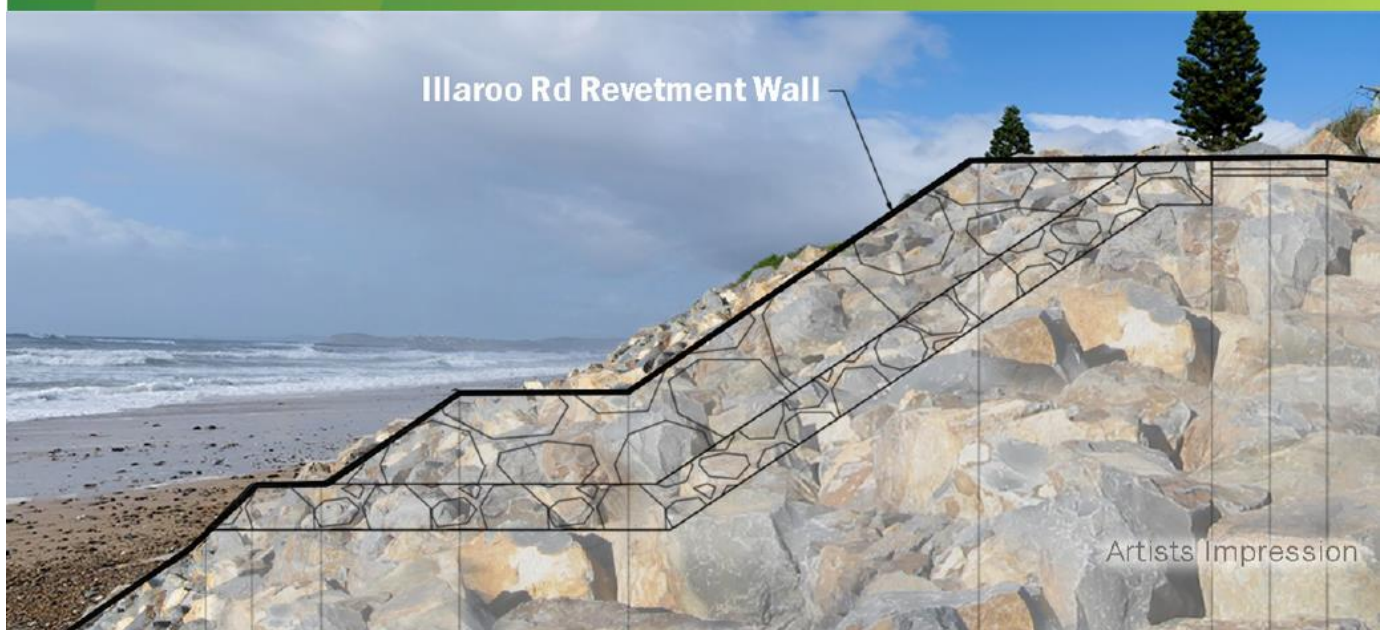
Cr Linda Scott
President

PORT MACQUARIE-HASTINGS
COUNCIL

Illaroo Road Revetment Wall,
directly impacted residents,
indirectly impacted residents
and community stakeholders

COMMUNITY ENGAGEMENT

April 2021



Project name	Illaroo Road Revetment Wall - Directly impacted residents and Lake Cathie Community		
Project manager	Blayne West		
Consultant	Marsden Jacob Associates (MJA)		
Engagement Officer	Liz Brennan		
Operational Plan #		CM Reference	D2021/084549

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1. INTRODUCTION

1.1. Background

The construction of the Illaroo Road revetment wall cannot proceed until a decision of Council is made regarding the following factors:

1. Identified need with associated timeframe
2. Satisfactory funding arrangements
3. It is included in the Lake Cathie and Bonny Hills Coastal Management Program (CMP) and is prioritised amongst other competing projects.

Council received the Cost Benefit Analysis (CBA) and Funding Model Report from Marsden Jacob Associates (MJA) which outlined the following:

- synthesises and accurately reported cost components based on the results of the Cost Benefit Analysis and associated engineering studies.
- identified and evaluated the strengths and limitations of alternative funding models. The assessment focused on current opportunities and alternative management options and strategies that would either result in a budget neutral outcome or long-term alternative sustainable funding options for Council.
- described the public and private beneficiaries and the extent of the benefits to each beneficiary associated with the preferred option.
- identified funding options and models that could support the development of the revetment and that are founded on the Council's statutory ability to levy fees and charges under relevant state government legislation.
- recommended a preferred funding model, noting that the capacity of beneficiaries to pay apportioned costs must be considered.

The results of the Funding Model provided Council with critical information on important matters such as:

- a) How much the revetment wall will cost
- b) Who is required to contribute
- c) Options for how Council can fund the wall (special rate variations etc.)
- d) How the legislative requirements of the NSW Government legislation and guidelines, i.e. Coastal Management Act (2016) and Coastal Management Manual (2016) (among others) apply to the Coastal Zone Management Program (CZMP).
- e) A list of limited alternative grant funding opportunities for this project (outside the Coast and Estuary Grants Program), and;
- f) That the results of the funding model conflict with the Council resolution from 2013.

The CBA & Funding Model were reported the 12 August 2020 Ordinary Council Meeting where the following resolution was reached:

RESOLVED: Intemann/Hawkins

That Council:

1. *Note the information provided in this report.*
2. *Incorporate the Lake Cathie Coastal Zone Management Plan (CZMP) actions into the new Lake Cathie Bonny Hills Coastal Management Program (CMP).*
3. *Undertake direct engagement and consultation with impacted properties to explain the Revetment Wall options and cost implications and to assess the capacity and their willingness to pay for a Revetment Wall.*

4. Following completion of direct engagement and consultation with impacted properties, receive a further report from the Director, Development and Environment detailing the outcomes of this engagement and future recommended steps in this project including details of the proposed community consultation/engagement for the broader community.

CARRIED: 7/0

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

AGAINST: Nil

The engagement process as per items 3 & 4 of the Council resolution (12 August 2020) was to undertake direct engagement and consultation with impacted properties to explain the revetment wall options and cost implications and to assess the capacity and their willingness to pay for a Revetment Wall. The consultation framed the discussion within the context of the ongoing CMP development as the revetment wall proposal will be included as one of the projects in the Lake Cathie chapter of the CMP.

Following completion of direct engagement and consultation with impacted properties, Council will receive a further report from the Director, Development and Environment detailing the outcomes of this engagement and future recommended steps in this project including details of the proposed community consultation/engagement for the broader community.

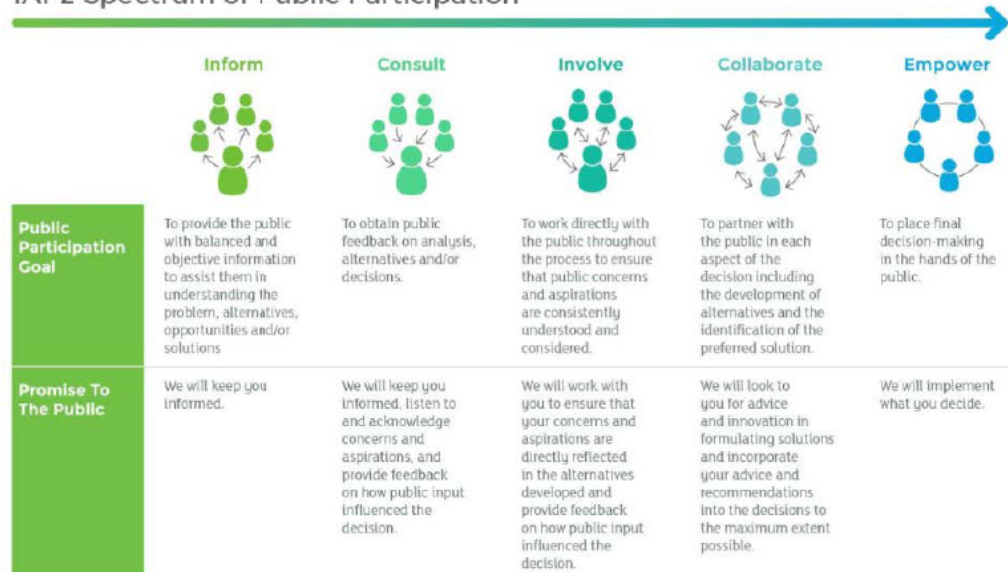
As such, the scope of this initial project is to complete only the direct engagement of impacted properties and key stakeholders (Progress Association, Save Lake Cathie etc.). Upon completion of this work, a report to Council about the engagement outcomes will be provided for the Councillors to decide how to progress coastal protection works at Lake Cathie.

1.2. Engagement approach

This engagement project was designed to **inform** the community of the Cost Benefit Analysis and Funding Model reports.

The process was also designed to **consult** - obtain feedback on the reports – and to **involve** the community so that their thoughts and concerns could be understood and considered by Council to inform the next steps in the management of the identified coastal erosion hazard at Lake Cathie.

IAP2 Spectrum of Public Participation



1.3. Consultation focus

The scope of this consultation was to:

- Inform directly and indirectly impacted property owners of the cost implications of the revetment wall proposal.
- Provide the CBA and Funding model reports for consideration.
- Assess the capacity and willingness to pay of the directly impacted property owners.

The community was informed through the provision of letters, background summary brochure, Frequently Asked Questions sheets and redacted reports (property details and costs attributed to properties removed).

Two community meetings were held with representatives from Council, Marsden Jacob consultants and Department of Planning, Industry and Environment coastal specialist. The first meeting was a private meeting with directly impacted property owners only and the second with the broader community.

A third meeting with Marsden Jacobs about the Cost Benefit Analysis and Funding Model reports was cancelled following community feedback strongly rejecting the findings and recommendations of these reports.

2. ENGAGEMENT ACTIVITIES, TIMELINES & RESULTS

2.1. Councillor Briefing - Engagement Process

Date: Wednesday 3 February

Council staff provided an overview of the proposed engagement process. Information packs were provided to Councillors prior to distribution the following week.

2.2. Information Packs to Directly Impacted / Indirectly Impacted Property Owners / Community

Date: Monday 8 February 2021

On 8 February, letters were directly letter-box dropped to 41 directly impacted and 88 indirectly impacted property owners. For out-of-region property owners, these letters were express posted. This letter outlined the background of the revetment wall project, outlined the findings of the reports and the resulting financial impact on the property owner (where applicable).

38 emails were sent to key community stakeholders, including Lake Cathie Council-Community Action Team; Revive Lake Cathie, Coast Estuary and Floodplain Sub-Committee, Lake Cathie Progress Association; and State and Federal Government members.

This letter invited recipients to a range of meetings to learn more and discuss the project.

The letter stated that no decision had been made regarding funding for the revetment wall and Council was determining directly impacted property owners (as determined by the Cost Benefit Analysis and Funding model) 'capacity & willingness' pay as per the findings of the Funding Model.

The information pack included:

- Letter
- Frequently Asked Questions (community and directly impacted property owners - where applicable)
- Project Background Information Brochure.

The Cost Benefit Analysis and Funding Model reports were provided online or at the community meetings. These reports have property owner details and financial costs allocated to individual properties redacted for privacy reasons.

Results

Feedback from Directly Impacted Residents, Indirectly Impacted Residents and Community Stakeholders has been received via formal written submissions and meetings.

Council received 53 submissions from property owners and the community. 27 of the 41 potentially directly property owners indicated no capacity or willingness to pay as per the options presented in the Funding Model.

Update on Community Consultation

Date: Thursday 25 March 2021

Directly and indirectly impacted property owners; and community stakeholders were provided with a letter outlining the upcoming Council meeting, close of submissions and an updated Frequently Asked Questions document which responded to questions raised in submissions, meetings and social media since 8 February 2021.

2.3. Community Meeting - Directly Impacted Residents

Date: Thursday 18 February 2021, Lake Cathie Bowling Club

Attendees: Directly Impacted Residents, PMHC, Marsden Jacobs Assoc, DPIE.

Facilitator: Denise Wilson, id Planning

Number of community attendees: 46

A presentation of the coastal erosion hazard and revetment wall project was provided. This was followed by a presentation from Marsden Jacobs on the Cost Benefit Analysis and Funding Model reports. Following these presentations, there was an open forum and Q&A session.

RESULTS

Capacity & Willingness to Pay

The attendees called for a 'show of hands' which demonstrated unanimous rejection of the 'Beneficiary Pays' - the attendees have no 'willingness or capacity to pay' as per the Funding Model recommendations.



Cost Benefit Analysis and Funding Model Reports

The Directly Impacted Property Owners rejected the findings of the Cost Benefit Analysis, particularly in relation to the comments made about the road primary purpose provide access and services to private properties.

There was a strong sentiment that Council is the primary beneficiary as the wall would protect the road and assets that lie between the properties and the coastline.

There was discussion from the State Coastal Specialist on the public benefit vs private benefit and how this was incongruent between the Cost Benefit Analysis and Funding Model.

Revetment Wall

Concerns were raised:

- the high cost of the wall
- the inclusion of public amenities in the costings
- Visual impact of the wall
- Potential beach loss
- Stormwater works delays and ongoing erosion.

There is frustration about the inconsistency of the funding of the Flynn's Beach revetment wall. This wall was 50/50 funded by the State Government and Council and at the time, this project did not require a Cost Benefit Analysis and/or Funding Model. This inconsistency is due to State Government policy and guideline changes over time in the coastal management space.

Other Funding Opportunities

Concerns were raised that Council has not pursued, or was not seeking, other grant funding opportunities.

Please refer to the Appendix for Meeting Minutes, 18 February 2021.

2.4. Community Meeting - Indirectly Impacted Residents & Community Stakeholders

Date: Tuesday 23 February 2021, Lake Cathie Bowling Club

Attendees: Directly Impacted Residents, Indirectly Impacted Residents, Community Stakeholders, PMHC, Marsden Jacobs Assoc, DPIE.

Facilitator: Denise Wilson, id Planning

Number of community attendees: 67

A presentation of the coastal erosion hazard and revetment wall project was provided. This was followed by a recorded presentation from Marsden Jacobs on the Cost Benefit Analysis and Funding Model reports. Following these presentations, there was an open forum and Q&A session.

RESULTS

Capacity & Willingness to Pay

There was a strong rejection of the Beneficiary Pay option of the Funding Model for either the Directly Impacted Property Owners and the Lake Cathie community more broadly by all attendees.

Other issues raised: -

- process of notifying property owners
- the high cost of the wall construction
- concern about potential and unknown 'end effects' for coastal erosion
- concern for properties outside the wall protection

- inclusion of public amenities in the costings
- the delay in completing stormwater works
- impact of the wall on Lake Cathie
- the lack of other funding opportunities being investigated
- Lake Cathie Coastal Zone Management Plan ending on 31 December
- Council should be considered the primary beneficiary due to the location of the road, high public use of the road and the property services it provides.

There was discussion from the State Coastal Specialist and local State Member on the public benefit vs private benefit and how this was incongruent between the Cost Benefit Analysis and Funding Model. Please refer to the Appendix for Meeting Minutes.

2.5. Coast, Estuary and Flooding Sub Committee

Date: Thursday 1 April 2021

The Engagement Plan was provided to the Coast, Estuary and Flooding Sub-committee for feedback prior to the commencement. No feedback was received.

The draft Engagement Report was provided to the sub-committee on 1 April 2021 for review and feedback to ensure it was reflective of community sentiment and the overall results/conclusions where accurate.

RESULTS

The Committee feedback included:

- Questioned the local state member and state government's role in the process, including the approval of various stages and the CBA and Funding Model Reports.
- Some of the community representatives on the committee expressed their concern regarding Council's decision to put the beneficiary pays letter, CBA and Funding Model reports to the community.

2.6. Have Your Say

<https://haveyoursay.pmhc.nsw.gov.au/illaroo-road>

The Have Your Say page was used for the community to access the documentation, meeting bookings, make submissions and ask questions relating to the project.

The Illaroo Road Revetment Wall engagement projects was listed in the Have Your Say electronic newsletter in March 2021.

Newsletter	Sent to	Opened	Clicked
Have Your Say March 2021	3833	1129	350

17 submissions were received via the Have Your Say platform from the following demographics: -

Location		Age		Gender	
Lake Cathie	13	26-35	1	Female	6
Port Macquarie	2	36-45	1	Male	8
Dunbogan	1	46-55	5	Other	1
Bobs Creek	1	56-65	1	Unknown	2
		Over 65	7		
		Unknown	2		

These submissions have been included in the Formal Written Submissions Table, please refer to the Appendix.

Page Visitation	722
Aware participants (visited the page)	474
Informed participants (downloaded documents)	208
Engaged participants (participated in survey)	18
Document Downloads	318
Lake Cathie Illaroo Road Revetment Wall Funding Model - FINAL Report (Redacted)	127
Lake Cathie Illaroo Road Revetment Wall Cost Benefit Analysis CBA - FINAL Report (Redacted)	99
Illaroo Rd Revetment Wall - Information brochure	48
Illaroo Road Revetment Wall - Frequently Asked Questions (FAQ's)	44

2.7. Formal/Written Submissions

All submissions received have been included in the Submissions Summary Table, please refer to the Appendix.

2.8. Communications

Council issued a media release on Tuesday 9 February. The key messages were:

- Our focus is to work with the property owner on this important project so that together we can make the best possible decisions based on their interests and concerns
- At this stage we are consulting with the directly impacted properties to see if they have the willingness or capacity to pay for the revetment wall
- At this stage no decision has been made by Council on how the revetment wall will be funded or if and when it would proceed

3. RESULTS SUMMARY/CONCLUSION

Capacity & Willingness to Pay

The overriding community response indicates there is no “capacity and willingness to pay” as per the Options outlined in the Funding Model Report.

Twenty-seven submissions were received from the 41 directly impacted property owners. All 27 submissions indicated there was no capacity or willingness to pay as per the Funding Model.

Community feedback has indicated an unwillingness to pay for the costs of public amenity inclusions, seating, lighting, etc. by both directly and/or indirectly property owners and/or Lake Cathie community. There is strong sentiment that all public amenity works should be fully funded by Council and/or other levels of government.

One private property owner has indicated limited capacity or willingness to pay. This submission indicated that the cost breakdown should not include any public amenity costs being funded by the private property owners. Also that the project should be reconsidered as a public domain project.

The community wants coastal protection works undertaken at Lake Cathie, they do not support the Cost Benefit Analysis and Funding Model Reports findings or recommendations.

Some feedback is showing that the revetment wall as the preferred option for coastal protection has diminished since community consultation in 2013.

Revetment Wall

Community concerns centred around:

- Unknown end effects on the coastline for properties at the extremities of the wall and the unknown potential for increasing erosion at end sites
- Visual impact
- Beach loss
- The inclusion of public amenities (seatings, footpath etc)

Indirectly impacted property owners and community members have raised concerns about possible ‘end effects’ of the proposed revetment wall and the implications for the coastline and properties at the extremities of the wall.

Other coastal protection options have been suggested and discussed at the community and one-on-one meetings. It would appear that the overwhelming community endorsement of the revetment wall as the preferred option in 2013 has now waned and there may be a willingness to explore short-term and long-term hazard mitigation options through the Coastal Management Plan process in 2021.

Road

The community has strongly disagreed with the report findings that the public road exists to serve the properties fronting the road and for the provision of services to the properties.

The community sentiment is that the road benefits the wider community as it is heavily used road by the general public.

Feedback clearly showed that Council should be considered the primary beneficiary of the revetment wall and residents should not be burdened with 80% of construction costs.

Overall Conclusion

There is no capacity and willingness to pay based on the Funding Model Report recommendations by directly impacted residents.



There is no community support for the Cost Benefit Analysis or the Funding Model reports' findings or recommendations.

4. NEXT STEPS

A Report will be presented to the 21 April 2021 from Director Development & Environment outlining the findings of the community engagement.

A further Council Report will be presented to the 19 May 2021 Council Meeting outlining a range of options to progress the Illaroo Road revetment wall project and the future management of the coastal erosion hazards in Lake Cathie.

5. APPENDIX

- Submissions Summary Table and responses
- Community Meeting Minutes, 18 & 23 February 2021

External Submissions Summary

Illaroo Road Revetment Wall		Issue
1.	W S & R P Bell	Wall does not include frontage of my property and should not be included in the 41 homes as it will receive no benefit. Does not agree with revetment wall proposal and concerned about beach loss and inability of community to use beach at high tide should the revetment wall be built.
	Response/Comment:	It is understandable that property owners that do not have wall frontage on their property may feel the proposed wall is of no benefit to them. As such, it needs to be confirmed why and how each of the 41 properties impacted in this report has been identified as receiving benefit. Council commissioned a study that identified 41 properties and the assets that service these properties as potentially being impacted by coastal erosion due to storm events and climate change. The identified properties are located within the Coastal Erosion map under the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. This map shows the properties that are potentially subject to coastal erosion in a 100-year timeframe. Some properties were identified during the coastal hazard study phase which was undertaken in 2008-2009 and updated in later years to account for climate change impacts. Council notes the concern with beach loss.
2.	Tony & Lis Gale	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/Comment:	Noted
3.	T & J Grant	Disagree with Based Benefit Shares and Metres Frontage options. Believe it is a cynical attempt to bypass documented, extensive community support for a government-funded model to preserve a significant community asset. Demonstration of bias shown by PMHC to Port central.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options. Council has discussed funding options and methodologies throughout the project from its inception in 2007. During the consultation phase of the Stage 2 - Coastline Management Study in 2012, there was large support from the community for state and federal governments to pay for the revetment wall. The 2013 resolution of Council when Council adopted the CZMP reflected this public sentiment.

		<p>However, there are rules and guidelines about how funding for projects such as this should occur. Council must follow this process if it wishes to access contributions from other levels of government.</p> <p>It is noted that the NSW Government introduced new legislation and new guidelines on how projects within CZMP's and CMP's can be funded. Whilst the CZMP was adopted before the new guidelines were endorsed, they now apply to this project.</p>
4.	Shirley Fletcher (Email & via HYS)	<p>Disagree with Based Benefit Shares and Metres Frontage options.</p> <p>Not the responsibility of only 41 ratepayers and beneficiary model should be withdrawn. Do not accept arbitrary selection of addresses labelled as direct beneficiaries. Jonathon Dixon Reserve has been excluded when erosion fronting reserve is obvious.</p> <p>McMasters Beach on Central Coast secured State Government grant for revetment wall however, residents here told unlikely grant funding would be found.</p> <p>Residents have clearly indicated an unwillingness and inability to pay.</p>
	Response/ Comment:	<p>Noted the disagreement with the benefit shares and metre frontage options.</p> <p>Council commissioned a study that identified 41 properties and the assets that service these properties as potentially being impacted by coastal erosion due to storm events and climate change. The identified properties are located within the Coastal Erosion map under the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. This map shows the properties that are potentially subject to coastal erosion in a 100-year timeframe. Some properties were identified during the coastal hazard study phase which was undertaken in 2008-2009 and updated in later years to account for climate change impacts.</p> <p>The Illaroo Rock Revetment wall project is unique because its purpose is to protect mainly private property, the examples cited may have had a stronger public benefit. Funding guidelines associated with the Coast and Estuary Grant program state that any project greater than 1 million dollars will require a detailed cost benefit analysis and funding model. As such, these were undertaken and the result of those findings have been presented to the community.</p>
5.	Sally Drinkwater	<p>CBA is fundamentally flawed in its analysis of benefits of the public assets and should be discarded as road frontage is used by wider community, deleterious impacts to properties at either end of proposed wall have not been considered.</p> <p>Ideas for consideration include:</p>

		<ul style="list-style-type: none"> - Resumption of properties along Illaroo Road that do not have alternative access routes to their properties other than that road, reinforcement of the bank with sand nourishment (and stabilise it with vegetation) and develop the land for public use purposes without impacting the amenity of the beach and not causing negative impacts that may occur at either end of a revetment wall. - Go back to the drawing board and consider the entirety of the coastal strip being impacted by coastal erosion – namely: north from Middle Rock to the entrance to the lagoon and along the frontage of Bundella Avenue. The creation of another “Middle Rock” at the southern headland by either reef, groyne or breakwall will protect against oceanic and climate change impacts on the shore line. It would also protect sand nourishment in front of both roads and likely create an additional tourist attraction by the creation of a surfing break and increase fishing opportunity. It would also correctly qualify for the commitment of some developer contributions as an enhanced amenity for the use and enjoyment of the community.
	Response/Comment: Noted the disagreement with the CBA and funding model benefit shares findings. At this time Council has not made a decision on where to from here. As such, the feedback from this round of community consultation will be taken to Council at the ordinary April Council meeting before any decisions are made regarding funding or the construction of the wall. The suggested ideas will be considered at this time.	
6.	Ross Kerr	Based on what happened at Collaroy, Council is responsible for maintaining Illaroo and Bundella. Need to look at precedent set.
	Response/Comment: The Illaroo Rock Revetment wall project is unique because its purpose is to protect mainly private property, the examples cited may have had a stronger public benefit. Funding guidelines associated with the Coast and Estuary Grant program state that any project greater than 1 million dollars will require a detailed cost benefit analysis and funding model. As such, these were undertaken and the result of those findings have been presented to the community.	

7.	R & A Secombe	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.
8.	R & D Dewar	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.
9.	R & J Burr	Disagree with Based Benefit Shares and Metres Frontage options. Not in a position to pay anything towards revetment wall. Illaroo Rd and the stormwater drain is not our responsibility. Illaroo Rd is only perfect viewing of ocean between Bonny Hills and Port Macquarie and would be tragic to see it neglected.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.
10.	P Wilson	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.
11.	NSW SES	Any improvements that Council can make to reduce coastal erosion risk will benefit the current and future community. Encourage Council to pursue site design and stormwater management that minimises any risk to the community.
	Response/Comment:	Noted Council acknowledges the impact of the stormwater issues at Illaroo Road and as such is working to rectify this situation. Construction of the new stormwater system is to begin in July 2021. It was identified as priority action in the Coastal Zone Management Plan for Lake Cathie.
12.	Narelle Kerr	Property does not front the sea and is separated by the road and small reserve. Road is a Council asset and must be maintained by Council. It is Council's responsibility to pay for all of the revetment wall. Council had to pay full cost of restoration of beach in Collaroy.
	Response/Comment:	Council commissioned a study that identified 41 properties and the assets that service these properties as potentially being

		<p>impacted by coastal erosion due to storm events and climate change. The identified properties are located within the Coastal Erosion map under the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. This map shows the properties that are potentially subject to coastal erosion in a 100-year timeframe. Some properties were identified during the coastal hazard study phase which was undertaken in 2008-2009 and updated in later years to account for climate change impacts.</p> <p>The Illaroo Rock Revetment wall project is unique because its purpose is to protect mainly private property, the examples cited may have had a stronger public benefit. Funding guidelines associated with the Coast and Estuary Grant program state that any project greater than 1 million dollars will require a detailed cost benefit analysis and funding model. As such, these were undertaken and the result of those findings have been presented to the community.</p>
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13.	R P & K L Morison	Disagree with Based Benefit Shares and Metres Frontage options. Do not have a willingness or capacity to pay. Council has an obligation to provide services. Property is not absolute waterfront and only worth a fraction more than CBA costing.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.
14.	Mardi Van Oirschot	Disagree with Based Benefit Shares and Metres Frontage options. Do not have capacity to pay. Can see benefit of the wall being built however not at the expense and potential debt that household may occur.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options. Noted the non-capacity to pay and financial hardship this would cause.
15.	M & P Clancy	Disagree with Based Benefit Shares and Metres Frontage options. My local business employs 25 local people and is on verge of bankruptcy due to COVID and this cost would send us broke.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options. Noted the financial hardship this would cause.

16.	J L & J M Sanders & C A & M A Leedham	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/ Comment:	Noted the disagreement with the benefit shares and metre frontage options. Noted
17.	L & L Waine	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/ Comment:	Noted the disagreement with the benefit shares and metre frontage options. Noted
18.	Karen Rees-Pikett	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/ Comment:	Noted the disagreement with the benefit shares and metre frontage options. Noted
19.	Judy Thomas & Lloyd Besant	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/ Comment:	Noted the disagreement with the benefit shares and metre frontage options.
20.	Joy Walker	Rock revetment wall needs to be what property owners and ratepayers want, not something Council thinks is the best option. Would it be more cost effective to construct a concrete wall?
	Response/ Comment:	Noted the consideration that further consultation may be required to ensure the outcome is reflective of the community sentiment. Feedback from this round of community consultation will be taken to Council at the ordinary April Council meeting before any decisions are made regarding funding or the construction of the wall. Additional options will be presented to the Council at the May ordinary meeting to discuss where to from here.
21.	J & L Wilkinson	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/ Comment:	Noted the disagreement with the benefit shares and metre frontage options.
22.	I Camarsh	Disagree with Based Benefit Shares and Metres Frontage options. Consider payment plan. (via HYS) Wall ends at eastern boundary of my property and has no benefit to me at all. In purple zone which is subjective projections. Do not know how I could pay the amount wanted.
	Response/ Comment:	Noted the disagreement with the benefit shares and metre frontage options.

		Council commissioned a study that identified 41 properties and the assets that service these properties as potentially being impacted by coastal erosion due to storm events and climate change. The identified properties are located within the Coastal Erosion map under the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. This map shows the properties that are potentially subject to coastal erosion in a 100-year timeframe. Some properties were identified during the coastal hazard study phase which was undertaken in 2008-2009 and updated in later years to account for climate change impacts.
23.	H & H Marchment	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.
24.	Graham Denton	Everyone who lives in or visits village are all beneficiaries.
	Response/Comment:	Noted
25.	G & J Wright	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.
26	G Darcy & J Martin	Disagree with Based Benefit Shares and Metres Frontage options. Council must have realised that residents would not be able to pay the ridiculous amounts asked. Need to look at situation from our point of view.
	Response Comment:	Noted the disagreement with the benefit shares and metre frontage options. We empathise with the community that this is a difficult question and it was never Council's intention to create stress or unrest in our community. Council is following the process as per required by the State Government Coastal Manual guidelines and as such we must obtain direct feedback from those properties that the CBA found would directly benefit from the construction of the wall. Council cannot obtain this feedback without directly asking the community. Feedback from this round of community consultation will be taken to Council at the ordinary April Council meeting before any decisions are made regarding funding or the construction of the wall.

27	David Tooby	<p>Support the adopted concept for a rock revetment wall with beach nourishment but do not support the proposed funding model. Not against concept of contributing to wall but must be commensurate with number of factors, including the correct definition/establishment of beneficiaries, relative risk and capacity to pay.</p> <p>Key to determining an equitable funding model is recognition of the affected roads as parts of significant public domain foreshore space that benefits the whole Lake Cathie community and broader PMHC LGA. Many precedents outlined in Section 3.7 of the FM, particularly Collaroy NSW and Toogoom Seawall QLD can be discounted.</p> <p>Flynns Beach Seawall being included as precedent is relevant in that public domain projects are seldom funded by private enterprises or property owners.</p> <p>Consideration must be given to the funding breakdown ie what costs are attributed to protection works and what are attributed to public domain embellishment works.</p> <p>Degree to which residents should contribute is clearly set out in Sensitivity Analysis, which is measured and just.</p> <p>Flexible approach for payments must be thoroughly considered.</p>
	Response Comment	<p>Noted the disagreement with funding model but also that a flexible approach for payments should be considered. It is also important to note that at this time Council has not made a decision on where to from here.</p> <p>Feedback from this round of community consultation will be taken to Council at the ordinary April Council meeting before any decisions are made regarding funding or the construction of the wall.</p> <p>The Illaroo Rock Revetment wall project is unique in our region because its purpose is to protect mainly private property. The only comparable project to the Illaroo Rock Revetment wall is possibly Stage 1 of the Flynns Beach Seawall project which was undertaken to protect public assets including the surf club and open space reserve. The \$1.5M construction cost for an 80m seawall involved a 50/50 funding split between Council and the NSW Government. This was within the Coastal Management Program grant funding rules that applied at the time the grant funding application was made in 2015.</p> <p>The grant funding rules have since been changed by the NSW Government, meaning the future stages of the Flynns Beach project cannot proceed until Council has completed a Coastal Management Program (CMP) and undertaken a Cost Benefit Analysis and Funding Model, the same as the Illaroo Road revetment wall project.</p> <p>For context as to why this project is seeking community feedback regarding funding also rests with the process Council must follow. In 2013 Council resolved to build the Illaroo revetment wall and to have it funded by the State Government,</p>

		<p>this was a reflection of the public sentiment. At the time Council's resolution was valid and genuinely reflected considerable public support from the community during the consultation phase of the Stage 2 Coastline Management Study.</p> <p>However, CZMPs must be 'certified' by the NSW Government before funding can be made available for any action items. When the CZMP was certified by the NSW Minister for Planning, Rob Stokes in 2016, Council was directed to undertake further investigation into funding options. The certification letter confirmed that Council must follow the principles of the new Coastal Management Manual. Council has prepared a funding model that accords with the principles of this manual, and is where we are now consulting with the community on the results of this work.</p> <p>The cost benefit analysis has taken into consideration the estimated costs of the wall as per the Aurecon report. The costing of the wall does not differentiate between embellishments and non-embellishments.</p> <p>The concept design does include the following amenities:</p> <ul style="list-style-type: none"> • Public access • Shared pathway on the top of the revetment wall • Public seating • Reserve space
28	Christine Godman	<p>Outrageous suggestion for residents to pay 80% of the costs. Suggest get basics right first which is sorting out environmental issues with the lake system and erosion of the beach. Ridiculous to expect a small group of residents to pay for a wall in area enjoyed by so many.</p>
	Response Comment	<p>Government funding can only be utilised when grant program guidelines are followed and eligibility criteria are met. For example, the most appropriate grant funding stream available to us to funding the construction of the revetment wall is the Coastal Management Grant Program. Council would not be awarded grant funding if it has not followed the eligibility criteria of this grant program. This general rule applies to all other grant programs too.</p> <p>This work has been done to address the funding requirements of the Coastal Management Act & Coastal Management Manual (2016). Before Council can apply for grant funding, or the NSW Government can provide their funding contribution for the revetment wall, a CBA & Funding Model must be completed. The CBA is used to determine whether a project proceeds, based on the cost vs the benefits. The funding model is used to determine who pays what, based on the apportionment of benefits.</p> <p>A direct beneficiary is a property owner who has been identified as benefiting from the construction of the revetment wall. The wall will provide protection from the coastal erosion and will allow property owners to retain their direct access to services (road, power, water, sewer, etc.).</p>

		<p>The direct beneficiaries as identified by the Marsden and Jacobs report are 41 property owners. Other community members and tourists use the road and beach area but as per the funding model guidelines and funding model report, Council must rely on the information provided by the report when assessing beneficiaries in this instance.</p>
29	B & S Tobin (Form and via HYS)	<p>Disagree with Based Benefit Shares and Metres Frontage options. Do not have capacity to pay at this stage in their life. Believe Illaroo Rd is most used road in Lake Cathie. Money spent of reports over the years could have paid for wall. Lake is widely used by broader community and therefore cost should be spread across the LGA.</p>
	Response Comment	<p>Noted the disagreement with the benefit shares and metre frontage options and the inability to pay at this stage in life.</p> <p>The revetment wall was identified as the primary action item that will protect private and public assets from the threat of coastal erosion from storms or long term sea level changes. The wider estuarine system is not being considered in this discussion.</p> <p>To clarify Government funding can only be utilised when grant program guidelines are followed and eligibility criteria are met. For example, the most appropriate grant funding stream available to us to funding the construction of the revetment wall is the Coastal Management Grant Program. Council would not be awarded grant funding if it has not followed the eligibility criteria of this grant program. This general rule applies to all other grant programs too.</p> <p>This work has been done to address the funding requirements of the Coastal Management Act & Coastal Management Manual (2016). Before Council can apply for grant funding, or the NSW Government can provide their funding contribution for the revetment wall, a CBA & Funding Model must be completed. The CBA is used to determine whether a project proceeds, based on the cost vs the benefits. The funding model is used to determine who pays what, based on the apportionment of benefits.</p> <p>A direct beneficiary is a property owner who has been identified as benefiting from the construction of the revetment wall. The wall will provide protection from the coastal erosion and will allow property owners to retain their direct access to services (road, power, water, sewer, etc.).</p> <p>The direct beneficiaries as identified by the Marsden and Jacobs report are 41 property owners. Other community members and tourists use the road and beach area but as per the funding model guidelines and funding model report, Council must rely on the information provided by the report when assessing beneficiaries in this instance.</p>

30	William Watson	Significant data from similar coastal protection efforts overseas relating to sea walls concentrating wave action at the extremities of such structures. Prudent to protect Council from future litigation in this regard.
	Response Comment :	Noted
31	Stephen Hunt & K J Outtrim	Proposal is unjust, unreasonable and unfair and believes there is no will by Council for project to proceed. No evidence within provided reports that suggest affected residents should bear 80% of cost and sensitivity analysis suggests 80% should be met equally between PMHC and & NSW State Govt.
	Response Comment :	Council has noted this comment. Detailed information on the cost benefit analysis and funding model reports are contained within the reports and are available online at https://www.pmhc.nsw.gov.au/Services/Environment/Waterways-and-coastlines/Illaroo-Road-Revetment-Wall
32	Aaron Frazier	Suggest building wall out of discarded tyres which would cost much less and last longer.
	Response Comment :	Noted
33	J E & Y C O'Farrell	Disagree with Based Benefit Shares and Metres Frontage options.
	Response Comment :	Noted the disagreement with the benefit shares and metre frontage options.
34	Stuart Bate (via HYS)	Cannot look at CBA and funding model in isolation - environmental and economic impact on Bonny Hills and surrounding beaches needs to also be considered. Need to look at other revetment walls which have been constructed which may save a few properties but may have potentially devastating impacts on other areas.
	Response Comment :	Noted
35	Barbara Smith (via HYS)	Suggest include modelling which would give residents the outcome they need for many years
	Response Comment :	Noted

36.	Stewart Cooper (via HYS)	Council largely responsible for erosion at Illaroo Road by not redirecting stormwater and also hold the majority of assets that will be impacted but are attempting to redirect costs to residents.
	Response/Comment:	<p>Council acknowledges the impact of the stormwater issues at Illaroo Road and as such is working to rectify this situation. Construction of the new stormwater system is to begin in July 2021. It was identified as priority action in the Coastal Zone Management Plan for Lake Cathie.</p> <p>The process to undertake the Illaroo stormwater redirection works has included lengthy environmental approvals including contamination remediation and Aboriginal archaeological findings. Council staff have worked to resolve these issues and on-ground works will commence from July 2021.</p> <p>The revetment wall was identified as the primary action item that will protect private and public assets from the threat of coastal erosion from storms or long term sea level changes.</p> <p>A direct beneficiary is a property owner who has been identified as benefiting from the construction of the revetment wall. The wall will provide protection from the coastal erosion and will allow property owners to retain their direct access to services (road, power, water, sewer, etc.).</p> <p>The direct beneficiaries as identified by the Marsden and Jacobs report are 41 property owners. Other community members and tourists use the road and beach area but as per the funding model guidelines and funding model report, Council must rely on the information provided by the report when assessing beneficiaries in this instance.</p>
37.	Alan McIntyre (via HYS)	Strategy needs revamping. LNP should be held to account for matters of applicability and assessment, not Council.
	Response/Comment:	Noted
38.	Brendan Croft (via HYS)	Costs should be solely covered by PMHC and State government. Rates are already higher than they should be and community is being punished due to funds mismanagement by Council.
	Response/Comment:	<p>Council acknowledges the impact of the stormwater issues at Illaroo Road and as such is working to rectify this situation. Construction of the new stormwater system is to begin in July 2021. It was identified as priority action in the Coastal Zone Management Plan for Lake Cathie.</p> <p>The process to undertake the Illaroo stormwater redirection works has included lengthy environmental approvals including contamination remediation and Aboriginal archaeological findings. Council staff have worked to resolve these issues and on-ground works will commence from July 2021.</p>

		<p>The revetment wall was identified as the primary action item that will protect private and public assets from the threat of coastal erosion from storms or long term sea level changes.</p> <p>A direct beneficiary is a property owner who has been identified as benefiting from the construction of the revetment wall. The wall will provide protection from the coastal erosion and will allow property owners to retain their direct access to services (road, power, water, sewer, etc.).</p> <p>The direct beneficiaries as identified by the Marsden and Jacobs report are 41 property owners. Other community members and tourists use the road and beach area but as per the funding model guidelines and funding model report, Council must rely on the information provided by the report when assessing beneficiaries in this instance.</p>
39.	Stuart Wilson (via HYS)	<p>From my research, our property will not be affected by erosion for over 100 years. Something needs to be done for beachfront properties to protect Illaroo Road but absurd to ask residents to pay. Beach, road and access is for the benefit of all residents, tourists and developers and it should be financed the same way that the Port Macquarie breakwall and foreshores have been financed.</p>
	Response/ Comment:	<p>Council commissioned a study that identified 41 properties and the assets that service these properties as potentially being impacted by coastal erosion due to storm events and climate change. The identified properties are located within the Coastal Erosion map under the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. This map shows the properties that are potentially subject to coastal erosion in a 100-year timeframe. Some properties were identified during the coastal hazard study phase which was undertaken in 2008-2009 and updated in later years to account for climate change impacts.</p> <p>The revetment wall was identified as the primary action item that will protect private and public assets from the threat of coastal erosion from storms or long term sea level changes.</p> <p>A direct beneficiary is a property owner who has been identified as benefiting from the construction of the revetment wall. The wall will provide protection from the coastal erosion and will allow property owners to retain their direct access to services (road, power, water, sewer, etc.).</p> <p>The direct beneficiaries as identified by the Marsden and Jacobs report are 41 property owners. Other community members and tourists use the road and beach area but as per the funding model guidelines and funding model report, Council</p>

		<p>must rely on the information provided by the report when assessing beneficiaries in this instance.</p> <p>The Illaroo Rock Revetment wall project is unique in our region because its purpose is to protect mainly private property. The only comparable project to the Illaroo Rock Revetment wall is possibly Stage 1 of the Flynns Beach Seawall project which was undertaken to protect public assets including the surf club and open space reserve. The \$1.5M construction cost for an 80m seawall involved a 50/50 funding split between Council and the NSW Government. This was within the Coastal Management Program grant funding rules that applied at the time the grant funding application was made in 2015.</p> <p>The grant funding rules have since been changed by the NSW Government, meaning the future stages of the Flynns Beach project cannot proceed until Council has completed a Coastal Management Program (CMP) and undertaken a Cost Benefit Analysis and Funding Model, the same as the Illaroo Road revetment wall project.</p>
40.	Terri Baldi (via HYS)	<p>Options 2A and 2B (Special Rate, beneficiaries only) is very fair with a special rate levied over a 10, 20 or 50-year period and/or if the property is sold then full payment on sell. State and local government contributions of 10% capital costs each year plus annual maintenance costs. Property value will increase, properties kept safe and saleable so a big win for owners. Unfair for all ratepayers to have to bear the costs of a few.</p>
	Response/ Comment:	Noted
41.	Mark Ellis	<p>The majority of residents on Illaroo road are unable to pay the requested amount and should not have to pay for council's liability or infrastructure.</p> <p>The short term adaptation of a revetment wall, with construction and ongoing maintenance is too costly and be ineffective over time as it doesn't really address the long term climate risk impacts on the council infrastructure from increased storm surges and erosion.</p> <p>Alternatively, instead of forcing current residents to pay for council's problem, long term strategic land use planning models should be adopted for illaroo properties.</p> <p>The vision and direction of local communities depend on strategic land use planning documents</p>

		<p>that provide for growth and change of our coastal towns in response to climate change impacts.</p> <p>Planning systems can respond but adaptive responses will need to be uniquely devised and appropriate to local professional, economic, environmental, social and cultural realities. Not some cookie cutter approach to erosion forced on the council by the state government.</p> <p>If the council has an alternate plan to an engineering solution, then to fulfil the czmp and new cmp after 2021 they may not necessarily have to implement a financial strategy causing grief and angst to the local community.</p>
	<p>Response/ Comment:</p>	<p>Noted</p> <p>At this time Council has not made a decision on where to from here. As such, the feedback from this round of community consultation will be taken to Council at the ordinary April Council meeting before any decisions are made regarding funding or the construction of the wall. The suggested ideas will be considered at this time.</p>
42.	Graham Denton	<p>Disagree with Based Benefit Shares and Metres Frontage options.</p> <p>Wall should have been constructed when it was passed in 2014 as cost would be much less than now.</p> <p>It would have been actioned by now if in Port Macquarie eg Town Beach and Flynn's Beach.</p> <p>Elaborate revetment wall not needed.</p> <p>Council could have used the rock from the upgrade of the Pacific Highway to build a wall.</p> <p>Population of Lake Cathie is about to boom and Council's income will explode so affected residents shouldn't have to pay anything.</p>
	<p>Response/ Comment:</p>	<p>Noted the disagreement with the benefit shares and metre frontage options.</p> <p>Council has had to follow a detailed process based on the NSW state requirements for approval and funding opportunities. It was not an option to build the wall in 2014 due to legislative requirements.</p>

43.	J Denton	Disagree with Based Benefit Shares and Metres Frontage options. Wall is definitely needed for the erosion and all the people who use it daily. A pathway is needed for community as road is dangerous.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options. Noted request for a wall and a pathway.
44.	Michelle Gunter	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.
45.	Neil Smith	Disagree with Based Benefit Shares and Metres Frontage options.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.
46.	J Tyra (Email & via HYS)	Disagree with Based Benefit Shares and Metres Frontage options. Disappointed with communications and the method Council has used including insensitive letters which has caused panic and fear. Believe Marsden Jacobs were engaged to substantiate claim of 80% benefit to residents. Comparisons with other sea walls are inappropriate and inaccurate. Cannot understand the difference in funding models for Flynn's Beach wall and Lake Cathie as both used by community and tourists. Council has been aware of deterioration of coastline for many years and should have been addressed prior to now. Cost blowout is staggering. Unfair that residents are expected to pay majority of cost, and Council and NSW State Government only 10% each, particularly as cost includes items such as stairs, ramp, seating, lighting etc. Unwilling and do not have capacity to pay. Strong government action is required to necessary to protect widespread coastal erosion.
	Response/Comment:	Noted the disagreement with the benefit shares and metre frontage options.

		<p>Council staff, management and Councillors were aware of the difficult nature of this discussion and the unrest it would cause within the community. Significant discussion and consideration went into the development of the Engagement Plan. The intention of the letters and information provided was for property owners to be able to provide informed feedback for Council regarding the feasibility of the Beneficiaries Pay model to our regional community. This process was also to provide the community with time to consider the information, ask questions and provide feedback.</p> <p>The Illaroo Rock Revetment wall project is unique in our region because its purpose is to protect mainly private property.</p> <p>The Flynn's Beach Seawall project is different since it was undertaken to protect public assets including the surf club and open space reserve. The \$1.5M construction cost for an 80m seawall involved a 50/50 funding split between Council and the NSW Government. This was within the Coastal Management Program grant funding rules that applied at the time. The grant funding application was made in 2015.</p> <p>The grant funding rules have since been changed by the NSW Government, meaning the future stages of the Flynn's Beach project cannot proceed until Council has completed a Coastal Management Program (CMP) and undertaken a Cost Benefit Analysis and Funding Model, the same as the Illaroo Road revetment wall project.</p>
47.	Suzanne Ellis (Email & HYS)	<p>Owners should not have to pay for revetment wall. Revetment walls across our LGA and no other people who benefit from the wall have paid. Everyone in the community including visitors benefit from the beach, lake and foreshores/parks and roads.</p>
	Response/ Comment:	<p>Noted disagreement with beneficiary pays principles.</p> <p>The Illaroo Rock Revetment wall project is unique in our region because its purpose is to protect mainly private property.</p> <p>The Flynn's Beach Seawall project is different since it was undertaken to protect public assets including the surf club and open space reserve. The \$1.5M construction cost for an 80m seawall involved a 50/50 funding split between Council and the NSW Government. This was within the Coastal Management Program grant funding rules that applied at the time. The grant funding application was made in 2015.</p>

48.	Fiona Stewart (Email & via HYS)	Not prepared to pay large contribution and request funding be obtained from other sources including Federal, State, Council and government grants. Public road adjoining beach is important infrastructure for residents, holiday makers and surf lifesavers.
	Response/ Comment:	Noted
49.	Ron Morrison	<p>Believe Council acquired 20ft of land in 1966 and therefore landowners became adjacent land holders to Council and Government land. Council took over the responsibility for this land and provided sewer and water infrastructure and later provision of telephone and internet servicing and therefore residents have no responsibility for it any longer.</p> <p>80% benefit to land holders is conjecture and no benefit will be derived from it.</p> <p>Will not pay any money towards any model of funding and believe it should be paid for by all ratepayers of PMHC. Council need to own up to their responsibilities.</p> <p>Illaroo Road/Bundella Ave see great movement from cars, bikes, walkers, prams and buses and for safety of all, there needs to be footpaths which would be beneficial to all.</p>
	Response/ Comment:	<p>Noted the disagreement with the benefit shares and metre frontage options.</p> <p>Noted the request for funding to come from the wider LGA residents.</p> <p>At this time Council has not made a decision on where to from here. As such, the feedback from this round of community consultation will be taken to Council at the ordinary April Council meeting before any decisions are made regarding funding or the construction of the wall. The suggested ideas will be considered at this time.</p>

50.	Geoff McNeil (via HYS)	<p>Create a Plan for the management of the Lake and the ocean front of Illaroo drive:</p> <ol style="list-style-type: none"> 1. The creation of a permanent opening of the Lake to the ocean. 2. Review of redirection of stormwater outfalls from Illaroo Drive to the Lake. 3. The consideration of initial repairs to Sand dunes and coffee rock caused by existing council stormwater outfalls to the ocean by the installation of Geotextile sandbags at these points. 4. Protection of Norfolk Pines at Bundella Ave. 5. Design and implementation of the extension of walkways/cycleway along Bundella to the East of the Norfolk Pines, along the oceanfront of Illaroo Drive then on to Middle Rock and Bonny Hills. 6. The revisiting of previous Plans of Management and local submissions that have been gathering dust for a lot of years.
Response/ Comment:		<p>Council has recently adopted the CMP scoping study for the LGA. This study has identified and considered literature and studies that have been completed in past. As such, a number of issues including managing the opening of the lagoon to mitigate for flood control and the ongoing stormwater issues at Illaroo Road are included in the CMP.</p> <p>At this time Council has not made a decision on where to from here. As such, the feedback from this round of community consultation will be taken to Council at the ordinary April Council meeting before any decisions are made regarding funding or the construction of the wall. The suggested ideas will be considered at this time.</p>
51.	Lake Cathie Progress Assn (via HYS)	<p>CBA and funding model fail to take into account heavy use and reliance by all locals and visitors as only true beachside road in village.</p> <p>Funding model shows disrespect to village. 61% of ownership of protected assets by the wall will be public and utility assets and this is minimum contribution Council should be paying.</p> <p>Only option that is viable and affordable is option 3 "Special Rates (s495) is applied equally to all council ratepayers"</p>
Response/ Comment:		<p>Noted the disagreement with the benefit shares and metre frontage options.</p> <p>At this time Council has not made a decision on where to from here. As such, the feedback from this round of community consultation will be taken to Council at the ordinary April Council meeting before any decisions are made regarding funding or the construction of the wall. The suggested ideas will be considered at this time.</p>

52.	Chelsea Ellis (via HYS)	<p>Unethical. Cannot and should not expect homeowners who pay rates to pay for revetment wall that protects Council assets first. CBA was biased and all options were not provided or fully explored and expects homeowners to pay for extra (lights, footpaths)</p> <p>Funding options should be Council and government responsibilities.</p>
	Response/ Comment:	Noted the disagreement with the benefit shares and metre frontage options.
53.	Anthony Gale (via HYS)	<p>Against owner funding of project. Not primary beneficiaries and do not own land affected by land degradation. Council responsible for sand bank erosion due to years of mismanagement and bad handling of stormwater damage. Cost should fall solely on local and state governments.</p>
	Response/ Comment:	<p>Noted the disagreement with the benefit shares and metre frontage options.</p> <p>Council acknowledges the impact of the stormwater issues at Illaroo Road and as such is working to rectify this situation. Construction of the new stormwater system is to begin in July 2021. It was identified as priority action in the Coastal Zone Management Plan for Lake Cathie.</p>



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PRESENT**Members:**

Chief Executive Officer (Dr Clare Allen)
Councillor Sharon Griffiths
Director Development & Environment (Melissa Watkins)
Natural Resources Manager (Blayne West)
Technical Projects Officer – Flood (Jesse Dick)
Group Manager Environment and Regulatory Services (Debbie Archer)
Group Manager Community (Lucilla Marshall)
Community Engagement Team Manager (Liz Brennan)

Guests:

Director Marsden Jacob Associates (via zoom) (Rod Carr)
Principal Coastal Specialist, Department of Planning, Industry and Environment (Phil Watson)
Senior Coast and Estuary Officer, Department of Planning, Industry and Environment (John Schmidt)
iD Planning Meeting Facilitator (Denise Wilson)

The meeting opened at 6:10PM.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered by Dr. Clare Allen

01 APOLOGIES

Mayor Peta Pinson
Deputy Mayor Lisa Intemann
Councillor Geoff Hawkins

023 CODE OF CONDUCT

Meeting conduct, process, safety and requirements delivered by Denise Wilson



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04 FIRST PRESENTATION AND QUESTIONS

Jesse Dick delivered a presentation explaining the history of the project from 2007 to present date.

4.1 QUESTIONS

Speaker 1:

Why is this our (owners) problem and not yours? What is the real story?

Melissa Watkins in Response:

There are communities or members of the community or properties in this case that directly benefit from a revetment wall. In this particular case, we followed a funding model, which is a distribution analysis that looks at how we actually break up that funding.

Speaker 2:

What other projects in Port Macquarie has this cost benefit analysis been used for recently?

Melissa Watkins in Response:

The funding model that we are applying here is unique to this particular issue. It is based on a funding split between Government and the community and all the affected properties and Council.

Speaker 3:

Is this situation under the Coastal Protection Service Charge Guidelines?

Jesse Dick in Response:

No. They cover maintenance of the structure once built, not the actual construction.

Speaker 3:

2.2 of those guidelines states that Council cannot levy a CPSC to construct coastal protection works. My interpretation of that is just what it says - Council cannot charge rate payers for this sort of installation. Are we or aren't we under those guidelines?

Jesse Dick in Response:

That guideline doesn't apply to the construct. That's saying we can't apply that guideline to construct under that process.

Denise Wilson in Clarification:

Is it because this is about construction of a new item and not about maintenance that that guideline doesn't apply to this situation?

Jesse Dick in Response:

Correct.

Phil Watson spoke to the State Government's role in this process so far and other locations that are similar and have nexus to the Lake Cathie project.



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Speaker 4:

Jesse, have you looked along the paths of other funding or are we the first stage in this process?

Jesse Dick in Response:

No, we have looked at other funding options and in the report they have looked at the Building Better Region Scheme and the National Stronger Fund Scheme, and there's a few options out there for us to go down. Applications could be made at any time, it's just more likely that you won't be successful in funding.

Speaker 4:

Is there a chance it could be successful?

Jesse Dick in Response:

It is possible.

06 SECOND PRESENTATION AND QUESTIONS

Rod Carr delivered a presentation explaining the Funding Model and the Cost Benefit Analysis.

6.1 QUESTIONS

Denise Wilson - Question From Zoom:

Can you explain, Jesse, where in the other coastal zones like Byron, has this funding model been applied?

Jesse Dick in Response:

As far as I'm aware, this process has been adopted at Collaroy-Narrabeen. So on the second last, I think, slide from my presentation you'll see their funding split of the 80, 10, 10. So \$13.4 million attributed to residents and the Government State and local split \$1.5 million each, so Collaroy- Narrabeen.

Speaker 5:

The Northern beaches properties, as far as I'm aware, is that they're private beaches, so they're right onto the beach, where we have a road between our properties and the beach. So I don't know how you can compare the two types of properties?

Phil Watson in Response:

With the type of analysis that Rod's done here, Lake Cathie where that was done, at Collaroy-Narrabeen. I think it indicated that the private benefit was somewhere of the order of about 98 or 99% and a small percentage to Council because of people would have a road behind it. That may have been impacted within 50 years, and no state assets here. So what the government had agreed, and that's the same for every location, is that for where there is a private benefit, we will contribute a maximum of 10% if that's matched by Council and the residual 80% will be paid by the property owners.

In the case of what's been talked about here, there's actually potentially a 61% public benefit here. So that gets taken straight off the top, okay? And the Government would be willing to co-fund that with Council upfront. And then we would apply that 80/10/10 rule



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to the private beneficiary component that sits behind it. So I know these are quite complex things and each jurisdiction is very different, but there would be a direct benefit here. The 61% is something that the Government would take straight off the top rather than naught percent at Collaroy-Narrabeen.

David Tooby addressed the room as a Directly Impacted owner and Urban Designer, and stated he believed property owners should contribute something, but not what has been asked. Mr Tooby discussed his view of wall's costings and said the cost should be broken down to just the cost of the wall without embellishments, then what percentage of that cost is attributed to the protection of houses. Mr Tooby said that a facilitated community workshop should be used to develop options that are acceptable to the community.

Speaker 6:

The figures are 2 years old already so how can you ask us to come up with that and won't the cost change by the time funding is found?

Rod Carr in Response:

The results of our analysis are based on figures that were provided to us from analysis that was done a couple of years ago. It is all reported in 2019 dollars, which is the purpose of the NPV. I can't really comment on whether the cost of this development will have increased or decreased between times.

Speaker 7:

Rod, could you talk more about the special rate mechanism and have we exhausted every other grant funding possibility?

Denise Wilson in Direction:

I'll go to the grant funding part of that questions first then to Rod

Jesse Dick in Response:

No, we followed the one set up for these projects. So Coast and Estuary grants go in under the Coast Estuary Grant Program. You can follow that one, but there's many others that we could use that we haven't yet.

Blayne West in Response:

There is one grant funding that we have applied to as well. It's called the BLERF funding, Bushland Local Economic Recovery Fund, that doesn't get announced until June. We will follow every opportunity, as Jesse has said, and we've gone for the most effective one so far.

Denise Wilson in Direction:

Then the first part of your question was, Rod, could you please explain about the special rate levy?

Rod Carr in Response:

As part of this project, we looked at the two key mechanisms that applied in this circumstance. One was looking at an upfront payment from direct beneficiaries, which would basically see funds received at commencement of the project. Whereas the alternative that we talk about under Options Two and Three are variations of application of the Special Rate, which is under section 495 of the Local Government Act. And that's a part of the Act that talks about the powers that Council has around the making and levying of Special Rates. And that Special Rates can be used for or towards the meeting of costs of any works, services, facilities, or activities provided or undertaken by the Council. So it's a broader mechanism from a rate base perspective.



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Melissa Watkins in Response:

There's a couple of options that are available in terms of the special rate levy. The first two, as included in Rod's presentation, was that it could be based on the benefit shares and economic modeling, or based on the meters of frontage or, and that would only apply to the directly impacted properties. Or we could apply a special rate to the entire local government area, so it would be we'd spread the cost across the entire rate base.

Speaker 7:

And have you looked at that?

Melissa Watkins in Response:

That's part of what was considered here. So at this stage, we're going through a process again, as we said, we're asking the questions before we go to the next step. We will look at other options, just like Blayne was saying in terms of funding and other grant funding.

Speaker 8:

So can I just ask Council the situation of using S495 for levying us, where else has that happened in our Council region? Has that happened to Flynn's Beach because of what's happened there? Where else have you used that theory to levy a rate?

Jesse Dick in Response:

So, so the last time that was used was in 2011, 2012, when Council applied a Special Rate Variation to the whole LGA. You may recall that process, but basically we went to IPART and said that we wished to undertake all these capital works. So road resealing was the predominant output of that special rate variation. So we wanted to re-seal and re-sheet a whole bunch of roads, couldn't do that within the rate revenue that we were receiving at the time. So we applied for a Special Rate Variation under section 495. And I think the average rate costs across all 30,000 rate payers went up by a magnitude of dollars, like 10 bucks or something like that, I think across the LGA. It still applies.

Lucilla Marshall in Response:

We also did that again in 2016, and it became embedded across the rate base back in 2016, so we did this process a number of times. There's also levies on the canals, I understand.

Speaker 8 in Follow Up:

So those two rate ones that you did, benefited the entire community, and the entire community were actually to pay those rates. But in this situation you're asking for a specific community to pay for something that's actually going to benefit the wider community.

Melissa Watkins in Response:

We've also had Special Rate Variations for very specific projects or works by Council. And that includes dredging of canals and the maintenance of canals. There's also a special rate that applies to the CBD at Port Macquarie, where a certain number of properties within the CBD contribute to the enhancement of the CBD.

Speaker 9:

Where did the funding come from to upgrade the breakwall walkway and all the beautification of that and the Flynn's Beach one that was done recently?

Jesse Dick in Response:

I believe the Breakwall footpath widening was a 5 million dollar announcement from our Local Member. And I think Crown Land might be managing that Breakwall widening.



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Flynns Beach was 2015. So prior to this, this, and this. And the rules were different at that time, so Council was able to actually apply for, if you've sent funding for that work without having to do a cost benefit analysis or a funding model. So we took the opportunity at the time to put that in, we successfully obtained 50% grant funds for a \$1.5 million dollar wall from State Government under the coastal management program. But all of this stuff has come in since, and if we wanted to fund the rest of that wall, we'd have to go through this process again, because the new regulations apply now.

Speaker 9 in Follow Up:

So who would fund it now?

Jesse Dick in Response:

Likely to still come from the same management programs, albeit we'd have a whole new set of boxes to tick. And it may not be the most appropriate grant funding program at the time. We might chase the funds via different grant programs that are more favorable for Council.

Speaker 10:

As a group of Councillors that represent our community, you all understood that we're all going to get a letter, that outlined the payment, that we were required to pay, so you all understand that's what we received?

Blayne West in Response:

Can I clarify the statement, sir? Can I clarify the statement that said required to pay?

That's why we're not understanding. You're not required to pay anything.

Speaker 10 in Follow Up:

Do you understand what you are asking people to do? And do you understand the stress that it has caused?

Melissa Watkins in Response:

So we certainly understand what we were doing. Just to clarify, first of all though, we're staff, we're not Councillors. You have a Councillor here, but we're just trying to give you the facts. The purpose of this evening is to make sure you have the information that you need to provide Council with the feedback that we then take back to the Council, the elected representatives, with your feedback. That is the sole purpose for us being here. We are not locking you into paying anything at this point. No decision has been made. That is a future decision of the Council.

Speaker 11:

Let's say you've got a no, where do we go from here? How much is it going to be if you put it across the community, whether it be Port Macquarie's Hasting Council community or New South Wales, what's going to cost a household 10 bucks?

Blayne West in Response:

We don't have a figure, and I appreciate the difficulty in it. I do, I absolutely do, we empathise with this. We would like to extend that, we all know that. The steps within it is to say, to go to the willingness and capacity, and we're hearing a very clear message. The next step is to, following this direct engagement, and we needed to have the very hard conversation, was to go back to our elected officials and to let them know if there was willingness and capacity to pay, and then take the next step in that conversation. Which there was a number of scenarios. Do you go down a special rate variation? Does that effect the property owners? Does that affect the Cathie community? Did you go to the LGA?



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That is the next scenario and questions. The feedback, as David has given is also excellent feedback in the sense of different scenarios that Council could look at, but that was the idea of the CBA and the Funding Model, was to come and to gather perspectives, ideas, willingness, and capacity. And to go back to that conversation. At the same time, I do stress, we are applying when those grants come that are applicable for us to put into and like I said, we haven't heard, we won't hear until June.

A show of hands was called for to show those in the room who do not have willingness or capacity to pay the money in their letters. It is recorded that everyone in the room raised their hand.

Speaker 12:

My question is to Rod, from Marsden Jacob. How much did your report cost?

Denise Wilson in Direction:

I think the person to direct that question to is Council, rather than Rod.

Jesse Dick in Response:

Their funding model was 50/50 funded by the State Government and Council so that the project was about \$40,000 in total. And the Cost Benefit Analysis was fully funded by the State Government. So, about \$20,000 - \$25,000 all up for these reports from ratepayers.

Speaker 13:

What are you going to do if you adopt this and we can't pay? Are you going to take our houses?

Melissa Watkins in Response:

I just want to reiterate; we're not leaning towards any option at this stage. We just, you know, I apologise if that's how it sounds, but all we've got is the facts in front of us, of where we've arrived at. And we're trying to engage with the community to say, what are your thoughts on, on where we've arrived? And that gives us direction and to go back to the Council. So we haven't made a decision. The Council hasn't made a decision, we've simply done the work and asking your view. The next part of that process, if we were going to do anything, it would be another series of engagements in information, consultations with people that are affected. And indeed, that's not the intent of what we're here for. So, it's not to hurt the community, it's to ask. And, I appreciate what I've heard here tonight, but it is about getting your feedback. That's what we're here for. We're not here to hurt you. We're not here to damage you. We're not here to scare you. We're here to get your feedback.

Speaker 14:

I don't understand really how this can't be a priority project or you're not sure where it's going to sit. It just sounds like this is all coming to a head because we need to sort this out by the 31st of this year when the CZMP expires, but we've had five years to act on it since 2016. I'm not sure why this hasn't been done now, but why is this not a priority or why hasn't it been for the past five years?

Dr. Clare Allen in Response:

First of all, we have to find funding. So it is a big ticket item. So when it goes to a certain value, then basically that has to be popped back to Council. And that hasn't been put, to say, put in the full \$10 million towards this project at this point in time. It's been source funding, find the funding, but then if that doesn't come forward, then it has to go through



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a process back to Council to make that decision. That's where your elected representatives will speak for you in terms of those projects. If it becomes one of those projects where we somehow can get some additional funding or we have to put the full funding in, we have to look at our, basically our reserves and we have to make some decisions and follow some financial prudence around that.

Blayne West in Response:

As Jesse has explained, the funding model has taken time that the changes to guidelines have taken time. Unfortunately, these just simply take time for these studies. Now, the CZMP, yes, expires on the 31st of this year, there is a CMP. So that is where we are going with the Coastal Management Program. And the CMP is already a resolution of Council that the actions under the CZMP, which is the Illaroo revetment wall will come under the CMP. So this will not fall away. This, all of the work that has been done, the decisions that have been made, it doesn't go away on the 31st. It is a Coastal Plan that we have to follow.

When you look at the entirety of the holistic system, you have to understand that not everything can be done at once. Things will take funding, different things or different priorities at different times, and those decisions have to be made.

Speaker 15:

I just thought I'd like to ask just Jesse a question. You said that in your presentation that \$900,000 being allocated for the stormwater. What hasn't it been used? Why are we waiting so long to see that go now?

Jesse Dick in Response:

So the storm water project, will aim to rectify that localised sort of beach lowering and scour there from storm water coming onto the beach. So in the photos, in the slides, you can see there that we couldn't nourish the whole beach because we had to nourish around the stormwater outlets to let the storm water go. So, that's a 50/50 funded project under this grant program. But because it's less than a \$1 million, again, we don't have to do with CBA. We don't have to do a funding model. We can just log into an application for 50% finally have be done. So, yeah, it'll definitely help.

Blayne West in Summary:

Just really quickly one to reiterate this, where to from here, because I really, really want to reiterate no decision has been made. So tonight's meeting was for the Directly Impacted property owners. Next Tuesday's meeting is for the Directly and Indirectly Impacted property owners and the Key Community Stakeholders.

Excellent idea if you want to zoom in to keep the numbers down to the room, and then we are holding one-on-one meetings opportunity for people to ask more questions on the phone, in person with Council staff, and then on the 31st, we will hold another community meeting with Rod or a representative from Marsden Jacobs. If you would like, if you have more questions and want to come back, that's dependent on interests that will hold that meeting.

And then on the 12th of April or well before then, I think you might have already made your mind up. Everyone has been given a feedback form in their letters. Please let us know willingness and capacity. Then, at that point, the staff will be taking a full report with comments and submissions back to Council on the Wednesday, 19th May and Council can then make the decision.



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Denise Wilson closed the meeting, outlining other meeting opportunities for Directly Impacted Residents and the submission closing date of 12 April 2021. Denise Wilson reiterated that no decision had been made by Council and thanked participants for their attendance.

The meeting closed at 7:51PM.



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PRESENT**Members:**

Chief Executive Officer (Dr Clare Allen)
Mayor Peta Pinson - Via Zoom
Councillor Sharon Griffiths
Councillor Geoff Hawkins - Via Zoom
Director Development & Environment (Melissa Watkins)
Natural Resources Manager (Blayne West)
Technical Projects Officer – Flood (Jesse Dick)
Group Manager Environment and Regulatory Services (Debbie Archer)
Group Manager Community (Lucilla Marshall)
Engagement Team Manager (Liz Brennan)

Guests:

Principal Coastal Specialist, Department of Planning, Industry and Environment (Phil Watson)
Senior Coast and Estuary Officer, Department of Planning, Industry and Environment (John Schmidt)
iD Planning Meeting Facilitator (Denise Wilson)

The meeting opened at 5:45PM.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered by Denise Wilson

01 APOLOGIES

Deputy Mayor Lisa Intemann
Rod Carr, Marsden Jacob Associates

023 CODE OF CONDUCT

Meeting conduct, process, safety and requirements delivered by Denise Wilson



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04 Dr Clare Allen Address

Dr. Clare Allen addressed the room welcoming the Mayor and Councillors in Zoom and Leslie Williams.

Dr. Clare Allen explained the process of the revetment wall funding and the purpose of the meeting and where Council would go from here.

05 First Presentation and Questions

Blayne West and Jesse Dick delivered a presentation explaining the history of the project from 2007 to present date.

Blayne West spoke to the funding model and the CBA and their role in the process of seeking funding.

5.1 QUESTIONS

Vern Warner (Lake Cathie Progress Association President):

Why were we not given a copy of the costings and the individual costings and the breakdown of the costings so we can tie it back to this document to try and work out what we're getting and what you want us to pay for?

Blayne West in Response:

This is a privacy issue. We can provide to you the total fund, but we've seen that it was inappropriate from Council to provide individual costings associated with the wall. Directly impacted residents have the right to know that information, and we didn't feel that it was ours to provide.

Vern Warner in Follow Up:

Leave out all the bells and whistles and what's the cost of just the wall and what's the effect on the affected residents?

Blayne West in Response:

Basically, the quick answer to that is in the CBA itself and in the Funding Model, that's where it's determined the beneficiary pays, and understandable though, that there is the embellishments, as people have called them. That would have to be taken on notice to understand what costs is associated with that and if there was a different option for a revetment wall from an engineering perspective.

Written response to be provided with regards to Vern Warner's second question.

Denise Wilson deferred David Tooby's question until after Rod Carr's presentation was played as it was directly related to the funding model.

Sue East:

I just wanted to ask the Council if they have any idea what damage this revetment wall may cause the lake estuary system? Has this proposed rock wall been tested at any facilities? And where is the detail of the testing's?



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Jesse Dick in Response:

In terms of the modeling of the impact of the structure, it hasn't been tested specifically on the opening and closing regime of the lake system. It's purely been looked at from a structural point of view and the design criteria where what storm can it handle, what protection can it offer, and over what duration. The impact of the actual revetment structure on the opening and closing cycle, the sand movement and build up around the lake mouth and the open coast has not been tested.

Sue East in Follow Up:

Has this sort of situation occurred elsewhere in New South Wales?

Jesse Dick in Response:

Potentially, but I'm not aware of any that would be closely, that you could fundamentally say is similar to Lake Cathie.

Phil Watson in Response:

There are some examples statewide where we have the sort of situations that you're talking about. Brooms Head is one that sort of springs to mind immediately where you've got a very significant rock revetment in front of all of the caravan park and the foreshore area immediately to the south of Lake Cakora. And then you've got private properties to the north that are unprotected. So that's just one nearby example where that exists, and that rock revetment doesn't have any impact on the opening and closing of Lake Cakora. Not to say that it won't have any impact on the opening and closing of Lake Cathie here, but it's a very, very different system.

Speaker 1:

To follow on to Sue's question, where they've got the revetment wall finishing at the end of Illaroo Road has any effect on what's going to happen to Bundella Avenue? What are you going to do downstream to us?

Jesse Dick in Response:

So the wall has been returned around the primary coastline to try and mitigate end effects to a degree. So at the end of any revetment wall structure or solid structure and an open coastline, correct me if I'm wrong, Phil, but you do get end effects. So you will get localized erosion at each end of your structure, so you end up chasing it.

Speaker 1 in Follow Up:

Exactly. So you do. You spend all this money, and then what? You've got to extend it, so then we get hit next?

Phil Watson in Response:

Jesse explained. I mean, there are end effects for many of these structures. The further you go into an estuary system like that, the lower the impacts because you're moving away from the open coast. But no question, you would have to look at those sorts of things. You would probably want to model them and make sure that you're not continuing to chase erosion as a result of the end effect there.

Speaker 2:

Jesse mentioned that there's work now going to be happening on the stormwater drain, but I did hear that actually that work was approved and funded several years ago. Why not use the funding when you've had it to improve that situation? Why just until everything gets worse before you actually use the funding you do have?



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Jesse Dick in Response:

To answer the first part, that's a 50/50 funding split for a project that totals about \$920,000. So a vastly different sum of money in total. But we were able to apply for a 50/50 share because the project was less than a million dollars under the grant program. We could just provide our matching 50%. And that project has been delayed for a couple of reasons. The dumped asbestos is one, it's dumped over the bank there on Crown Land, and stormwater project did trigger off us having to assess it and look at it. That project is an interim measure, so it is noted that it will provide some benefit to the beach condition and the sand build up there. But it is an interim measure pending construction of the revetment wall.

Blayne West in Clarification:

There are certain pathways and environmental things, legislation that occurs. And one of the issues that had come up during the work was the Aboriginal Archeological Study that got triggered. That meant that Council had to do a study for the Aboriginal Archeological Study and then a number of stages in that before the approvals could be attained. So at times delays seem like something that is frustrating from the community perspective. It's because we are triggering different pathways and requirements that need to be done. So that gives you a little clarity. It wasn't because we stopped or didn't think it was important. It was because there were other licenses and approvals that needed to be obtained.

Speaker 3:

If you put this revetment wall in, could it cause a problem down the road for us on Chepana Street as well?

Jesse Dick in Response:

As we raised before, the end effect issue at the southern end of the wall is similar to the issue at the end of any wall structure, locally you'll have accelerated erosion. So no real sort of knowledge on exactly where the limit of that impact might be. But in terms of the length of Chepana Street, it's a long street so that section of coastline down to middle rock is about a kilometre.

Speaker 4:

Is this process being rushed to meet the deadline of the CZMP becoming obsolete in December 2021? How long is this going to take, before you actually have real answers to these things?

Blayne West in Response:

The CZMP is not a driver for pushing this through or rushing. The actions within the CZMP have already been resolved by Council to roll into the CMP, which is the Coastal Management Program going forward. The second part of the question is in how long this will take is strongly dependent upon how the consultation goes, where the funding opportunities exist, if there are more grants that come available. Until the funding is resolved or Council resolves to make a decision on funding, if there's no grants or community isn't able to pay and has no capacity to, then a decision will be made. It's not probably appropriate for me to be able to state that point.

Speaker 5:

So in front of the houses impacted on Illaroo as well as Bundella Avenue is a Council road. What value do you guys put on your public road?



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Blayne West in Response:

So that will come up in the MJA presentation, which is next, so I don't need to defer an answer to your question, but that is discussed in length under the funding model.

Denise Wilson gave an introduction to who Marsden Jacob Associates are and who was speaking over the presentation (Rod Carr).

06 SECOND PRESENTATION AND QUESTIONS

Rod Carr's pre-recorded presentation of the Cost Benefit Analysis and Funding Model Reports was played in the room and over Zoom.

6.1 QUESTIONS

Speaker 5:

What's the value of the road that everybody uses? It's the second-most widely-used public road in Lake Cathie and the people who own the property along there, it's not beachfront property. There is a public road that needs to be maintained in front of that.

Jesse Dick in Response:

There's certainly a value to road and that came out in the asset ownership split, so the 60:40 split. So the 60% benefit is attributed to Council in terms of the road, the power, water, storm water, all of those assets. So we attributed that benefit. So let's say 60% of that road or 60% of the cost of this protection is attributed to us.

Denise Wilson directed back to David Tooby for his earlier question to be heard.

David Tooby spoke to the understanding of the funding model split and raises what may be an equitable solution, sensitivity analysis (pg37).

David Tooby:

Which of those models do you think is equitable?

Melissa Watkins in Response:

Essentially that is what we're here to determine. Our view on what's equitable and what's not equitable, is not the question here. We're going with the expert advice that we've received to ask you the question as to what you would like to see us do. It's not about my opinion, it's not about our opinion. It's about what it is you would like to see in this space. And if you say no, and you give us that feedback, then that's, as we explained earlier, where we go back around the loop and we come up with different alternatives. But at this stage we have one design that Council has adopted, and that's the design we showed you.

Phil Watson in Response:

Certainly there is a demonstrated 61% public benefit there and a 39% private benefit. The one thing that concerns me is that what we've seen is an interpretation put on top of that by the consultant. He's entitled to a professional opinion. He's drawn a judgment that he sees that there's very little public benefit in having a road there essentially. Now, that's



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not a position that we would agree to at this stage from the State Government. That is a consultant's professional opinion. And the way in which the report's being done clearly demonstrates that there's a 61% public benefit on the asset side of things. So, I think the State Government would be quite happy to contribute in terms of its funding model, along the lines of the 61%. The lady here in the front here, is absolutely correct. I mean, you've got a consultant that's done the best work that they can and provided a professional opinion. But they may not be close enough to understanding how heavily utilised the road is, and how much more of a public asset it contributes.

Leslie Williams Addressed the Meeting:

I will just really reiterate what Phil has said. And that is that the document from Marsden Jacob is very clear that 61% is public asset. Every one of us who lives in Lake Cathie, like I have for nearly 25 years, knows that I use that road pretty well every morning as many other people do. So, my view is that the 61% should absolutely be the starting point. And I guess I'm as disappointed as many people are, speaking from a resident's perspective, that we have got to a discussion about one option only. One option only. When we know very well, that a whole myriad of ways that this could be funded outside the coastal and estuary managements funding scheme, a whole range of options. And we've seen that across the board. I guess my only comment to Council would be that, in your own fact sheet you already know the answer to this question. That people don't have the capacity to pay and nor a willingness. And you went to iterate that in your fact sheet. So, let's move on to the next part and let's get this funding model sorted out before it's too late by the end of this year.

Sue East:

I'd really like to congratulate Jesse and Blayne for what they've done with this today. You're working within the guidelines that you have to do. So thank you for the hard work and effort you've put in. The Council have received approximately, in Area 14, \$330 million for Area 14, as it's been developed by development contributions. Why isn't part of this money being spent in our area?

Melissa Watkins in Response:

In terms of developer contributions, developer contributions have to be collected for a very specific purpose. And revetment walls and ocean works and protection measures, we don't have a current contribution plan for that. So, the developments that are occurring in this region and this area, are collecting it to support the growth of the area by collecting funds to go back into providing open spaces and recreation facilities for this area. The item has to actually be in the plan itself and it's not.

Speaker 6:

One question is around the cost and why that was done the way it was. And the other one is the hurdle rate that's used.

Jesse Dick in Response:

The actual wall project you see now, has morphed over the years in actually going through the process of undertaking a detailed concept design. We put that wall out, various options of the seawall in 2015. I was looking at vertical seawalls, stepped seawalls and that sort of thing. And as we went out for consultation, there were high level costs that were released with that. But the actual wall structure itself is based on feedback from the community when we went out with that proposal.



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We got submissions that said, we would like, if you're going to do a wall, include all of these other things. And that is a genuine project to roll out with that level of investment, commensurate with the loss of the beach directly in front of a wall. We know that wall and that area is highly used by the public. So their costs include a wall that also accounts for the use of the area. So, seating, lighting, that sort of thing. And we never go to direct constructions excluded because it's about 10% of the total cost. When you're including a \$10 million wall, even if you remove 10% of the cost and you want to take the analysis that was done, you're still talking very big figures

Denise Wilson advised the hurdle rate question would need to be addressed by Rod Carr.

Speaker 7:

In the directly affected owners fact sheet it states 60% benefit attributed to Council is transferred to property owners. So their 40% benefit as therefore cost, increases to 100%. We're getting all these percentages thrown at us, 61% here, 39% there. How does it all revert back to the direct beneficiaries getting 100%?

Denise Wilson:

This question will require a written response.

Speaker 8:

Is Council staff aware of the traffic count numbers that were done by the residents, and also by Council's own counting method? Are they aware of the amount of the numbers of the traffic that goes along Illaroo Road?

Jesse Dick in Response:

Yes. There was a survey commissioned by, I think it might've been the coastal residents group back in 2011, 2012, that was submitted. So, that demonstrated there was a high level of foot traffic.

Speaker 9:

You're asking people to put money into this of their own savings, what if it doesn't work?

Question was not answered.

Speaker 10:

I am confused about the results of the distributional analysis over a 50 year period. It says there (pg. 19 Economic Analysis) that option two would result in private property owners with \$1.9 million and Council with \$5 million. I'm assuming that's the benefit analysis over that 50 year period. So, I just wonder why have these things in your report and then ignore them and expect some residents to pay up to \$1 million when a whole resident benefit over that 50 year period is only \$1.9million.

Denise Wilson in Response:

We will get a written response to your question.

The meeting closed at 7:00PM.