



PORT MACQUARIE-HASTINGS  
COUNCIL



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 19 June 2019

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

**time:** 5.30pm

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

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

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

**Community Themes**

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

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

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

These are:

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

You can request to address Council by completing the:

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

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

Requests can also be lodged on-line at:

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

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

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

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

# Ordinary Council Meeting

Wednesday 19 June 2019

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

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

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

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 15 May 2019 be confirmed.

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**PRESENT**

***Members:***

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

***Other Attendees:***

General Manager (Craig Swift-McNair)  
Director Corporate Performance (Rebecca Olsen)  
Director Development and Environment (Melissa Watkins)  
Acting Director Infrastructure (Jeffery Sharp)  
Acting Director Strategy and Growth (Holly McBride)  
Group Manager Governance and Procurement (Blair Hancock)  
Governance Support Officer (Gai Lazarides)  
Communications Manager (Andy Roberts)

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The meeting opened at 5.30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 LOCAL GOVERNMENT PRAYER**

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

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### **03 APOLOGIES**

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*RESOLVED: Dixon/Alley*

That the apology from Councillor Cusato be noted.

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

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### **04 CONFIRMATION OF MINUTES**

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*RESOLVED: Intemann/Griffiths*

That the Minutes of the Ordinary Council Meeting held on 17 April 2019 be confirmed.

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

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### **05 DISCLOSURES OF INTEREST**

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Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.03 - Lorne Road Works as Material Public Benefit, the reason being that Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for the owner of the property the subject of the report before Council..

Mayor Pinson declared a Pecuniary Interest in Item 14.02 - T-19-08 Construction of Lighthouse Road East Upgrade, the reason being that Mayor Pinson owns a company (Stabilcorp) who has business dealings with three of the tenderers.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.02 - T-19-08 Construction of Lighthouse road East Upgrade, the reason being that Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for one the tenderers as to the tender the subject of the report before Council.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.04 - T-19-17 Westport Drainage Study and Detailed Design of Stormwater Remediation Measures, the reason being that Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for one the tenderers as to the tender the subject of the report before Council.



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Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.05 - T-19-17 Provision of Surveying Services, the reason being that Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for one the tenderers as to the tender the subject of the report before Council.

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## **06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS**

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*RESOLVED: Pinson*

That the Mayoral Discretionary Fund allocations for the period 4 April to 1 May 2019 inclusive be noted.

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

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

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*RESOLVED: Levido/Hawkins*

That Council determine that the attachments to Item Numbers 09.04, 09.08, 10.01 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

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

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## **08 PUBLIC FORUM**

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

1. Mr Philip Lloyd regarding the Orbital Road proposal
2. Mr Grant Mitchell, regarding the Airport primary access road and Orbital community consultation process
3. Ms Kathy Wonderley, regarding the Orbital Road proposal for Fernhill Road and the impact on ACES.

*RESOLVED: Dixon/Hawkins*

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

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

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#### **08.01 ORBITAL ROAD PROPOSAL**

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Mr Philip Lloyd addressed Council regarding the Orbital Road and responded to questions from Councillors.

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#### **08.02 AIRPORT PRIMARY ACCESS ROAD AND ORBITAL COMMUNITY CONSULTATION PROCESS**

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Mr Grant Mitchell addressed Council regarding the Airport primary access road and Orbital community consultation process and responded to questions from Councillors. Mr Mitchell tabled a document and provided copies to Councillors.

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#### **08.03 ORBITAL ROAD PROPOSAL FOR FERNHILL ROAD AND THE IMPACT ON ACES**

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Ms Kathy Wonderley addressed Council regarding the Orbital Road proposal for Fernhill Road and the impact on ACES.

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#### **REQUEST TO SPEAK ON AN AGENDA ITEM**

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

Item 09.01 - Ms Danielle Maltman in support of the recommendation

Item 12.03 - Mr Michael Mowle in support of the recommendation.

*RESOLVED: Intemann/Alley*

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

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

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*RESOLVED: Intemann/Alley*

That Standing Orders be suspended to allow Items 09.01, 12.03 to be brought forward and considered next.

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

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**09.01 NOTICE OF MOTION - SUBMISSION FROM REVIVE LAKE CATHIE INC.TO PMHC 2019-2020 OPERATIONAL PLAN**

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Ms Danielle Maltman addressed Council in support of the recommendation and responded to questions from Councillors.

*RESOLVED: Hawkins/Griffiths*

That Council:

1. Thank the Revive Lake Cathie group for its submission on Lake Cathie.
2. Note that Lake Cathie is an asset of the Crown and management of the Lake Cathie system is the responsibility of a number of stakeholders including:
  - a) Council;
  - b) National Parks and Wildlife Service (NPWS);
  - c) Office of the Environment and Heritage (OEH); and
  - d) NSW Fisheries and Department of Industry (Lands),in accordance with the NSW Coastal Management Act 2016 and the Lake Cathie Opening Strategy
3. Request the General Manager to forward a copy of the Revive Lake Cathie Group's submission to:
  - a) National Parks and Wildlife Service;
  - b) Office of the Environment and Heritage (OEH);
  - c) NSW Fisheries and Department of Industry (Lands);
  - d) NSW Minister for Water, Property and Housing;
  - e) NSW Local Member (and local resident) Leslie Williams;
  - f) Premier Gladys Berejiklian;
  - g) Deputy Premier John Barilaro;
  - h) Newly elected Federal Members for Lyne and Cowper;
  - i) Newly appointed Federal Environment Minister.
4. Request the General Manager to seek advice from the NSW Government referred to in 3 above as to whether, as a result of the Revive Lake Cathie submission, the existing Lake Cathie Opening Strategy should be reviewed.
5. Request the General Manager to make a further request of the NSW Government that if it deems a review of the Lake Cathie Opening Strategy is required, that the necessary resources to undertake such a review be provided, along with any resources required for associated capital works that may be prescribed by an updated strategy or management plan.
6. Give consideration to including an allocation in the 2019/20 Operational Budget to support the initial work required.
7. Request the General Manager submit an update report to the September, 2019 meeting of council.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Levido left the meeting, the time being 06:43pm.

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### **12.03 LORNE ROAD WORKS AS MATERIAL PUBLIC BENEFIT**

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

*RESOLVED: Alley/Hawkins*

That Council:

1. Approve the application to undertake construction of road works in Lorne Road, Kendall on the basis that the work will provide material public benefit pursuant to s7.11(5)(b) of the Environmental Planning and Assessment Act 1979 (as amended), subject to the applicant entering into a Works in Kind Agreement.
2. Delegate authority to the General Manager to execute the Works in Kind Agreement in item 1 above.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Councillor Levido returned to the meeting, the time being 06:46pm.

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

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*RESOLVED: Intemann/Hawkins*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Hawkins left the meeting, the time being 06:47pm.

Councillor Hawkins returned to the meeting, the time being 06:49pm.

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### **09.03 DRAFT CODE OF CONDUCT AND DRAFT PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Pursuant to Section 440 of the Local Government Act 1993, adopt the draft Code of Conduct.
2. Pursuant to Section 440AA of the Local Government Act 1993, adopt the draft Procedures for the Administration of the Model Code of Conduct.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **09.04 LEGAL FEES**

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*RESOLVED: Hawkins/Turner*

That Council note the information in the Legal Fees report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Intemann/Turner*

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

1. Development Engineer.
2. Building Surveyor.
3. Project Manager Infrastructure Delivery.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.06 A PROPOSAL TO AMEND THE BOUNDARY OF THE LOCALITIES OF HACKS FERRY AND LIMEBURNERS CREEK**

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*RESOLVED: Turner/Intemann*

That Council make application to the Geographical Names Board to alter the boundary of the localities of Hacks Ferry and Limeburners Creek, to incorporate that part of Hacks Ferry situated on the eastern side of the Maria River into the locality of Limeburners Creek.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.07 MONTHLY BUDGET REVIEW - APRIL 2019**

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*RESOLVED: Hawkins/Alley*

That Council:

1. Note the error with the Tables on Page 51 and 52 of the agenda. The correct figures are as per the second table, but with the addition of the \$300,000 line item to add to the \$388,685 total.
2. Adopt the adjustments in the "Budget Variations – April 2019" section of the Monthly Budget Review – April 2019.
3. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.08 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2019**

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*RESOLVED: Hawkins/Turner*

That Council note the Quarterly Budget Review Statement for the March 2019 Quarter.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **09.09 2018-2019 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 31 MARCH 2019**

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*RESOLVED: Dixon/Turner*

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

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

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#### **09.10 PROPERTY INVESTMENT PORTFOLIO - SIX MONTHLY REPORT**

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*RESOLVED: Hawkins/Alley*

That Council note the update provided on the Property Investment Portfolio as provided in this report

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

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

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*RESOLVED: Turner/Griffiths*

That Council note:

1. The Development Activity and Assessment System Performance report for the third quarter of 2018-2019; and
2. The determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011.

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

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## **09.12 INVESTMENTS - APRIL 2019**

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*RESOLVED: Hawkins/Dixon*

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

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

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## **09.13 2019-2020 COUNCILLOR AND MAYORAL FEES**

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*RESOLVED: Hawkins/Turner*

That in relation to Councillor remuneration for the 2019-2020 financial year, Council:

1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2019 to be \$20,280.
2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2019 to be \$64,530 (this amount includes the fee payable to a Councillor).
3. Request the General Manager:
  - a. Write to the Local Government Remuneration Tribunal (Tribunal) to confirm what additional information and criteria needs to be provided and to what level of detail in order for the Tribunal to seriously consider an application from Council with regard to potentially moving Council categories.
  - b. Table a report at a future meeting of Council detailing the response from the Tribunal to the above question.

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

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## **10.01 2018-2019 ROUND 2 COMMUNITY GRANT PROGRAM FOR ENDORSEMENT**

---

*RESOLVED: Dixon/Griffiths*



That Council pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2018-2019 Round 2 for the total amount of \$83,421 to the following:

**General Community Grants**

Bonny Hills Progress Association	Covered Seating	\$9800
Port Macquarie-Hastings Bridge Association	LED Lighting Upgrade	\$2393
Amateur Beekeepers Association (Hastings Valley)	Bee Education and BioSecurity Awareness	\$8678
Comboyne Community Association	Community Website	\$3770
Motorcycle Friendly Wauchope	Motofest Collateral	\$9227
Port Macquarie Tennis Club	Safety Fencing	\$3440
Wauchope Timbertown Tennis Club	Facility Improvements	\$10,000
Seaside Scavenge	Community Clean Up	\$3326
Laurieton Men's Shed	Thicknesser	\$5996
Hastings Orienteering Group	Collateral for Events	\$7651
<b>Total</b>		<b>\$64,281</b>

**Place Making Grants**

Rotary Club Port Macquarie	Shade Sail over Liberty	
Sunrise	Swing	\$10,000
Friends of Mrs York's Garden	New Covered Seat	\$9140
<b>Total</b>		<b>\$19,140</b>

**CARRIED:** 8/0

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

**AGAINST:** Nil

## 10.02 GRANT APPLICATIONS QUARTERLY REPORT

**RESOLVED:** Alley/Turner

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

**CARRIED:** 8/0

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

**AGAINST:** Nil

## 10.03 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - APRIL 2019

**RESOLVED:** Pinson/Griffiths

---

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

1. Madelaine Goodridge receive \$500.00 to assist with the expenses she would have incurred travelling to and competing at the 2019 Hancock Prospecting Australian Age Swimming Championships held in Adelaide, South Australia from 15 - 22 April 2019 inclusive.
2. Morgan Jean receive a total of \$800.00 to assist with the expenses he would have incurred travelling to and competing at both the NSWCHS Swimming Championships held in Sydney from 8 - 10 April 2019 inclusive, and the 2019 Hancock Prospecting Australian Age Swimming Championships held in Adelaide, South Australia from 15 - 22 April 2019 inclusive.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Dixon left the meeting, the time being 07:07pm.

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#### **11.01 ECONOMIC DEVELOPMENT STRATEGY 2017-2021: SIX MONTHLY REPORT ON PROGRESS**

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*RESOLVED: Turner/Hawkins*

That Council note the six monthly progress report on implementation of the 2017-2021 Port Macquarie-Hastings Economic Development Strategy.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Councillor Dixon returned to the meeting, the time being 07:11pm.

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#### **11.02 RECOMMENDED ITEM FROM ECONOMIC DEVELOPMENT STEERING GROUP - SMART REGIONAL CITY PLANNING**

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*RESOLVED: Turner/Hawkins*

That Council:

1. Note the recommendation from the Economic Development Steering Group that consideration be given to the development of a Smart City Strategy; and
2. Develop a Smart City Strategy as a replacement action for the development of a Regional City Strategy in the Draft 19/20 Operational Plan action 3.1.1.1 to "Implement actions from the 2017-2021 Economic Development Strategy to lead, create and proactively support an environment that stimulates sustainable industry, business and investment"

- 
3. Endorse Councillors Hawkins and Turner to attend the Smart Cities conference in Melbourne 30 & 31 May 2019.

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

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## **12.01 CLASSIFICATION OF LAND CONTAINING SEWER INFRASTRUCTURE**

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*RESOLVED: Intemann/Griffiths*

That Council classify Lot 11 DP1250178 (land off Botanic Drive, Kew) as "operational land".

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

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## **12.02 QUESTION FROM PREVIOUS MEETING - NEW PEDESTRIAN CROSSING - BOLD STREET, LAURIETON**

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*RESOLVED: Pinson/Dixon*

That Council:

1. Note the information provided in this report.
2. Note the tabled Petition of over 600 signatures to locate the pedestrian crossing on Bold Street Laurieton and investigate the crossing being constructed between the entry and exit of the Coles Supermarket carpark and the Chemist Shop.
3. Defer commencement of pedestrian crossing works in Bold Street Laurieton for the purpose of reviewing the location of the crossing.
4. Request the General Manager report to the July 2019 Council Meeting on the feasibility of moving the crossing including the safety, financial and other impacts of doing so.
5. Note that this deferral is likely to delay the project beyond the terms of the current funding agreement.

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

Item - 12.03 Lorne Road Works as Material Public Benefit - has been moved to another part of the document.

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**12.04 RECOMMENDED ITEM FROM COAST, ESTUARY & FLOODPLAIN  
ADVISORY SUB COMMITTEE - HIBBARD PRECINCT FLOOD STUDY -  
DRAFT REPORT**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Place the draft Hibbard Precinct Flood Study (2019) on public exhibition for a minimum of 28 days commencing 20 May 2019; and
2. Receive a further report detailing the submissions received from the public during the exhibition period at the conclusion of the exhibition.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.05 RECOMMENDED ITEM FROM COAST, ESTUARY & FLOODPLAIN  
ADVISORY SUB COMMITTEE - NORTH BROTHER FLOOD STUDY  
DRAFT REPORT**

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*RESOLVED: Intemann/Dixon*

That Council:

1. Place the North Brother Flood Study Draft Report on public exhibition for a minimum of 28 days commencing 20 May 2019; and
2. Receive a further report detailing the submissions received from the public during the exhibition period at the conclusion of the exhibition.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13 QUESTIONS FOR NEXT MEETING**

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There be no questions for next meeting.

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Dixon/Alley*

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

Item 14.01      T-18-58 Supply and Delivery of two (2) x 20 Tonne Track Mounted Excavators

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.02      T-19-08 Construction of Lighthouse Road East Upgrade

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

Item 14.03      T-19-11 Provision of Destination Public Relations Services

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

Item 14.04      T-19-17 Westport Drainage Study and Detailed Design of Stormwater Remediation Measures

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

Item 14.05      T-19-24 Provision of Surveying Services

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

Item 14.06      Request for Transfer of Land and Building - Lot 101 DP1147245, 91 Greenmeadows Drive, Port Macquarie

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a

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|------------|--|
|            | person with whom the Council is conducting (or proposes to conduct) business.  |
| Item 14.07 | <p>Contract Extension Tender T-14-18 Dam Safety Engineer, Dam Surveillance and Annual Dam Safety Inspections</p> <p>This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</p> |
| Item 14.08 | <p>Provision of Integrated Water Cycle Management Phase 2 Supplementary Report</p> <p>This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</p>                               |
| Item 14.09 | <p>Provision of Port Macquarie Water Treatment Plant Scoping Study</p> <p>This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</p>   |
| Item 14.10 | <p>Legal Proceeding</p> <p>This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</p>  |
| Item 14.11 | <p>T-19-18 Provision of Insurance, Brokerage and Risk Management Services</p> <p>This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.</p>   |
| 3.         | That the resolutions made by the Council in Confidential Committee of the Whole (Closed Session) be made public as soon as practicable after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.  |

CARRIED: 8/0

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

AGAINST: Nil

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## **ADJOURN MEETING**

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The Ordinary Council Meeting adjourned at 7.36pm.

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## **RESUME MEETING**

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The Ordinary Council Meeting resumed at 7.50pm.

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

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*RESOLVED: Dixon/Griffiths*

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

Item 14.01     T-18-58 Supply and Delivery of two (2) x 20 Tonne Track Mounted Excavators

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

### **RECOMMENDATION**

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b), decline to accept any of the tenders submitted for T-18-58 for the supply and delivery of two (2) x 20 tonne track mounted excavators due to the need to redefine the specification to meet operational and contractual requirements.
2. In accordance with the Local Government (General) Regulations 2005 clause 178(3)(a), cancel the proposal for the contract.
3. In accordance with sect 55(3)(a) of the Local Government Act 1993 and with the Local Government (General) Regulations 2005 clause 163(1A)(i) invite quotes through the Local Government Procurement arrangement LGP707-3 from approved contractors.
4. Request the General Manager present a further report to a future meeting of Council on completion of the LGP707-3 quotation process, for Council's further consideration.
5. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-58.

Item 14.02     T-19-08 Construction of Lighthouse Road East Upgrade



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

**RECOMMENDATION**

That Council:

1. Accept the tender from Eire Constructions Pty Ltd for \$1,021,682.36 (exclusive of GST) for the construction of Lighthouse Road East Upgrade.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-08.

**Item 14.03 T-19-11 Provision of Destination Public Relations Services**

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

**RECOMMENDATION**

That Council:

1. Accept the proposal from Gate 7 Pty Ltd for \$65,000 (exclusive of GST) for the provision of Destination Public Relations Services for one (1) year commencing on 16 May 2019, with two (2) options to extend for a further two (2) year periods, such option(s) to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Accept the schedule of rates from Gate 7 Pty Ltd for the provision of Destination Public Relations Services.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of RFP T-19-11.

**Item 14.04 T-19-17 Westport Drainage Study and Detailed Design of Stormwater Remediation Measures**

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

**RECOMMENDATION**

That Council:

1. Accept the Tender from Calibre Professional Services for \$178,782.00 (exclusive of GST) to undertake the Westport Drainage Study and Detailed Design of Stormwater Remediation Measures.
2. Accept the Schedule of Rates from Calibre Professional Services for the Westport Drainage Study and Detailed Design of Stormwater Remediation Measures.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-17.



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**Item 14.05 T-19-24 Provision of Surveying Services**

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

**RECOMMENDATION**

That Council:

1. Accept tenders from the following contractors to be appointed to a panel arrangement for the provision of Surveying Services for a two (2) year period commencing 1 June 2019, with two (2) options to extend for a further two (2) year periods, such option(s) to be for the benefit of the Council and may be exercised only by the Council in its sole discretion:
  - a) Barker Ryan Stewart Pty Ltd;
  - b) Cadence Consulting Surveyors Pty Ltd;
  - c) De Witt Consulting Pty Ltd;
  - d) Echo Ecology Pty Ltd;
  - e) Hopkins Consultants Pty Ltd;
  - f) King & Campbell Trust t/as King & Campbell Pty Ltd;
  - g) Land Dynamics Pty Ltd t/as Land Dynamics Australia;
  - h) Local Government Engineering Services Pty Limited;
  - i) McGlashan & Crisp Pty Limited; and
  - j) Pacific Survey Sydney Pty Limited.
2. Accept the Schedule of Rates for the provision of Surveying Services from:
  - a) Barker Ryan Stewart Pty Ltd;
  - b) Cadence Consulting Surveyors Pty Ltd;
  - c) De Witt Consulting Pty Ltd;
  - d) Echo Ecology Pty Ltd;
  - e) Hopkins Consultants Pty Ltd;
  - f) King & Campbell Trust t/as King & Campbell Pty Ltd;
  - g) Land Dynamics Pty Ltd t/as Land Dynamics Australia;
  - h) Local Government Engineering Services Pty Limited;
  - i) McGlashan & Crisp Pty Limited; and
  - j) Pacific Survey Sydney Pty Limited.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-24.

**Item 14.06 Request for Transfer of Land and Building - Lot 101 DP1147245, 91 Greenmeadows Drive, Port Macquarie**

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

**RECOMMENDATION**

That Council:

1. Note the request to transfer the land (including improvements) comprising Lot 101 Deposited Plan 1147245, 91 Greenmeadows Drive, Port Macquarie, to the NSW Minister

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- for Disability Services and Omnicare Alliance Ltd. in accordance with the proposed Novation and Implementation Deed;
2. Retain ownership of the property and decline the request to transfer the land as requested at this time.
  3. Request the General Manager provide a briefing to Councillors on the subject land options prior to any further decision.
- Item 14.07 Contract Extension Tender T-14-18 Dam Safety Engineer, Dam Surveillance and Annual Dam Safety Inspections
- This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- RECOMMENDATION**  
That Council:
1. Extend the Contract T-14-18 awarded to NSW Public Works Advisory for Part A Dam Safety Engineer, Dam Surveillance and Annual Dam Safety Inspections for the extension option period of five years, commencing 1 August 2019.
  2. Accept the revised lump sum from NSW Public Works Advisory of \$99,080 (Ex GST) for the contract extension to Contract T-14-18 Part A Dam Safety Engineer, Dam Surveillance and Annual Dam Safety Inspections.
  3. Note the total contract sum for Contract T-14-18 Part A and B of \$410,709 (ex GST).
  4. Delegate to the General Manager the authority to sign the contract extension agreement with NSW Public Works Advisory for five years, commencing 1 August 2019 in accordance with the terms and conditions specified in the contract.
  5. Maintain the confidentiality of the documents and consideration in respect of Tender T-14-18.
- Item 14.08 Provision of Integrated Water Cycle Management Phase 2 Supplementary Report
- This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- RECOMMENDATION**  
That Council:
1. Accept the quotation from NSW Public Works Advisory of \$230,675 (exclusive of GST) to deliver the Integrated Water Cycle Management Strategy Phase 2 Supplementary Report.
  2. Pursuant to Section 55(3)(b) of the Local Government Act 1993, resolve to not invite tenders for the Integrated Water Cycle Management Strategy Phase Supplementary Report due to the entering into a contract by Council with the Crown.
  3. Affix the seal of Council to the necessary documents.
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4. Maintain the confidentiality of the documents and considerations in respect of the Integrated Water Cycle Management Strategy Phase 2 Supplementary Report and NSW Public Works Advisory engagement.

Item 14.09 Provision of Port Macquarie Water Treatment Plant Scoping Study

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

**RECOMMENDATION**

That Council:

1. Accept the quotation from NSW Public Works Advisory of \$232,480 (exclusive of GST) to deliver the Port Macquarie Water Treatment Scoping Study.
2. Pursuant to Section 55(3)(b) of the Local Government Act 1993, resolve to not invite tenders for the Port Macquarie Water Treatment Scoping Study due to the entering into a contract by Council with the Crown.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of the Port Macquarie Water Treatment Scoping Study and NSW Public Works Advisory engagement.

Item 14.10 Legal Proceeding

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**RECOMMENDATION**

That the Council:

1. Note the information contained in this Legal Proceedings Report;
2. Adopt Option 1 as outlined in this Legal Proceedings Report;
3. Authorise the General Manager to implement Option 1 as outlined in this Legal Proceedings Report.

Item 14.11 T-19-18 Provision of Insurance, Brokerage and Risk Management Services

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

**RECOMMENDATION**

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b), decline to accept any of the tenders submitted for RFT T-19-18 for the provision of

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- Insurance Brokerage and Risk Management Services due to no conforming Tender being received.
  2. Review the requirements for the provision of Insurance Brokerage and Risk Management Services including contractual obligations.
  3. In accordance with the Local Government (General) Regulations 2005 clauses 178(3)(e) and 178(4), decline to invite fresh tenders, and enter into negotiations with all tenderers that have submitted a Tender in response to RFT T-19-18 with a view to entering into a contract for provision of Insurance Brokerage and Risk Management Services for the reason that the Tender Evaluation Panel considers that the tenderers have demonstrated the experience, capacity and capability to meet the requirements of the tender.
  4. Request the General Manager present a further report to a future meeting of Council on completion of the negotiation process, for Council's further consideration of RFT T-19-18.
  5. Maintain the confidentiality of the documents and considerations in respect of RFP T-19-18.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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The meeting closed at 7.51pm.

.....  
Peta Pinson  
Mayor

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**Item: 05**  
**Subject: DISCLOSURES OF INTEREST**

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

<b>Name of Meeting:</b>	
<b>Meeting Date:</b>	
<b>Item Number:</b>	
<b>Subject:</b>	
<b>I, the undersigned, hereby declare the following interest:</b>	
<input type="checkbox"/> <b>Pecuniary:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Significant Interest:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Less than Significant Interest:</b> May participate in consideration and voting.	
<b>For the reason that:</b>	
<b>Name:</b>  <b>Signed:</b>	<b>Date:</b>
<b>Please submit to the Governance Support Officer at the Council Meeting.</b>	

*(Refer to next page and the Code of Conduct)*

**Pecuniary Interest**

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
  - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

**Non-Pecuniary**

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

**Managing non-pecuniary conflicts of interest**

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

**SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION**

*This form must be completed using block letters or typed.  
If there is insufficient space for all the information you are required to disclose,  
you must attach an appendix which is to be properly identified and signed by you.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]*

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

*This form is to be retained by the council's general manager and included in full in the minutes of the meeting*

Last Updated: 3 June 2019

**Important Information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

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<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest



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**Item: 07**

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

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

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**Alignment with Delivery Program**

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

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

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**Item: 08****Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

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Residents are able to address Council in the Public Forum of the Ordinary Council Meeting on any Council-related matter not listed on the agenda (except those items listed at clause 4.26 of the Council adopted Code of Meeting Practice.

A maximum of five speakers in the Public Forum - Matters Not On The Agenda is allowed at any one Council Meeting.

Each speaker has five minutes to address the meeting. Council has the opportunity to ask questions after each address is completed, but speakers cannot ask questions of Council.

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

If you wish to address Council in the Public Forum - Matters Not On The Agenda, you must apply to address that meeting **no later than 4.30pm on the day prior to the meeting** by completing the 'Request to Speak in Public Forum - Matters Not On The Agenda' form. This form is available at Council's offices or online at [www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au).

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**Item: 09****Subject: PUBLIC FORUM – MATTERS ON THE AGENDA**

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Residents are able to address Council in the Public Forum of the Ordinary Council Meeting on any Council-related matter listed on the agenda.

A maximum of two speakers “in support of the recommendation” and two speakers “in opposition to the recommendation” are allowed on any one agenda item per Council Meeting.

Each speaker has five minutes to address the Council. Council has the opportunity to ask questions after each speaker has finished, but speakers cannot ask questions of Council.

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

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

# 1 Leadership and Governance

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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**Item: 10.01**

**Subject: CODE OF MEETING PRACTICE**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council:**

- 1. Pursuant to section 362 of the Local Government Act 1993, adopt the draft code as its Code of Meeting Practice.**
- 2. Pursuant to section 364 of the Local Government Act 1993, make the adopted Code of Meeting Practice publicly available.**

### **Executive Summary**

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

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

As per the April 2019 Council resolution, the draft code has been publically exhibited (from 24 April 2019) and made available to Councillors for review. Feedback has been considered, with changes made accordingly.

### **Discussion**

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

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

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

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

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

At the April Ordinary Council meeting, Council resolved to allow the draft Code to be publically exhibited. The draft Code was publically exhibited from 24 April 2019 for 28 days; there were no submissions as a result of the public exhibition. Further, Council was open to submissions for a 42 day period from 24 April 2019, there were no submissions provided during this time.

The Code was also made available to Councillors for review, there has also been three Councilor briefings in relation to the Code. Councillors provided feedback, the feedback has been considered, with changes made accordingly.

The following is a summary of the notable changes from the current adopted Code to the proposed draft Code (at Attachment 1):

- **Mandatory**
  - Webcast on council websites with an interim obligation for all Councils to webcast their meetings from 14 December 2019.
  - Rules limiting the use of mayoral minutes without notice to cases of urgency.
  - Questions on Notice will replace the current Question For Next Meeting practice.
- **Non mandatory and supplementary (to Council):**
  - Optional rules for public forums for “matters on the agenda” and “matters not on the agenda” (supplementary to Council);
  - Optional rules placing time limits on meetings
  - Allowing matters to be recommitted to correct an error;
  - Dealing with items by exception; and
  - Recording in the minutes, the division of resolutions made in a part of the meeting closed to the public.

1.

For clarity:

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

It is proposed that the draft Code (at attachment 1) replace the current Code.

Note that the document may be reformatted by internal resources post adoption.

### Options

Council is required to adopt a Code, if a Code is not adopted by Council any provisions of the Council's adopted Code that are inconsistent with the mandatory provisions of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Code.

Council received advice from the Office of Local Government (OLG) in relation to the timing of the implementation of the Code. Due to the June Council meeting falling after the 14 June 2019 deadline to adopt a Code that is consistent with the prescribed Model Code, the OLG have suggested that Council adopt the new Code as the first item of business and that any processes leading up to the June meeting are aligned to the mandatory clauses of the Model Code.

**Community Engagement & Internal Consultation**Community Engagement

The draft Code was publicly exhibited from 24 April 2019 for the statutory 28-day period (*Local Government Act 1993* section 361(3)) and Council accepted submissions from the public from 24 April 2019 for the statutory 42-day period (*Local Government Act 1993* section 361(4)).

Internal Consultation

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

Councillor briefings relating to the Draft Code were held on the following dates:

- 27 February 2019;
- 24 April 2019; and
- 5 June 2019.

**Planning & Policy Implications**

Adopting the attached Code will result in changes to how Council will manage Council meetings.

**Financial & Economic Implications**

Council will be required to webcast Council meetings from 14 December 2019, the cost of doing so has not been ascertained as yet. A further report will be tabled at a future meeting of Council that will provide options in relation to webcasting, including costs.

**Attachments**

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



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**Item: 10.02**

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

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

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### Alignment with Delivery Program

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

### RECOMMENDATION

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

### Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Innes Gardens Memorial Park Crematorium and Lawn Cemetery	17/10/18 Item 14.01	EOI being finalised	DCP	Apr-19 May-19	Jun-19
Vince Inmon Sporting Complex - Master Plan Development	21/11/18 Item 10.04		DDE		Jun-19
Adoption of 2019-20 IP&R documents - post exhibition.	20/03/19 Item 09.08		DCP		Jun-19
Operation & Routine Maintenance of PMHC Vehicular Ferries - Settlement Point & Hibbard Crossings - negotiated rates / fees accepted for contract extension	20/03/19 Item 14.04		DI		Jun-19
Code of Meeting Practice - post exhibition	17/04/19 item 09.04		DCP		Jun-19
Land Acquisition - Long Flat Sewerage Scheme	17/04/19 Item 12.04		DCP		Jun-19
Land Acquisition - 210 Hastings River Drive, Port Macquarie - post exhibition	17/04/19 Item 14.06		DCP		Jun-19
RFP T-19-02 Lease of the Cafe and Retail Lease Areas and Other Commercial Opportunities at the Port Macquarie Airport - completion of negotiation process	17/04/19 item 14.05		DCP		Jun-19
Kooloonbung Creek Flying-Fox Camp Management Plan - post exhibition	17/04/19 Item 12.13		DDE		Jun-19



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
T-19-18 Provision of Insurance, Brokerage and Risk Management Services	15/05/19 Item 14.11		DCP		Jun-19
Orbital Road - any future decisions on preferred routes.	20/02/19 Item 12.09		DI		Jun-19
Planning Proposal: Proposed Highway Service Centre, 1179 Oxley Highway, Sancroft – post exhibition	16/05/18 Item 12.06		DSG		Jun-19
QFPM - Enforcement of Unlawful Activity Policy - findings of review	18/07/18 Item 09.07	Policy being drafted. Awaiting further advice and discussions with Councillors.	DDE	Dec-19 Feb-19 Mar-19 Apr-19 Jun-19	Jul-19
Why Local Government Matters Project - Completion Report	12/12/18 Item 09.03	Being presented to JO in June 2019	GM	Jun-19	Jul-19
Health and Education Precinct Draft Master Plan - post exhibition	21/11/18 Item 11.05	Information still being obtained.	DSG	May-19 Jun-19	Jul-19
PP: Bundaleer Aged Care - 67 High Street and 4-8 Johnstone Street, Wauchope - Gateway Determination	15/08/18 Item 12.04	Awaiting legal advice and owner's consent	DSG	Sep-18 Oct-18 Feb-19 Apr-19 May-19	Jul-19
Tuffins Lane Sporting Fields - Terms of Agreement	14/12/16 Item 06.02	Awaiting Catholic Parish advice	GM	Oct-18 Mar-19 Apr-19	Jul-19
Review of Policy (in relation to paragliders)	20/03/19 Item 12.01	Information still being obtained.	DSG	Jun-19	Jul-19
New Pedestrian Crossing - Bold Street, Laurieton	15/05/19 Item 12.02		DI		Jul-19
Hibbard Precinct Flood Study Draft Report - Post Exhibition	15/05/19 Item 12.04		DDE		Jul-19
North Brother Flood Study Draft Report - Post Exhibition	15/05/19 Item 12.05		DDE		Jul-19
Land Acquisition - 921 Hastings River Drive, Pembroke - Post Exhibition	12/12/18 Item 12.04	Valuation pending.	DCP	Jun-19	Aug-19
Town Centre Master Plan Charter Review	20/06/18 Item 09.09	Still being discussed	DSG	Apr-19 May-19 Jun-19	Aug-19
2019-2020 Councillor and Mayoral Fees	15/05/19 Item 09.13		DCP		Aug-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Opportunities for improving PMHC unsealed road maintenance practices	15/08/18 Item 12.02		DI		Aug-19
T-18-58 Supply and Delivery of two (2) x 20 Tonne Track Mounted Excavators	15/05/19 Item 14.01		DI		Aug-19
Port Macquarie Events Plan and Tastings on Hastings future budget	17/04/19 Item 10.02		DSG		Sep-19
Revive Lake Cathie Inc. Submission to PMHC 2019-2020 Operational Plan	15/05/2019 Item 09.01		DDE		Sep-19
Future of Committees following establishment of Cultural Steering Group	19/04/17 Item 15.05	Item is to be discussed at a future Cultural Steering Group meeting, following the adoption of the Cultural Plan	DSG	Jun-17 Jul-17 Sep-17 Oct-17 Feb-18 Apr-18 Jul-18 Sep-18 Feb-19 Apr-19 May-19	Nov-19
Markets Policy and local markets	21/11/18 Item 11.03		DSG		Dec-19
Hay Street Forecourt Tuesday Real Food Market Compliance Report	20/02/19 Item 11.01		DSG		Dec-19
Canal Maintenance	18/10/17 Item 12.04		DI		2018/2019 FY
2020 Ordinary Local Government Election	20/02/19 Item 09.07		DCP		Feb-20
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowood dry grassy open forest and Koala habitat credits, prior to the clearing that creates the demand for those credits.	10/08/16 Item 12.01		DDE		2021 (estimate)
MOU - Norfolk Island Regional Council - income and expenditure administration.	20/03/19 Item 09.02		GM		Feb-21
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02		DSG		TBA

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Planning Proposal - Homedale Road Kew - post exhibition	14/12/16 Item 13.07	Awaiting further response from proponent prior to public exhibition based on state agency consultation.	DSG	Oct-17 Dec-17 May-18	TBA
Planning Proposal - Lot 14 DP240042, Pioneer Street, North Haven. King And Campbell Pty Ltd For Rd & MI Tate And Tate Developments Pty Ltd - Post Exhibition	17/05/17 Item 13.05		DSG		TBA
Planning Proposal PP2016 – 11.1 Mission Terrace Lakewood – post exhibition	15/11/17 Item 12.06		DSG		TBA
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02		DSG		TBA
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05		DCP		TBA
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)		DSG		TBA
John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council - results of cost assessment	17/04/19 Item 14.01		DCP		TBA
T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills - outcome of negotiations and confirming value for money	21/11/18 Item 14.03	Reported to Council on 20 Feb 2019.	DI		Complete.
Property Purchase by Property Reserve – post exhibition	16/05/18 Item 14.02	Acquisition did not progress, therefore no further report required.	DSG		Remove.

**Cyclic Reports**

Report	Reporting Officer	Reporting Cycle	Month
Mayoral Discretionary Fund Allocations	GM	Monthly	Every
Monthly Financial Update	DCP	Monthly	Every
Investments	DCP	Monthly	Every

Report	Reporting Officer	Reporting Cycle	Month
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, May, Aug
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Quarterly Progress Report	DDE	Quarterly	Dec, Mar, June, Sep
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, May, Aug, Nov
Grant Application Status Report (17/10/18 - Item 09.07)	DCP	Quarterly	Feb, May, Aug, Nov
Glasshouse Strategic Plan Update	DCP	Biannual	Feb, Aug
Digital Technology Project Status (16/08/17 - Item 09.18)	DCP	Biannual	Feb, Aug
Delivery Program – Six Monthly Progress	DCP	Biannual	Mar, Sep
Update on Site Specific Planning Proposal Requests	DSG	Biannual	Apr, Oct
Mayoral and Councillor Fees (Setting of)	GM	Annually	May
Long Term Energy Strategy – Progress	DDE	Biannual	May, Nov
Economic Development Strategy - Progress (20/11/2013 - Item 10.03)	DSG	Biannual	May, Nov
Performance of Property Investment Portfolio 6-Monthly (12/12/17 - Item 09.09)	DSG	Biannual	May, Nov
Council Policy - Status	DCP	Annually	Jul
Recreation Action Plan – Status	DDE	Annually	Jul
UGMS - Annual Progress Report on Implementation and Status of Actions (20/06/18 - Item 12.07)	DSG	Annually	Jul
Local Preference Policy Outcomes	DCP	Annually	Aug
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually	Sep
Council Meeting Dates	GM	Annually	Sep
Creation of Office - Deputy Mayor	GM	Annually	Sep
Audit Committee Annual Report	DCP	Annually	Sep
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually	Sep
Legislative Compliance Register	DCP	Annually	Sep
Cultural Plan 2018 - 2021 - Implementation Progress Report (19/09/18 - Item 10.02)	DSG	Annually	Sep
Annual Disclosure of Interest Returns	GM	Annually	Oct
Council's Annual Report	DCP	Annually	Nov
Update Report - Impact of cost shifting for the previous financial year including any additional categories of cost-shifting that have been identified (21/10/15 - Item 09.04)	DCP	Annually	Nov
Compliments and Complaints Annual Report	DSG	Annually	Dec
Funding Programs for Koala Recovery Strategy (19/09/18 - Item 12.05)	DDE	Annually	Dec

## AGENDA

ORDINARY COUNCIL  
19/06/2019

### Attachments

Nil

LEADERSHIP AND  
GOVERNANCE



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**Item: 10.03**

**Subject: MAYORAL DISCRETIONARY FUND ALLOCATIONS - 2 MAY TO 5 JUNE 2019**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the allocations from the Mayoral Discretionary Fund for the period 2 May to 5 June 2019 inclusive.**

### **Executive Summary**

To advise of the allocations made by the Mayor from the Mayoral Discretionary Fund for the period 2 May to 5 June 2019 inclusive.

### **Discussion**

The Mayor made the following allocations from the Mayoral Discretionary Fund in the past month:

Donation to Koala Preservation Society of NSW	\$500.00
Donation of Glasshouse Vouchers to PMQ Mothers' Day Classic Fundraiser	\$200.00
Donation to Camden Haven Parkrun	\$120.00
Donation of Glasshouse Vouchers to Fawna's 30 <sup>th</sup> Anniversary Fundraiser	\$200.00
Chocolates for George Wallen's 101 <sup>st</sup> birthday morning tea	\$16.89
Donation to Camden Haven SLSC	\$500.00
Donation of Glasshouse Vouchers to Rotary Club of PMQ West Changeover Fundraising Dinner	\$200.00
Donation to Rotary Club of PMQ Sunrise Big Dig Fundraiser	\$250.00
Donation of Glasshouse Vouchers to Bravehearts MNC Fundraiser	\$200.00
	<b>\$2,186.89</b>

### **Options**

Not applicable - report for noting only.

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

Nil

**Planning & Policy Implications**

There are no planning and policy implications in relation to this report. This report is provided to Council as per the requirements of the Mayoral Discretionary Fund Policy.

**Financial & Economic Implications**

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

**Attachments**

Nil

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**Item: 10.04**

**Subject: INTEGRATED PLANNING AND REPORTING (IPR) DOCUMENTS**

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

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**Alignment with Delivery Program**

1.1.4 Provide easy to understand and accessible community reporting.

**RECOMMENDATION**

**That Council:**

- 1. Adopt the following Integrated Planning and Reporting (IPR) documents:
  - a) Delivery Program 2017-2021 (Revised 2019); and**
  - b) Operational Plan 2019-2020****
- 2. Not opt into the new parking fine concession fee scheme.**
- 3. Undertake a review of the existing Lake Cathie Opening Strategy in consultation with the National Parks and Wildlife Services (NPWS); the Office of Environment and Heritage (OEH); NSW Fisheries and Department of Industry (DPI - Lands); and the community including the Revive Lake Cathie community group.**
- 4. Note the 2019-2020 budget position of a \$975,198 shortfall which will be reported to Council monthly during the financial year.**
- 5. Should adequate savings to address the shortfall position not be achieved during the financial year, that the shortfall be funded from the Strategic Priorities reserve.**
- 6. Enter into total borrowings of \$1.5 million as outlined in the Financial Implications section of the report for playing fields at Wauchope.**

**Executive Summary**

It is a Local Government statutory requirement for NSW Councils to develop the Integrated Planning and Reporting (IPR) documents, and for them to be endorsed by Council, by 30 June in the year following a Council election. The election occurred in September 2016.

Each year Council is required by legislation to review its four year Delivery Program and create a 12 month Operational Plan. Legislation (Section 404 and 405 of the Local Government Act (1993)) requires the IPR documents be placed on public exhibition annually for a minimum of 28 days before being endorsed by the Council. For the 2019-20 documents the public exhibition period was from 19 March to 18 April 2019.

At the conclusion of the public exhibition period, a meeting was held with Senior Council staff and Councillors to review and consider all submissions, with a view to identifying changes required to the draft plans. The purpose of this report is to



consider the community feedback received during the public exhibition period and evaluate the changes and alterations now proposed by staff in order to finalise the planning documents prior to the start of the new financial year.

Changes recommended to the documents are outlined in detail in the body of this report. The budget position has altered between March and June to allow for budget to better align with planned works.

The budget statement now indicates a shortfall position of \$975,198.

Total expenditure, excluding depreciation, developer provided assets and loss on disposal of assets will be \$209.8m, with total revenues expected to be \$195.1m (excluding the developer provided assets contribution). The difference between the income and expenditure is funded by a combination of loans and money previously allocated to reserves for specific purposes. This results in a net cash shortfall position for 2019-2020 of \$975k. Further information relating to the 2019-2020 budget can be found under the Financial & Economic Implications section of this report, as well as the attached one year 2019-2020 Operational Plan.

The 2019-2020 financial year will see Council continue to deliver/commence some major infrastructure works such as Lighthouse Road Upgrade, Bago Road Rehabilitation, Hastings River Drive Upgrade, Dunbogan Bridge and Kew Main Street. Sporting and recreation works include Lake Cathie Foreshore skate facility, Rainbow Beach Sports Fields, Playground upgrades at Riverview Reserve, Scribbly Bark Reserve, Blair Reserve and Rocks Ferry Reserve, in addition to Playground replacements at Settlement Point Reserve, Town Beach Skate Park and Reservoir Park. Other projects include Stuart Park Regional Sporting Precinct upgrades, The Ruins Way reconstruction, Port Macquarie Foreshore Walkway Project, Hastings Regional Sporting Complex construction and Kindee Bridge detailed designs.

In addition to delivering some major projects, Council will continue to deliver other services such as water and sewer services, library services, cultural services and waste services. Council will also continue to maintain our \$2 billion of assets on behalf of the community.

Whilst there is a shortfall of \$975,198 for the 2019-2020 financial year the budget is considered representative of key priorities across the LGA. Ongoing financial diligence will occur and be reported to Council to address this position over the coming financial year. Should the shortfall position not be addressed during the financial year by adequate savings, it will be funded through the Strategic Priorities reserve. Savings from 2018-2019 (if any) will be allocated to this reserve in addition to any dividend payable from Water and Sewer Funds from the 2017-2018 financial year which is pending approval.

Documents to be endorsed (as attached) are:

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

The supplementary documents to the Operational Plan 2019-2020 are:

- Fees and Charges;
- Annual statement of Revenue Policy; and
- Rating Maps.

These documents have been included in a separate report tabled to this same Council meeting with subject: 'Making of Rates and Charges for 2019/2020, Adoption of the Fees and Charges and Revenue Policy for 2019/2020'.

In relation to Council Fees and Charges, Council considered a report in December 2018 regarding the June 2018 NSW Government announcement of plans to make parking fines fairer for residents across NSW. As the first step in this initiative the Government reduced a range of State Government issued parking fines by 25%.

Council received advice from the Hon Dominic Perrottet MP NSW Treasurer and Minister for Industrial Relations on 30 November 2018 regarding the regulatory changes necessary to allow Council's to reduce their parking fines as well.

Under the new framework, Councils can reduce their parking fines from \$112 to \$80. These concessions do not however apply automatically; Council must opt in to apply these reduced fines.

In considering this report Council resolved as follows:

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#### **12.15 NSW PARKING FINES CONCESSION SCHEME**

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*RESOLVED: Alley/Intemann*

*That Council:*

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

**CARRIED:** 8/0

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

**AGAINST:** Nil

This issue was included in the community engagement period for the draft 2019-2020 Operational Plan. There were no submissions or comments received in favour or against a possible reduction in parking fines. Accordingly, no change to the existing parking fines are proposed with the 2019-2020 Operational Plan.

#### **Discussion**

At the ordinary Council meeting on 20 March 2019 Council resolved to place the suite of Integrated Planning and Reporting documents for 2019-2020, listed above on public exhibition for a period of 28 days from 19 March to 18 April 2019.

The Integrated Planning and Reporting framework, adopted by NSW Government in 2009, outlines the important relationship between Council's funding priorities, service

levels and community expectations. To comply with legislation Port Macquarie-Hastings Council has completed the annual review and developed its suite of planning documents.

Port Macquarie-Hastings Council IPR documents consists of:

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

This combined document includes:

Four Year Delivery Program (DP) 2017-2021 (Revised)

Developed by Councillors for their four year term the DP is Council's commitment to undertake principal activities under each of the community themes as established by the Community Strategic Plan (CSP) within the resources available under the Resourcing Strategy. The DP includes the intended outcomes, how performance will be assessed and a four-year financial plan.

The DP is aligned to the adopted *Towards 2030 Community Strategic Plan* that commits to the community vision of "A sustainable high quality of life for all", and also to the mission "Building the future together - people, place, health, education and technology".

One Year Operational Plan (OP) 2019-2020

Supporting the DP is the one year OP which includes individual projects and actions which will be undertaken during the 2019-2020 financial year. This document is organised by the community themes that are consistent throughout the integrated council suite of documents.

The OP includes a budget snapshot providing an overview of key projects proposed across the region that have been prioritised by the community, a breakdown of major projects by area.

The proposed 2019-2020 capital works program is included within the body of the Operational Plan according to Community Themes and totals \$85.57m.

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

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

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

To strengthen Integrated Planning and Reporting, Council has achieved 'integration' across the suite of plans by:

- Clearly linking the goals in the CSP to the activities in the DP and OP, using colour coding and alpha/numeric referencing;

- Reflecting asset, financial, and workforce activities in the Resourcing Strategy in both the DP and OP; and
- Identifying activities in Workforce Plan and Asset Plans which will have impact on the Financial Plans.

Some of the major commitments in capital works and operational priorities for 2019-2020 include:

Across the region

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

Laurieton/Camden Haven and surrounds

- Lake Cathie Foreshore Reserve - Master plan implementation - Construction of Skate Facility - \$312,000
- Kendall Sports Ground - Sports facility upgrade - \$155,000
- North Haven Beach Reserve - Pedestrian Facility - Upgrade of North Haven to Bonny Hills walkway - \$104,000
- Rainbow Beach Sports Fields - Acquisition of Land - \$1,707,572
- Rainbow Beach Sports Fields - Preconstruction works - \$290,000
- Rainbow Beach Sports Fields - District Facilities - \$4,165,000
- Riverview Reserve - Playground Upgrade - \$85,750
- Scribbly Bark Reserve, Scribbly Bark Place - Playground Replacement - \$85,750
- Construction of the Southern Arm Trunk Main (DN750) - Pacific Hwy to Bonny Hills - \$200,000
- Continuation of construction of Kew Sewerage Treatment Plant \$5,000,000
- Bold Street Pedestrian Crossing - Detailed Investigation and Design - \$255,000
- Bold Street Pedestrian Crossing - Construction finalisation \$200,000

Port Macquarie

- Blair Reserve - Playground Upgrade - \$85,750
- Flynn's Beach - Seawall Replacement - Stage 1 - \$1,622,200
- Red Ochre Park - Develop new park facilities - Local Facilities - \$446,000
- Ruins Way Park - Develop new park facilities - Local Facilities - \$312,000
- Settlement Point Reserve, Settlement Point Road - Playground Replacement - \$85,750
- Stuart Park – Regional Sporting Precinct - \$2,539,586
- Town Beach Park, Stewart Street - Playground Replacement - \$415,000
- Walkways - Various - Replacement of walkways (Sandhurst Reserve; Blair Reserve; Harry's Lookout) - \$150,000
- Port Macquarie Aquatic Facility - Design finalisation - \$450,000
- Port Macquarie Airport - Parallel Taxiway Stage 1 and General Aviation Pavement Renewal - Finalise Detailed Design - \$150,000



- Port Macquarie Airport Terminal Upgrade - Construction finalisation - \$2,375,000
- Thrumster Sewerage Treatment Plant (Area 13) - Phase 1 - \$400,000
- Inlet works replacement for Port Macquarie Sewerage Treatment Plan - \$1,000,000
- Koala Street Upgrade Concept Designs - \$150,000
- The Ruins Way reconstruction - Major Innes Road to Sitella Street - \$950,000
- Port Macquarie Foreshore Walkway Project - \$985,000

**Wauchope, Rural and surrounds**

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

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

**ACROSS THE REGION**

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

**LAURIETON, CAMDEN HAVEN AND SURROUNDS**

- > Lake Cathie Foreshore Reserve - Master plan Implementation - Construction of Skate Facility - \$312,000
- > Kendall Sports Ground - Sports facility upgrade - \$155,000
- > North Haven Beach Reserve - Pedestrian Facility - Upgrade of North Haven to Bonny Hills walkway - \$104,000
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- > Rainbow Beach Sports Fields - District Facilities - \$4,165,000
- > Riverview Reserve - Playground Upgrade - \$85,750
- > Scribbly Bark Reserve, Scribbly Bark Place - Playground Replacement - \$85,750
- > Construction of the Southern Arm Trunk Main (DN750) - Pacific Hwy to Bonny Hills - \$200,000
- > Continuation of construction of Kew Sewerage Treatment Plant (STP) - \$5,000,000
- > Bold Street Pedestrian Crossing - Detailed Investigation and Design - \$255,000
- > Bold Street Pedestrian Crossing - Construction Finalisation - \$200,000

**PORT MACQUARIE HASTINGS COUNCIL**

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

**ACROSS THE REGION**

- > Road resealing works throughout the local government area: \$2,080,077
- > Construction of footpaths in the Local Government Area: \$1,000,000
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**PORT MACQUARIE**

- > Blair Reserve – Playground Upgrade – \$85,750
- > Flynns Beach – Seawall Replacement – Stage 1 – \$1,622,200
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- > Koala Street Upgrade Concept Designs – \$150,000
- > The Ruins Way reconstruction – Major Innes Road to Stella Street – \$950,000
- > Port Macquarie Foreshore Walkway Project – \$985,000







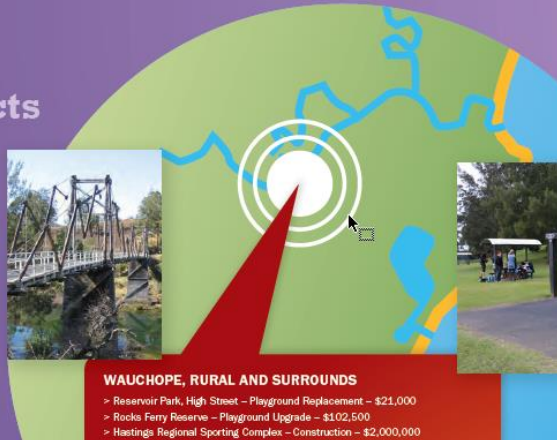




**A SNAPSHOT OF  
Key Projects  
FOR 2019-2020**

**ACROSS THE REGION**

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**WAUCHOPE, RURAL AND SURROUNDS**

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

### Exhibition Period and Submissions

The draft documents were placed on public exhibition from 19 March to 18 April 2019. The engagement activities undertaken are outlined in the Community Engagement and Internal Consultation section of this report. A number of submissions were received during this period and the details of these, and staff



responses, are also outlined in the Community Engagement and Internal Consultation section of this report.

A workshop was also held between staff and Councillors to discuss the submissions and any potential changes to the budget and IPR documentation as a result of the submissions.

#### Post Exhibition Amendments to the Capital Works Program

The capital works program incorporated in the one-year Operational Plan 2019- 2020 that was placed on public exhibition was valued at \$67.37m. In the intervening weeks there have been a number of changes to the program. As a result of these changes the capital works program outlined in the Operational Plan 2019-2020 is now \$85.57m. The following table lists the specific changes to the program, with the reasons for adjustment relating to one of the following:

- **Deferral:** part or all of project deferred from 2018-2019 to 2019-2020. This is due to managers undertaking a detailed review of the ability to deliver the projects in the 2018-2019 plan or where projects are multi-year projects.
- **Work program review:** addition or removal of part or all of projects. This arises where the continuous review of work programs has highlighted a change in priorities or delivery requirements since the draft program.
- **Grant:** items added to allow for the delivery of grant funded projects where additional grant funding has been received in the intervening period.
- **Public exhibition feedback:** items added as a result of feedback received during the public exhibition period.

Item	Section	Reason for adjustment	Amount
Telegraph Point Pedestrian Safety Upgrades	Asset Design	Deferral	\$560,000
Westport Stormwater Management Plan Design	Drainage	Deferral	\$270,000
Calwalla Crescent, Port Macquarie - Stormwater Remediation	Drainage	Deferral	\$200,000
Rodley Street, Bonny Hills - Flooding Mitigation Measures	Drainage	Deferral	\$400,000
Diamond Head Road / The Boulevard Flood Access Stage 1A	Natural Resources	Deferral	\$1,390,000
Illaroo Road - Stormwater Remediation	Natural Resources	Deferral	\$700,000
Port Macquarie Coastal Walk	Parks & Recreation	Deferral	\$780,000
Flynns Beach Seawall - Design and Construction	Parks & Recreation	Deferral	\$900,000
Sancrox/Thrumster Sports Fields	Parks & Recreation	Deferral	\$267,000
Wood Street - Road Upgrade	Parks & Recreation	Deferral	\$950,000
Wayne Richards Park - Stages 3 & 4	Parks & Recreation	Deferral	\$250,000
Dunbogan Bridge - Reid Street - Structural Rehabilitation	Transport & Traffic	Deferral	\$3,276,000
Hastings River Drive & Boundary Street Upgrade	Transport & Traffic	Deferral	\$654,000

Item	Section	Reason for adjustment	Amount
Lighthouse Road, Port Macquarie - East Upgrade - Tourism Connectivity Project	Transport & Traffic	Deferral	\$1,470,000
Ocean Drive, Lake Cathie - Miala to Orana - Design	Transport & Traffic	Deferral	\$145,000
Bold Street, Laurieton - Crossing between Seymour and Tunis Streets - Preconstruction	Transport & Traffic	Deferral	\$255,000
John Oxley Drive - Upgrade Preconstruction	Transport & Traffic	Deferral	\$484,000
Reclaimed Water - Area 14 Trunk Main - Inlet & Outlet	Water Supply / Sewerage Services	Deferral	\$1,300,000
Trunkmain - Sancrox Reservoir to Area 13	Water Supply	Deferral	\$991,000
Trunk Main Augmentation - Sancrox Reservoir to Wauchope	Water Supply	Deferral	\$1,133,000
Sewer Telemetry Radios Port Macquarie Replacement	Sewerage Services	Work program review	\$200,000
Sewer DNP3 Port Macquarie - Roll Out	Sewerage Services	Work program review	\$250,000
Lid Replacement Program	Sewerage Services	Work program review	\$200,000
Electrical STP Asset Replacement Allocation	Sewerage Services	Work program review	(\$100,000)
Mechanical STP Asset Replacement Allocation	Sewerage Services	Work program review	(\$200,000)
Sewer Pump Replacement Program	Sewerage Services	Work program review	(\$50,000)
Sewer Relining Works	Sewerage Services	Work program review	(\$140,000)
Marbuk Motorised Valve Relocation	Water Supply	Work program review	\$350,000
Water SCADA Replacement	Water Supply	Work program review	\$30,000
Safety Improvements Pembroke Road	Transport & Traffic	Grant	\$130,000
Safety Improvements Rawdon Island Road	Transport & Traffic	Grant	\$150,000
Scrubby Creek Bridge Upgrade	Transport & Traffic	Grant	\$455,000
Kew Main Street	Transport & Traffic	Grant	\$340,000
Port Macquarie Town Signage	Community Place	Public exhibition feedback	\$150,000
Beechwood Tennis Courts	Parks & Recreation	Public exhibition feedback	\$60,000
<b>Total</b>			<b>\$18,200,000</b>

#### Post Exhibition Amendments to the Operational Budgets

The following items were added to the operational budgets:



Item	Section	Amount
Swimming Pool Contract	Aquatic Facilities	\$109,598
Increase in Emergency Services Levy	Emergency Management	\$104,235
Increase in General Manager remuneration (adjusted for overheads)	General Manager	\$9,345
Preparation of Support Studies for Fernbank Creek / Sancrox	Strategic Planning	\$150,000
Preparation of Heritage Inventory	Strategic Planning	\$60,000
<b>Total</b>		<b>\$433,178</b>

### Options

It is a statutory requirement to adopt the Integrated Planning and Reporting documents by 30 June 2019. Not adopting the documents cited in the resolution would jeopardise compliance with this legislation.

Council could seek additional information or make other amendments to the documentation.

### Community Engagement and Internal Consultation

The draft documents were placed on public exhibition from 19 March to 18 April 2019. During this time the following actions were carried out in order to generate widespread community feedback.

#### Exhibition Promotion:

- Media release upon exhibition
- Facebook Posts
- Advertised in Community Now NOTICES, posters in all offices and libraries;
- Mayoral promotion through Facebook video, radio spot and Mayor's column;
- E-news article sent to all subscribers;
- E-news story to Have Your Say database;
- Hard copy of all documents placed at Council Customer Service Offices and Libraries Branches;
- Pop up engagement stalls at local shopping centres across the region during the exhibition period.

#### Exhibition Participation:

Pop up community engagement stalls were held in local shopping centres across the region during the 28 days public exhibition period. Conversations were held with the community in the following locations:

- 27 March 2019 - Wauchope, High Street - (20 conversations)
- 2 April 2019 - Port Macquarie, Settlement City - (74 conversations)
- 4 April 2019 - Port Macquarie, Port Central - (71 conversations)
- 9 April 2019 - Lake Cathie, Woolworths - (66 conversations)
- 11 April 2019 - Laurieton, Coles - (80 conversations)

- 11 April 2019 - Port Macquarie, Library - (6 conversations)
- 13 April 2019 - Port Macquarie, Foreshore Markets - (93 conversations)

The “Have Your Say” online portal activity during the exhibition period was as follows:

- Total visits - 1,200
- Max visitors per day - 98
- Engaged visitors (submissions) - 75
- Informed visitors (downloaded documents) - 257
- Aware visitors (read through documents without downloading) - 975

948 submissions were received via letter, e-mail, on-line, and pop-up engagements and related to a broad range of Council Services including the Roads, Bridges and Transport, Economic Development, Financial Management, Stormwater and Drainage, Natural Resource Management, Sports and Recreation, Sewerage, Waste Management, Water Supply, Glasshouse, Strategic Land Use Planning and Building Maintenance and Development Assessment.

Of the total 948 submissions, 836 pertain to ‘Management of Lake Cathie’. These 836 submissions included 1 from ‘Revive Lake Cathie’ attached to which there were 787 submissions of support, plus an additional 48 individual submissions. The following is Council’s position to this concern:

#### Management of Lake Cathie

Council has received many submissions regarding the management of Lake Cathie calling for Council to undertake further studies and action in respect of the opening of the lake and general management of the lake. Unfortunately, this is a complex issue for Council, government and the community and not one for Council alone to resolve.

Lake Cathie is classified as an ICOLL - an Intermittently Closed and Open Lake or Lagoon, and is one of about [70 such coastal lakes and lagoons located along the coast of NSW](#). ICOLLs are complex systems that have adapted to varying water levels and varying salinity levels. They are usually highly biodiverse and support a large range of fauna and flora. They are also very sensitive to human disturbance. Lake Cathie and Lake Innes are well studied lakes with much in depth scientific research and modelling completed over the years.

The management of the Lake Cathie system is the responsibility of a number of stakeholders including:

- Port Macquarie Hastings Council;
- National Parks and Wildlife Services (NPWS);
- Office of Environment and Heritage (OEH); and
- NSW Fisheries and Department of Industry (DPI - Lands).

Under the NSW Coastal Management Act 2016, the preference for management of this type of lake is to maintain natural processes as much as possible.

The opening of ICOLL entrances is often the subject of much debate and enquiry. While the Coastal Management Act prefers that no modification of an ICOLL entrance occurs, sometimes ICOLLs are opened manually to the sea to reduce the impacts of localised flooding. When water levels rise in a closed ICOLL following

rainfall, flooding of urban and rural development adjacent to the lake or lagoon foreshore, can occur. Port Macquarie Hastings Council are quick to act when these flooding issues occur and last opened the entrance to Lake Cathie in July 2018 when high water levels were reached.

Many NSW ICOLLS are currently experiencing drought conditions, and as a result many communities, experiencing the dry-out ICOLL environment, are asking for these lakes to be opened. Usually, as there are so many stakeholders involved in the management of these systems, there is an Opening or Entrance Management Policy.

For Lake Cathie any manual or 'artificial' opening of the lake is undertaken according to the [Lake Cathie Opening Strategy](#). The Strategy has been in place for several years and has been thoroughly tested by [scientific data and a recent extensive study](#) and [hydrological model](#) developed in 2014. This model demonstrated that the *Opening Strategy* reflected the best management for the lake. (The model and research also examined widening Kenwood Drive bridge and separating Lake Innes to allow it to return to a freshwater lake. None of these conditions were recommended as they will have a negligible impact on the health of the lakes).

Notwithstanding, the existing Opening Strategy has been in place for a number of years and as such it may be timely for the strategy to be reviewed in line with current best practice in the management of ICOLL's.

It is therefore recommended that Council undertake a review of the existing Lake Cathie Opening Strategy in consultation with National Parks and Wildlife Services (NPWS); the Office of Environment and Heritage (OEH); NSW Fisheries and Department of Industry (DPI - Lands); and the community including the Revive Lake Cathie community group.

This action has been included in the 2019-2020 Operational Plan for completion in the next 12 months. Refer to Operational Plan Action 4.2.1.12 - Undertake a review of the existing Lake Cathie Opening Strategy in consultation with the National Parks and Wildlife Services (NPWS); the Office of Environment and Heritage (OEH); NSW Fisheries and Department of Industry (DPI - Lands); and the community including the Revive Lake Cathie community group. It is noted that a number of submissions requested additional funding to be allocated to the management of Lake Cathie. At this stage additional funding has not been allocated in the 2019-2020 budget. This is due to the fact that until the above review is completed, the extent of funding required is not determined. Once the review of the strategy has been completed and outcomes identified, further actions and associated funding requirements will be assessed and incorporated into Council's Operational Plan as required. There is an existing allocation of funding within the 2019-2020 budget for the management of Lake Cathie in accordance with the existing Lake Opening Strategy and maintenance, in addition to the above Operational Plan action.

Council responses to submissions are in the following sections of this report.

#### Submissions response summary

Due to the volume of submissions and supporting documentation received, it is not practical to include hardcopies with the attachments to this report, the information and tables below instead summarises the submissions and Council's response.

Councillors have been provided with full copies of the submissions prior to the Council meeting.

<b>Council Service:</b> Building Maintenance	
<b>Submitter's name</b>	<b>Submitter's issue</b>
Podmore - 6535	Request for Public toilets Crestwood Drive PMQ - Entrance to Googik
<b>Response</b>  There are a number of entry points to the Googik Track in Port Macquarie. At this time Council has no plans to provide public toilets at Crestwood or any of the other entry points to the Googik Track.	
Maxwell - 6552	Maintenance of beach shower facilities and dredging of Dunbogan saltwater pool
<b>Response</b>  Staff will undertake an inspection of beach showers in the Camden Haven and will undertake required maintenance as soon as possible.  Staff will investigate the possibility of dredging Dunbogan Baths. The presence of protected ribbon grass within the baths is an issue and staff will liaise with relevant state government agencies to determine what options are available to Council in being able to improve swimming opportunity at this facility.	
Jones - 6603	Public amenities for playgrounds
<b>Response</b>  Council currently has 64 playground facilities across the local government area. It is not practical to provide public toilets at all playground facilities. Council's focus is on providing and maintaining public toilets at regional and district level parks.  Council's interactive playground maps provide a range of information including playground location and nearby facilities including public toilets. The community is encouraged to use this resource when planning playground outings:  <a href="https://www.pmhc.nsw.gov.au/Facilities-Recreation/Outdoor-Spaces/Playgrounds-Parks-Reserves/Playgrounds-Parks-and-Reserves-interactive-map">https://www.pmhc.nsw.gov.au/Facilities-Recreation/Outdoor-Spaces/Playgrounds-Parks-Reserves/Playgrounds-Parks-and-Reserves-interactive-map</a>	
Jeayes - 6762	Request for no concrete paths at River Reserve on the North Shore. New toilets at Coal Wharf to be considered. Additional Parking at Coal Wharf to be considered.
<b>Response</b>  A number of projects have been identified through the community planning process as priorities for the North shore these include: <ul style="list-style-type: none"> <li>• Footpath connects</li> <li>• A amenities facility at Coal Wharf and</li> <li>• Extension or additional car parking at Coal wharf</li> </ul>	



All these project will require further investigation as well as community consultation prior to being ready to be included council planning process (Operational Plan). Work will continue with the North Shore Community Council action team (CCAT) to further determine key priorities as well as how they should be achieved.

**Council Service:**  
**Commercial Business Units - Glasshouse**

Submitter's name	Submitter's issue
Arts Mid North Coast - 6785	1. Fees and charges for the Ross Family Studio in the Glasshouse 2. The criteria for discounts for use of the Ross Family Studio.
Got Ya Back Productions - 6798	Support the Fees and Charges for use of Ross Family Studio Glasshouse

**Response**

Thank you for your submission, we acknowledge your support of the proposed discounted fees for Ross Family Studio hire for 3 or 5 days as listed in the draft fees and charges. The Glasshouse Strategic Plan is currently being reviewed with feedback having been sought from the Cultural Steering Group. Consideration is currently being given through that review to the fees model for the Studio space, and applicability of the community discount. It is anticipated that the Glasshouse Strategic Plan will be placed on public exhibition for comment in the coming months.

**Council Service:**  
**Drainage**

Submitter's name	Submitter's issue
Lenehan - 5277	Inadequate drainage and consequent flooding in Leighton Close North Haven

**Response**

Council is aware of the historic stormwater issues impacting residents of Leighton Close. The issues at this location form part of a larger known stormwater 'hotspot' (or problem area), located generally between Coral Street and the open drain downstream of the Beachfront Caravan Park on the south-eastern side of The Parade. Given the scale of the issue, and in order to efficiently and correctly identify, prioritise and address these longstanding issues, a whole of catchment stormwater management plan is required to identify solutions to the large scale stormwater issues impacting the locality.

This plan has been previously identified for completion within Council's register of pending stormwater upgrades and improvements, however no funding is currently allocated due to other higher priority stormwater improvement works.

Whilst Council has no short term solution to these ongoing stormwater issues, Council will continue to monitor and maintain the existing drainage system to ensure that that this system is functioning at maximum capacity. Catchment management plans provide assessment of a broader area, allowing Council to prioritise identified hotspot locations for future planning of staged upgrades, which has proven to be the most effective and efficient use of resources to address known issues. Prioritisation of works is determined based upon risk factors to safety, property (private and public), social and economic impacts to the area, and extent of area affected.

**Council Service:**  
**Drainage - Canal Maintenance**

Submitter's name	Submitter's issue
Black - 5583	Can you advise what are the plans for dredging of the canals in Port Macquarie? The older canals have not been dredged in over 10 years and the commitment was every 5 years. I do not see a financial line item in the draft. If there is a line item please advise where it is in the draft budget.
<b>Response</b>  Maintenance dredging of the Settlement Shores Canals was included in the 2019/20 Operational Plan with dredging works expected to commence in July 2019, subject to contractor availability. The dredging of the Settlement Shores Canals is listed as item 4.1.6.5 in the 2019-20 DRAFT Operational Plan.	
<b>Council Service:</b> <b>Drainage - Stormwater</b>	
Submitter's name	Submitter's issue
Chapman - 6783	The North Shore has a very poor storm water system. Following rain, there is significant pooling in several areas. This pooling is danger to pedestrians, causes damage to the roads and contributes to mosquito breeding. I would like to suggest that monies allocated to flood water measures and the PAMP plan for the North shore be implemented to address the worst areas. Currently the PAMP shows two planned footpaths - one along the foreshore that appears to be to assist school children make their way from the ferry, and one between the Ferry and the Coal Wharf reserve. I would like to suggest that monies be directed towards the implementation of the later.
<b>Response</b>  Council currently doesn't have any funding allocated to stormwater or pathway upgrades on the North Shore. Maintenance works will continue to be undertaken to help alleviate some of the issues associated with water ponding. It is noted that your preference for any future implementation of the Pedestrian Access Mobility Plan (PAMP) is for the pathway to Coal Wharf reserve be given a high priority.	
<b>Council Service:</b> <b>Economic Development</b>	
Submitter's name	Submitter's issue
Mowle - 5978	The main entry signage for Port Macquarie is long outdated and well overdue for replacement, it looks like it hails from the 1980's. The southern entry from Ocean Drive has the same vintage, whilst 'The Gateway' off the Pacific Hwy has no entry statement at all. The lack of modern, sophisticated and world class entry statements is something that needs to be addressed urgently as we move into our Bicentenary Celebrations. A separate Entry Statement/Signage project needs to be raised to get traction & bring about delivery in a reasonable timeframe. I suggest that this be given some consideration.
<b>Response</b>	

Based on current adopted roll-out program, entrance signage for Port Macquarie is scheduled for 2020-2021. The proposed Port Macquarie signs includes a range of suburb signs, as well as a Tier 1 Entrance sign at the Port Macquarie exit onto the Oxley Highway and Tier 2 signs at the Hastings River Drive and Ocean Drive entrances.

The proposed sign design is as per the Strategy adopted by Council in 2014, which is consistent with the signs rolled out in the Camden Haven etc. The Port Macquarie signage has been considered during the 2019-2020 budget process and has been re-prioritised, to bring forward the Port Macquarie entrance signage installation into the 2019-2020 financial year.

Submitter's name	Submitter's issue
Cooper - 6503	Request for wheelchair symbol to be put on tourist leaflets

#### **Response**

Council continually works towards providing more accessibility information on a range of places and facilities across the region - from our beaches and toilets to local businesses. Some recent initiatives include new icons on our destination website for businesses/attractions that are access friendly and continues to be considered when planning new initiatives such as the Eat See Do Visitor guide being developed later in the year.

Greater Port Macquarie Tourism Association (GPMTA) - 6680	<p>The Association request that consideration be given to including performance measures that are more meaningful and enable the success of the strategies and actions to be properly assessed relating to:</p> <p>3.1.3.2 Implement actions from the Port Macquarie-Hastings Events Plan and</p> <p>3.1.4.1 Work with stakeholders to implement actions from the Destination Management Plan in accordance with the identified strategic outcomes</p> <p>The Association notes and supports the allocation of funds to the Coastal Walk, the Airport Terminal Upgrade, the Town Centre Master Plan and the Tasting on Hasting Event. Finally, it was noted that the Cultural Steering Group was not been referenced on Page 71 of the Operational Plan under Community Theme 2 'Your Community Life' as a group that will 'assist' Council achieve its goals.</p>
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#### **Response**

Council appreciates the GPMTA support and ongoing engagement for our Destination Management and Major Events work. Council acknowledges the feedback in relation to key performance indicators, which Council does strive to ensure outcomes are effectively measured in relation to both on-going and defined project priorities and will do so when updating the Destination Management and Events Plan (which are not yet finalised). Council plans to report progress against KPI's on a quarterly basis in relation to both plans, which can be shared with GPMTA. With regard to the destination website visitation growth KPI - this is crucial to monitor success and ensure continuous improvement. Council has seen greater than 15% year on year growth in the year to date (due to the change in web platform) and believe that a 15% growth target moving forward is an ambitious target we would like to aim for.

The feedback provided in relation to reference of The Cultural Steering Group has been taken on board and will be included in the finalised document as a group that will assist Council achieve its goals.

Jane - 6893	1/. Would like an Information Hub which would include ALL information on our beautiful Laurieton and surrounding areas 2/. Additional shopping centre seating
<p><b>Response</b></p> <p>1/. Having previously reviewed our visitor/information services, Council does not currently propose to provide new information outlets/hubs but we do encourage the community to visit the friendly staff at the Glasshouse Visitor Information Centre (managed by Council) and iKew (managed by the Camden Haven Chamber of Commerce) and some of our local businesses which have visitor information displays.</p> <p>With regard to the technology support suggestion, unfortunately, education services such as the delivery of technology training or problem solving are not within the realm of Council service delivery and we would encourage you to access this type of assistance via one of our great local training providers (some of whom offer free/low cost seniors training) or businesses selling and servicing technology products.</p> <p>2/. Unfortunately, the provision of shopping centre seating is not something that council can control or regulate. It is a matter for the shopping centre management. Council does however provide and manage seating and pedestrian infrastructure in public spaces.</p>	
<p><b>Council Service:</b> <b>Waste</b></p>	
<b>Submitter's name</b>	<b>Submitter's issue</b>
Hann - 6200	Waste charges. In our bid to reduce our personal waste footprint on our property in rural Byabarra, we would like to recycle all items at appropriate recycling centres and do away with our bins altogether. However, council informs me that even if we have our bins removed we will still be liable to pay approx. \$385 per annum because the truck runs past our property
<p><b>Response</b></p> <p>Council provides waste collection services over the whole Local Government Area extending as far as Comboyne. These services include the collection of household recycling, organics and general waste.</p> <p>The Local Government Act 1993 states that a Council must charge for a domestic waste service if that service is available, therefore a 'Minimiser' charge will still apply if bins are removed or not used.</p>	
Boland - 6316	I would love to see the bins that are at the Dunbogan jetty (across from the takeaway store) relocated from their current location (to close by) as they obstruct the view to the water from the picnic table. It would make a huge difference to the amenity of the area.
<p><b>Response</b></p> <p>Waste services will investigate and consider the ability to relocate this bin.</p>	
Anonymous	Improved recycling plant
<p><b>Response</b></p> <p>Submission noted.</p>	



Kennedy - 5611	Rubbish disposal along Hastings River leaving it to be taken by floods
<b>Response</b>  Illegal dumping being investigated by the waste section.	
Garett - 6821	I am beyond angry at the fact we no longer get two free council rubbish pickups anymore. The so-called "free" tip tickets are useless to people who don't have tow bars, trailers or a way of accessing the tip.
<b>Response</b>  Many Councils are now advising residents that they have 'free tip tickets' rather than 'free pickups' due to the large cost of collecting waste from residential homes. Council can organise to come and collect excess waste but it does come with an additional cost. Port Macquarie Hastings Council are trying to incentivise residents and community members to avoid waste as much as possible. Currently Council pay over \$4M in a waste levy to state government for landfilled waste. Any way we can reduce waste to landfill is encouraged.	
<b>Council Service: Natural Resource Management</b>	
<b>Submitter's name</b>	<b>Submitter's issue</b>
Revive Lake Cathie Incorporated	<p>'Revive Lake Cathie' submission included 787 signed letters of support in seeking funding in the 2019-2020 Operational Plan of \$1M for the following items:</p> <p>\$100,000 – towards allocation of a Port Macquarie-Hastings Council staff member to the role of implementing strategies to Revive Lake Cathie, in direct consultation with Revive Lake Cathie Inc.</p> <p>\$250,000 – Completion of Environment Impact Study (EIS) for Lake Cathie and Lake Cathie Lagoon.</p> <p>\$650,000 – For commencement of an implementation plan</p> <p>Suggested solutions from Revive Lake Cathie incorporated include:</p> <p>1/. Complete an EIS for Lake Cathie and Lake Cathie lagoon.</p> <p>2/. Allocation of Council Staff Member to the role of implementing strategies to Revive Lake Cathie.</p> <p>3/. Following the EIS:</p> <p>3a/. Prepare concept designs for Kenwood Drive bridge [widening].</p> <p>3b/. Remove sediment from Lake Cathie and Innes estuary.</p> <p>3c/. Sediment barrier infrastructure to stop sediment moving from Cathie Creek into the lake system.</p> <p>3d/. Install remote water monitoring devices (similar to Hastings River).</p> <p>3e/. Multiple height gauges.</p> <p>3f/. Membership to NSW Waterwatch.</p>
<b>Response</b>  1/ An EIS is undertaken when a development proposal is being considered. It is not a general environmental study. Nevertheless, Port Macquarie-Hastings Council (PMHC) has undertaken numerous studies and investigations of the Lake Cathie/Innes estuary system	

since the 1980s. These studies provide a great deal of information and all generally point to supporting the current Lake Opening Strategy and management practices.

2/ PMHC has environmental staff that manage the lake and surrounding environment.

3a/ PMHC prepared a hydrodynamic model of the Lake Cathie and Lake Innes systems in 2011 to test this scenario. The results suggest that widening the Kenwood Drive bridge would have some beneficial impact on water quality between Cathie Creek and Lake Cathie, however, the report also found that isolating Lake Innes would provide the greatest impact to tidal flows and water quality. The report also found these options would additionally pose the greatest threat to local ecology and/or other social or economic values through a loss of habitat, increase acidification, fish passage obstruction and destruction of marine vegetation.

3b/ Lake Cathie (south of Kenwood Drive bridge), Cathie Creek and Lake Innes are Nature Reserves managed by the National Parks and Wildlife Services (NPWS). The lower lake/estuary is Crown Land (Waterway) that PMHC manages with consultation from other stakeholders - NPWS, the Office of Environment and Heritage (OEH), NSW Fisheries, and Department of Industry (DPI - Crown Lands). PMHC has a dredging strategy to remove sediment from the lower estuary to support recreational values.

Given waterways upstream of Ocean Drive bridge are Nature Reserves, it would be very unlikely environmental approvals would be provided to dredge in Nature Reserves. Nevertheless, the hydrodynamic model of the Lake Cathie and Lake Innes systems prepared in 2011 tested dredging a channel between Ocean Drive bridge and Kenwood Drive bridge. This scenario was found to have limited water flow benefits. In addition, historic aerial photos from the 1940s show only minimal change to overall sediment and sholing in the estuary.

3c/ Historic aerial photos from the 1940s show only minimal change to overall sediment and sholing in the estuary. The most potential for sediment transport is from marine sands entering the lower lake. This sediment transport is increased lake openings (i.e. the more/longer the lake is open to the ocean the more marine sand enters the lower lake). PMHC seeks to manage this marine sand through its dredging strategy for the lower lake.

3d/ The gauges proposed for the Hastings river are rainfall and river flow gauges that will assist in flood warning and modelling. PMHC undertakes monthly water quality of Lake Cathie. Since the start of 2019, PMHC has undertaken weekly water quality monitoring. Results are on the web site. Water quality parameters indicate the water quality is fair to good. PMHC does not propose to install remote water quality monitoring gauges.

3e/ An automating and manual water level gauge is located on the Ocean Drive bridge (south-west corner). This water level gauge is managed by Manly Hydraulics Laboratory. PMHC does not propose to install additional water level (height) gauges. The water level data can be found at <http://new.mhl.nsw.gov.au/Site-207441>

3f/ PMHC was a member of Waterwatch for a brief period several years ago, however found that the Eco health aquatic ecosystem monitoring program provided better indicators the health of our rivers and estuaries. Eco health reports on the condition of key environmental indicators including water quality, riparian (riverbank) vegetation, geomorphology (channel shape), estuarine zooplankton and macroinvertebrate (waterbug) communities.

6329 - King	Support for the 'Revive Lake Cathie Incorporated' submission
6341 - Curry	Support for the 'Revive Lake Cathie Incorporated' submission

6349 - Schneider	Support for the 'Revive Lake Cathie Incorporated' submission
6418 - Simoes	Support for the 'Revive Lake Cathie Incorporated' submission
6420 - King	Support for the 'Revive Lake Cathie Incorporated' submission
6424 - Tenley	Support for the 'Revive Lake Cathie Incorporated' submission
6434 - Phillips	Support for the 'Revive Lake Cathie Incorporated' submission
6436 - Beedell	Support for the 'Revive Lake Cathie Incorporated' submission
6438 - McAnally	Support for the 'Revive Lake Cathie Incorporated' submission
6444 - Catherall	Support for the 'Revive Lake Cathie Incorporated' submission
6457 - Kent	Support for the 'Revive Lake Cathie Incorporated' submission
6459 - Pearse	Support for the 'Revive Lake Cathie Incorporated' submission
6463 - Sugden	Support for the 'Revive Lake Cathie Incorporated' submission
6466 - Graham	Support for the 'Revive Lake Cathie Incorporated' submission
6468 - Aston	Support for the 'Revive Lake Cathie Incorporated' submission
6470 - Wood	Support for the 'Revive Lake Cathie Incorporated' submission
6473 - Toombs	Support for the 'Revive Lake Cathie Incorporated' submission
6477 - Errington	Support for the 'Revive Lake Cathie Incorporated' submission
6479 - Medcalf	Support for the 'Revive Lake Cathie Incorporated' submission
6481 - Whitton	Support for the 'Revive Lake Cathie Incorporated' submission
6483 - Robinson	Support for the 'Revive Lake Cathie Incorporated' submission
6491 - Bruce	Support for the 'Revive Lake Cathie Incorporated' submission
6536 - Lawless	Support for the 'Revive Lake Cathie Incorporated' submission
6542 - Candia	Support for the 'Revive Lake Cathie Incorporated' submission
6570 - Norgate	Support for the 'Revive Lake Cathie Incorporated' submission
6611 - Teutelink	Support for the 'Revive Lake Cathie Incorporated' submission
6613 - Potts	Support for the 'Revive Lake Cathie Incorporated' submission
6615 - Field	Support for the 'Revive Lake Cathie Incorporated' submission
6619 - Campey	Support for the 'Revive Lake Cathie Incorporated' submission
6621 - Field	Support for the 'Revive Lake Cathie Incorporated' submission
6636 - Maurer	Support for the 'Revive Lake Cathie Incorporated' submission

6638 - Murray	Support for the 'Revive Lake Cathie Incorporated' submission
6645 - McGuigan	Support for the 'Revive Lake Cathie Incorporated' submission
6659 - Steep	Support for the 'Revive Lake Cathie Incorporated' submission
6668 - Donnelly	Support for the 'Revive Lake Cathie Incorporated' submission
6676 - Geronimi	Support for the 'Revive Lake Cathie Incorporated' submission
6677 - Higgins	Support for the 'Revive Lake Cathie Incorporated' submission
6698 - Kent	Support for the 'Revive Lake Cathie Incorporated' submission
6708 - Kent	Support for the 'Revive Lake Cathie Incorporated' submission
6733 - Reynolds	Support for the 'Revive Lake Cathie Incorporated' submission
6759 - Genin	Support for the 'Revive Lake Cathie Incorporated' submission
6771 - Maltman	Support for the 'Revive Lake Cathie Incorporated' submission
6789 - Drinkwater	Support for the 'Revive Lake Cathie Incorporated' submission
6848 - Drinkwater	Support for the 'Revive Lake Cathie Incorporated' submission
6421 - Kolder	Support for the 'Revive Lake Cathie Incorporated' submission
5398 - Donkin	Support for the 'Revive Lake Cathie Incorporated' submission
6321 - Smith	Support to the Revive Lake Cathie volunteer group that supports the restoration of Cathie Creek and Lake Cathie plus the restoration of Lake Innes to its original status. To this end, I urge Council to make it a priority to seek government funding to close the man-made channel (cut in 1933) that has allowed the ingress of saltwater to Lake Innes and ruined its ecological value. It would be a fine legacy for future generations if Council could facilitate this worthy endeavour.
<p><b>Response</b></p> <p>The Northern Rivers Catchment Management Authority prepared the Lake Innes Environmental Assessment in 2013 to consider the reversion back to freshwater. The report found that:</p> <p>Although there are some benefits, the benefits are marginal compared to the negative impacts and risks posed by such an action. It is almost certain that the isolation of Lake Innes would lead to the loss of a significant area of coastal saltmarsh endangered ecological community and result in the loss of the commercial fishery from the Lake. There are significant risks to water quality in both the short and long term and little in the way of social or economic benefits. Therefore, it is our conclusion that the isolation of Lake Innes and reversion to freshwater represents too high a risk to environmental, social and economic values and we recommend that the action not proceed.</p>	
6323 - Dick	Support for Revive Lake Cathie. The bridge on Ocean Drive and the bridge at Kenwood Drive Lake Cathie need to be extended to allow proper water flow under both bridges to reduce the current siltation being observed over the past 15



	<p>years or more bought by the lakes width being reduced by the reduction in width.</p> <p>The lake also requires dredging now from the Cut/Drain all the way down to the entrance of the estuary which has occurred from inaction of the issues presented.</p>
<p><b>Response</b></p> <p>Council prepared a hydrodynamic model of the Lake Cathie and Lake Innes systems in 2011 to test this scenario. The results suggest that widening the Kenwood Drive bridge would have some beneficial impact on water quality between Cathie Creek and Lake Cathie, however the report also found that isolating Lake Innes would provide the greatest impact to tidal flows and water quality. The report also found these options would additionally pose the greatest threat to local ecology and/or other social or economic values through a loss of habitat, increase acidification, fish passage obstruction and destruction of marine vegetation.</p>	
Lake Cathie Progress Association - 6357	<p>1. \$360k was provided in grant funding in August 2018-2019 under the NSW Government Coastal and Estuary Grants program and need to remain in the 2019-2020 Operational Plan along with any remaining funds Council allocated to the redirection of the storm water drainage along Illaroo Road.</p> <p>2. We acknowledge and thank Council for the \$314k funding provided in the 2019-2020 Draft Operational Plan for the construction of the Skate Park as approved in the Lake Cathie Foreshore Master Plan and urge Council to keep this funding in the final Operational Plan</p> <p>3. We also support the allocation of funding in the Draft Operational Plan for the design and development of the sporting fields and amenities block to be built behind the public school in area 14 of Lake Cathie.</p>
<p><b>Response</b></p> <p>1/ This funding will roll over in to 2019-2020 FY. The Illaroo Road Stormwater Redirection project is expected to commence in Mid-2019. Total project cost \$720,000. Operational Plan action 4.2.1.11 CW</p> <p>2/ and 3/ Your support of budgetary inclusions for Lake Cathie Skate Park and Rainbow Beach Sports Fields in the draft Operational Plan is noted. Council will keep LCPA informed as the projects progress.</p>	
Garett - 6821	<p>I am sick of seeing notifiable and noxious weeds along roadways and highways and council does nothing to remove these.</p>
<p><b>Response</b></p> <p>On an annual basis Council undertakes weed management on 2,300km of roadside weeds. Work is undertaken by a number of methods including outreach mowing and pruning, mowing/slashing and roadside spraying. Council maintains a purpose-built vehicle for roadside spraying with carefully calibrated equipment allowing for site specific spray specifications. Council utilises best practice methods in roadside spraying to minimise spray drift and off-target impact. Responsible herbicide use leaves a defined strip of dead vegetation on the road edge with control lasting up to 6 months depending on weather conditions.</p>	

Council also has a dedicated Biosecurity Officer who monitors and manages Councils responsibility under the Biosecurity Act. We encourage residents to contact Council if they see a plant of concern on 6581 8111 to report individual instances that we can investigate.	
Dirago - 6827	Flying Fox Problem - Thousands of residents have sought positive action to address this problem. The draft Plan highlights education and offers little in practical action. What practical actions are proposed for 2019-2020 and what are the related performance measures?
<p><b>Response</b></p> <p>Council have worked collaboratively with key stakeholders within the community to address concerns about the Flying Foxes at Kooloongbung Creek. A draft Camp Management Plan has been developed and was placed on public exhibition in April and May 2019 seeking community feedback. A final report is being presented to the Ordinary Council Meeting in June 2019.</p> <p>Flying Foxes are an endangered species and Council must work within conservation restrictions and legislation to ensure they remain protected and unharmed. There are many practical management options available to Council and the community such as water spraying and relocation and buffer zone implementation - all of these are outlined in the Draft Flying Fox Camp Management Plan.</p>	
<b>Council Service: Financial Management</b>	
<b>Submitter's name</b>	<b>Submitter's issue</b>
Rutherford - 5373	I feel that the cost of living is getting too expensive. Rates are getting out of control as well as water costs. I think Council should try to reduce rates down to around \$2000 per annum maximum per property. There has to be some incentive to owning a house.
<p><b>Response</b></p> <p>Your submission in regard to the cost of living getting too expensive is noted. Council levies rates in order to be able to provide a wide range of services to the Community. These services cover a number of key areas including roads and transport, sewerage, water, stormwater, waste management, environmental services, community facilities, sport and recreation facilities and services. The cost to provide these services is significant with total expenditure in 2019-2020 budgeted to be \$216.3m. Reducing rates would require a reduction in the provision of these services, however previous community surveys have indicated that our community does not desire this outcome.</p> <p>Council is not proposing an increase to rates for the 2019-2020 financial year beyond the limits placed on councils in setting rates, (known as rate pegging). The rate peg determines the maximum amount by which a council may increase its rating income for the year and is set independently by IPART (Independent Pricing and Regulatory Tribunal) NSW.</p> <p>Through an independent review of Council's financial sustainability (undertaken in late 2017 by the University of Technology Sydney (UTS) Institute for Public Policy and Governance Centre for Local Government), the review found that Councils overall financial sustainability is strong and particularly impressive given the operating environment of Council. The review also found that in general, Council has taken important steps in recent years to improve its financial sustainability and that continuing to focus on areas of potential improvement will help Council to continue to strengthen its financial sustainability in the years to come.</p>	

The UTS states that continued prudent management is the best course of action in ensuring the ongoing financial sustainability of Council and in light of this, we aim to continue our progress toward continued and improved financial sustainability in 2019-2020.

Bray - 6731

Forward Planning and Financial Control

- 1/. Balanced budgets
- 2/. More detailed financial information
- 3/. Financial details to be split by funds
- 4/. The Capital Works programs to be individually detailed to show how bulk figures are arrived at
- 5/. The Capital works program should be on a priority listed and rolling basis and adjusted regularly in accordance with variation listed in the monthly Financial Reports and approved by Council
- 6/. More details should be given on possible amounts that could be raised by loans to increase the rate of Capital Works proposed
- 7/. Devote as many resources as possible to the strategic planning for the future

**Response**

**1/. Balanced Budgets**

Council does endeavour to adopt a balanced budget position at the commencement of the budget cycle. However due to strategic and operational priorities including giving submissions from the community due consideration, this is not always possible. Where a deficit position is adopted, there is significant analysis and monitoring undertaken by management during the year with an aim to achieve a surplus position by year end. These adjustments are reported as recommendations through the monthly financial report to Council.

**2/. More detailed financial information**

The information provided is in accordance with legislative guidance and importantly does include Council's performance measures to allow transparency and clarity on what Council is planning to deliver. Management aims to provide the community with meaningful financial data. There is however significant detail underlying the financial data provided, which is available through other reporting mechanisms, such as the annual financial statements.

**3/. Financial Details to be split by funds**

Council is required to follow the Integrated Planning & Reporting Framework. The Towards 2030 Community Strategic Plan has been developed into the four themes that continue through to the Delivery Program and Operational Plan. This is why the information is presented via these themes as opposed to by Fund. The performance of the Funds is reported through the end of year financial statements which include the results for the year, balance sheet position and key performance measures by individual fund.

**4/. The Capital Works programs to be individually detailed to show how bulk figures are arrived at.**

The Capital Works programs are detailed only for the first year in light of Council adopting a one-year operational plan. Management does however maintain detailed work programs for the outer years which are rolled up to provide the bulk figures reported.

**5/. The Capital works program should be on a priority listed and rolling basis and adjusted regularly in accordance with variation listed in the monthly Financial Reports and approved by Council.**

As noted above, management maintains detailed capital works programs. These programs are monitored and updated as priorities and circumstances change. Variances related to adopted budgets are reported to Council through the monthly financial report.

6/. More details should be given on possible amounts that could be raised by loans to increase the rate of Capital Works proposed'

As part of the preparation of the annual budget and long term financial plan, Council assesses the requirement for new loans. This assessment focuses not only on funding needs but the 'affordability' of loan funds and the impact of finance costs moving forward on Council's long term financial sustainability. Council has determined at this stage that loan funds are not required to meet its objectives in the outer years.

Whilst loan repayments are forecast to increase, this relates to the principal repayment component only. Interest paid is forecast to decrease.

7/. Devote as many resources as possible to the strategic planning for the future

As with any service delivery area, management assesses the delivery requirements, including community expectations, and associated resourcing requirements, and adjusts resourcing levels if required. Funding has been included in the 2019-2020 draft budget for additional resources in this area.

Donkin - 5398

Rate charges are excessive as I live on a very small parcel of land

#### **Response**

Council levies rates in order to be able to provide a wide range of services to the Community. These services cover a number of key areas including roads and transport, sewerage, water, stormwater, waste management, environmental services, community facilities, sport and recreation facilities and services.

The cost to provide these services is significant with total expenditure in 2019-2020 budgeted to be \$216.3m. Reducing rates would require a reduction in the provision of these services, however previous community surveys have indicated that our community does not desire this outcome. Whilst it is noted that you live on a small parcel of land, the calculation of rates is tied to the value of the property. The value is supplied by the NSW Valuer General.

Johnston - 5557

Credit Card surcharge was removed last year, but now has been brought back in, but much higher than before. Does Council actually get charged this much?

#### **Response**

The credit card surcharge has been implemented to cover costs incurred by Council in providing this payment method. The surcharge has been set at a level which is below the direct costs of the payment method, in accordance with legislative requirements.

The direct costs of the payment method vary month on month, depending on the level of transactions. However, during the last 12 months, the level of direct costs charged have been between 0.63% and 0.9%.

#### **Council Service:**

#### **Sports and Recreation - Aquatic**

##### **Submitter's name**

##### **Submitter's issue**

Hannah - 5367

Rock pool, you ask what we think about upcoming plans, well I don't see any plans for promised rock pool, in fact not one word has been said about it.



Dirago - 6827	Investigation into an Ocean Pool - Many residents support the feasibility study.
Garett - 6821	I would like to see an ocean tidal pool in Port Macquarie.
<p><b>Response</b></p> <p>Council acknowledges community support for development of a tidal pool in the Port Macquarie-Hastings. Council's current focus in relation to swimming facilities is on the completion of the upgrades to Wauchope Pool, and planning for a new aquatic facility in Port Macquarie which has commenced this year. These projects have been prioritised over development of a tidal pool as both existing facilities were known to have significant structural issues.</p>	
<p><b>Council Service:</b> <b>Parks and Recreation - Parks</b></p>	
<b>Submitter's name</b>	<b>Submitter's issue</b>
Rotary Group of Port Macquarie Sunrise Incorporated - 13780	Town Beach Reserve Master Plan - request to include Seniors Exercise Park and Amphitheatre
<p><b>Response</b></p> <p>The upgrade of Town Beach Playground is identified within the draft Operational Plan. The opportunity to include seniors exercise/play as part of this upgrade is supported in principle by staff who will engage with your club through the design phase of project delivery. Council recognise that the amphitheatre is an important element of the Town Beach Master Plan. However, Council is unable to fund this improvement as this time.</p>	
Lake Cathie - Bonny Hills Lions Club - 5178	Acknowledge and support the Skate Park Project funding for Lake Cathie Foreshore
Lake Cathie Skate and Recreation Park Project working group - 6320	<p>Lake Cathie Skate and Recreation Park Project working group would like to thank Port Macquarie Hastings Council for the inclusion of funding in the 2019-2020 Draft Operational Plan for the Lake Cathie Skate &amp; Rec Park as part of the Lake Cathie Masterplan.</p> <p>We would like to ask Port Macquarie Hastings Council to allocate the funds as detailed in the Draft Operational Plan, and include said funds in the finalised 2019-2020 Operational Plan.</p>
Cooper - 6494	In support of skate park at Lake Cathie
Franklin - 6498	In support of skate park at Lake Cathie
Tierne - 6564	In support of skate park at Lake Cathie
Fitzgerald - 6608	In support of skate park at Lake Cathie
Miller - 6642	In support of skate park at Lake Cathie
Jolly - 6792	In support of skate park at Lake Cathie

<b>Response</b>	
Council acknowledges the support of budgetary inclusions for Lake Cathie Skate Park	
6421 - Kolder	Location of Skate Park at Lake Cathie
<b>Response</b>	
The location of the skate park within Foreshore has been resolved through the development and adoption of the Lake Cathie Foreshore Master Plan. This plan was developed following a comprehensive community engagement process and there is broad community support for the development of the skate park in this location.	
Rogers - 5606	Bain Park Playground - request for shade provision in summer
<b>Response</b>	
The upgrade of this playground is tentatively scheduled for renewal in 2021-2022. As a district level playground, this facility will include a shade structure when it is replaced. When the current playground was first designed and constructed shade was provided by existing mature trees located around the site. The removal of a dead tree since playground development has reduced the amount of natural shade provided at this facility. A replacement tree will be planted in coming months.	
Elliott - 5705	Rocks Ferry Reserve - Riverbank restoration works and request for funding to allocated to undertake work
<b>Response</b>	
Rocks Ferry Reserve is recognised as a significant recreational asset for Wauchope and the broader community. On this basis, it is important to understand the broader community desire for this area which ideally would be tested through the development of the Wauchope Community Plan which will commence in September 2019.	
Member of the Kew, Kendall, Lorne and Herons Creek CCAT - Conman - 5951	Requesting that Kew Parklands be included in the 2019-2020 Operational Plan.
Kew Parklands and Kew Main street Committee - Bignell - 6560	Request the Kew Parklands proposal be considered in the operational plan for the 2019-2020 budget.
Churnside - 6411	Approval be given in support of The Parklands project at Kew
<b>Response</b>	
Council acknowledges that there is a need for open space to service the existing and future community of Kew. Council's planning recognises this and plans for the provision of a children's play facility are currently being developed in consultation with the community. This facility will be constructed later in 2019. At this time staff are unable to support the Kew Parklands proposal but recognises that additional open space will be required to service the community as development continues to the west of the village.	
McIntosh - 5956	The allocation of funds to upgrade Vince Inman Sporting fields in Laurieton is great and further funds needs to be included across the next few years to enable these well used fields to be maintained and the facilities upgraded to a satisfactory level.

	As part of this allocation the lighting at the tennis courts needs to be included in the lighting system across the ovals. At present the lights at the tennis courts are not at a recommended standard
<b>Response</b>	
Council is currently working with the Vince Inmon Sporting Fields user groups to develop a facility master plan for this sporting precinct. Through this process staff will work with user groups to prioritise improvements and will support them to seek grant funding above and beyond the \$560,000 included in the draft Operational Plan to deliver desired upgrades in partnership with Council.	
Proud - 5973	Coastal Walkways - access at northern end of Shelly Beach is not easily gained at high tide and sand being washed away with large rocks exposed and then the rocks also become slippery.
<b>Response</b>	
Council is aware of the challenges experienced by some Coastal Walk users during high tides and periods of large swell. As a result of this access issue, Council has completed detailed designs for the upgrade of Pacific Drive between Leanda Street and Parklands Close, including the provision of a shared path to provide an alternate route when access is difficult at North Shelley Beach. This project is not considered a priority at this time. Current focus is on upgrading the sections of the Coastal Walk between Town Beach and Flagstaff Hill and Oxley Beach and Windmill Hill. This project will be considered in development of future budgets.	
Friends of Mrs Yorks Garden - Davidson - 6243	Requesting at least \$50,000 be allocated to continuing the re-creation of the Garden, incorporating the Master Plan features approved by PMHC at its meeting on 20/3/2019.
<b>Response</b>	
There will be a balance of funds from the \$50,000 included in the current financial year budget for development of the Mrs York's Garden Master Plan. The scale of available funding is subject to confirmation but staff are supportive of this funding being used by FMYG for master plan implementation. Further, staff will support FMYG in making application for grant funding to undertake further master planned works.	
Cooper - 6501	Footpath from Mrs Yorks Garden to Gaol Point
<b>Response</b>	
The construction of the missing pathway link between Gaol Point and Mrs York's Garden is a current priority for one of our local service groups. Council is supporting this group to achieve this outcome.	
Bailey - 6741	Request for non-slip crossing over stream on Doctors Walk
<b>Response</b>	
The upgrade of Doctors Walk including the bridging of the stream crossing section is a current priority project for Council. The detailed design for the upgrade of this section of the Coastal Walk has commenced and construction will occur later in 2019.	

Lake Cathie Bonny Hills Sports Field Committee - Spencer - 6756	Support the adoption of the allocated funding for the Lake Cathie - Bonny Hills Sporting Fields.
Williams - 6830	Rainbow Beach Sports fields and the adoption of allocated funding in the budget.
<b>Response</b>	
Lake Cathie Sports Field Committees support for the Rainbow Beach Sports Fields project inclusion in the draft 2019/20 Operational Plan is noted. Council staff will continue to engage with your committee as project plans develop.	
Nalty - 6797	Request to install children's playground and exercise equipment and upgrade boardwalk North Haven
<b>Response</b>	
There is strong community support for this sort of improvements to the Beach to Beach Walk as identified through the Camden Haven Community Planning process. Council has identified the need to replace the Bunnys Corner playground in 2019/20. Staff are engaging with the Camden Haven CCAT to determine whether this facility could be relocated to better integrate with the Beach to Beach Walk and other existing infrastructure. Other improvements can be considered through strategic planning for the Beach to Beach Walk and development of a public art strategy which is currently underway.	
Cook - 5579	Is there any provision in Council's draft budget plan for the establishment of an athletics field? There is no year round marked athletic field in Port Macquarie. For the past 10 years Council has "promised" to create an athletics field in the Wayne Richards sporting fields complex but nothing has happened.
<b>Response</b>	
Provision of an athletics facility in Port Macquarie has been identified in the Council adopted Wayne Richards Park Master Plan. Detailed design for the athletics facility is a current Council project. At this time, Council engagement with the athletics community has been limited to discussions with Athletics NSW. However, engagement with local athletics stakeholders will occur as the planning process develops. A timeframe for construction of this facility cannot be confirmed at this time.	
Nash - 6528	Is there money allocated to maintaining the Queenslake walking/shared pathway?
<b>Response</b>	
There is not a specific maintenance budget for the Queens Lake Walking Trail in West Haven. There is a centralised area-based budget for maintenance of parks and reserves including recreational assets such as this walking trail. Staff will inspect the walking trail and will program maintenance as required.	
North Shore Community-Council Action Team (CCAT) - 6796	Over the past 3 months the North Shore CCAT has identified the following as the key short-term priorities for the North Shore and wish to have these priorities considered for inclusion in Council's 2019-2020 Operational Plan: 1/. Erection of a toilet block to serve the Coal Wharf Reserve area;



	<p>2/. Extension of hours for the Hibbard Ferry from 5:30 am to 8pm and</p> <p>3/. Erection of a boat ramp and explore options for a floating jetty to serve the North Shore</p>
<p><b>Response</b></p> <p>1/. The provision of new amenities at Coal Wharf Reserve is currently not in our planning. Amenities were formerly provided at Coal Wharf Reserve but were decommissioned when a decision was made in consultation with the community to replace the Coal Wharf amenities at Ferry Reserve.</p> <p>If there is a proven need, Staff would consider a community led proposal to install these facilities, however this would be reliant on community being able to fund construction and maintenance of this asset.</p> <p>2/. Council will work with the current ferry operator to understand the cost implications of increase the hours of operation of the Hibbard Ferry, including the potential for a trial of extended hours to analyse the additional usage and benefit to the community. Information gained from this investigation will help develop future operating specifications.</p> <p>3/. The boat ramp is not considered a current priority for Council in the 19/20 operational plan. However, this project is included in Council's 10-year recreation works programme and funding will be considered for this purpose in development of future Operational Plans.</p>	
Johnston - 5557	<p>Wauchope and Laurieton have a dog park, Port doesn't have one - suggest using the empty Council land up from Oxley Oval.</p>
<p><b>Response</b></p> <p>Council has prioritised provision of a dog off-leash park in Port Macquarie at Stuart Park Sporting Complex. A range of sites were carefully considered before confirming Stuart Park as the preferred site, including Oxley Oval. Oxley Oval was not the preferred site on the basis that is located quite close to an existing dog exercise area at Nobbys Beach.</p> <p>At present all dog exercise areas in Port Macquarie are located at beaches. Provision of a dog off-leash park at Stuart Park improves accessibility for dog owners in western parts of Port Macquarie.</p>	
Men at Work - Cargill - 6175	<p>Where is Red Ochre Park going be located?</p>
<p><b>Response</b></p> <p>Red Ochre Park is to be established within Council owned Community land located in the area of Howell Avenue to The Point Drive and to the east to adjoin the existing bushland area.</p> <p>Council will engage with local residents early in the planning phase of this project through to completion of the park project.</p>	
Donkin - 5398	<p>1/. Would like an upgrade to the shower facilities at Bartlett</p> <p>2/. Request clean-up of overgrown and half dead trees at Bartlett</p>
<p>1/. The upgrade of the Bartlett's Beach amenities block is identified as an action in the Council adopted Bonny Hills Reserves Master Plan. While not an immediate priority, the upgrade of this facility will be considered in future Operational Plans.</p>	

2/. Council's position regarding termite control on lands it manages is that they are an important part of the ecosystems, being highly important in the process of tree hollow formation which provides habitat and nesting dens for many native animals.

Council does not treat termite infestations on public lands. With a large local government area to maintain it is not possible to provide termite management services with the current level of funding. For this reason, it remains the responsibility of property owners to ensure their property is suitably protected against termite infestation and arranging regular inspections to be carried out by a licensed pest controller.

Bowmaker - 6520

Would like a shade area at Laura Place Reserve Lakewood

**Response**

Council currently has 64 playground facilities across the local government area. It is not practical to provide shade structures at all playground facilities. Council's focus is on providing and maintaining shade structures at regional and district level parks where natural shade is not provided.

Copper - 6530

Compliment on Westport Park footpath

**Response**

Submission noted and will be included in Council's compliments register.

Dirago - 6827

Implementing the approved Tacking Point Master Plan - Council approved this Master Plan some years ago but no action has been taken to design and construct the approved access facility for people with disabilities. Why is this the case?

What action is planned for 2019-2020.

What grants will be sought in 2019-2020.

Which Council Director has responsibility for the project.

**Response**

Melissa Watkins, as Director of Development and Environment is responsible for implementation of Tacking Point Lighthouse Master Plan. Council has sought, and will continue to seek, grant funding for construction of the accessible walkway connection to Tacking Point Lighthouse. While this connection is considered important, the current focus for improving facilities for persons with a disability is a range of other projects including (but not limited to):

- Short Street Accessible Amenities including an adult change facility
- Provision of accessible, gender neutral amenities and an accessible 1.9km walking loop as part of the Stuart Park Regional Sporting Precinct Project
- Construction of Rainbow Beach Sports Fields including accessible amenities and related infrastructure
- Construction of new accessible amenities at Foreshore Reserve, Lake Cathie and Pilot Beach, Camden Head
- Construction of Stage 1 of Flynns Beach Seawall including accessible pathways and access ramp onto the beach
- Upgrade of Blair Reserve Playground and Town Beach playgrounds to be more inclusive in their design

On this basis, no action is planned in regard to the accessible ramp project at Tacking Point Lighthouse Reserve during 2019/20 unless a suitable grant opportunity arises and this project is prioritised for application.

**Council Service:**



Parks and Recreation - Trees	
Vollebergh - 6674	Trees and Drainage issues on The Binnacle - Residents of Macquarie Palms
<p><b>Response</b></p> <p>Council's geospatial information system indicates that the stormwater pipes are not located under these paperbark trees but in fact on the opposite side of the road. Council has inspected this intersection on several occasions and has deemed the line marking as appropriate at this intersection.</p> <p>Removing mature trees in an urban environment must be significantly justified to counter the environmental impact this would have, it has been previously assessed by Arborist and Transport Engineer and determined that the removal of the trees is not justified. The stormwater system in this area is not known as a flooding hotspot and the drainage system will continue to be maintained in line with current level of service.</p>	
Council Service: Roads, Bridges and Transport - Footpaths	
Submitter's name	Submitter's issue
Schools to Schools committee - Koeing - 6898	<p>Request to include shared pathways for Schools to Schools and request to have specific footpaths for schools to schools included in the 2019-2020</p> <p>1/. Construction of footpath between Brother Glen and Sirius Drive on northern side of Ocean Drive</p> <p>2/. Engineering, Planning and construction of footpath between Henry Kendall Drive and Bayside Circuit on northern side of Ocean Drive</p> <p>3/. Engineering and Planning of footpath between Laurie Street and Seymore Street on western side of Lake Road</p> <p>4/. Engineering and Planning of footpath between Homedale Drive and Old Bridge Road on north side of Kendall Road</p>
<p><b>Response</b></p> <p>Council has an annual footpath, cycling and pedestrian works program, which covers the Local Government Area (LGA). As part of this program Council also applies for funding from the State Government for specific pathway projects. Council has applied for funding to continue the schools to schools pathway from Sirius Drive to Brother Glen Drive, which, if successful will also require Council funding from this program.</p> <p>Council has also applied funding to support planning and design of the section from Homedale Drive to Old Bridge Road. Please be aware that Council receives a large number of requests annually for the construction of new pathways across the entire LGA. Due to the limitations of funding it is not possible to design and construct all of the pathways that are requested by the community and large allocations of funding to specific projects detracts from providing improvement works in other areas of the LGA.</p> <p>Council allocates priorities to new footpath works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.</p> <p>In accordance with the Schools to Schools shared pathway strategic alignment plan, Council will continue to give consideration to this pathway and the required planning, design and construction works needed in line with other pedestrian and cycling works priorities across the LGA.</p>	

Lobbon - 5383	Would like to see more consideration of shared path/cycleways
<p><b>Response</b></p> <p>Council receives a large number of requests annually for the construction of new footpaths but it is not possible to construct all of the new paths that are requested by the community. Council allocates priorities to new footpath works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.</p>	
Davies - 5386	Pilot Beach Cycle Track - Beach to Beach are carrying out work on the above track in the future. I would like to see this escalated as I am blind and need to be able to walk to Pilot Beach. Pilot Beach is narrow and carries some heavy vehicles which is dangerous. Do you have any plans to work on this access route?
Davies - 5954	Re: 4.4.1.55 - Beach to Beach – shared path project at Camden Haven. Request to build a boardwalk ASAP around the mangroves at the end of the tip road in Dunbogan. We are not getting a fair share of money allocated in Dunbogan when there are many non-life threatening projects attracting money from PMHC budgets.
<p><b>Response</b></p> <p>Council is currently developing a masterplan for the remaining sections of the Beach to Beach shared pathway project connecting Dunbogan Bridge to Pilot Beach. The first stage in the masterplan process, which is currently in progress, is to determine the environmental approvals required to construct each section of path. Once this work is complete Council will be able identify the next sections of the path that are likely to be constructed subject to funding. This will include consideration of the section of path leading to Pilot Beach.</p>	
Ritchie Village Property Pty Ltd - 6779	Request for development of a strategic Pathways Plan to consolidate and construct the B2B, Ck2Ck and S2S and supplementary pathways network, in alignment with other identified key linkages to public spaces, reserves, national parks and recreational parks. Request to include a shared pathway of approximately 1.7km that links businesses and residents situated on Diamond Head Road and Beach St to Dunbogan, Laurieton and the greater Camden Haven.
Wassell - 6265	Request for a footpath at Dunbogan - Diamond Head Road. Men's Shed / Diamond Waters Caravan Park.
Fay - 6326	Request for a footpath at Dunbogan - Diamond Head Road. Men's Shed / Diamond Waters Caravan Park.
Buchanan - 6378	Request for a footpath at Dunbogan - Diamond Head Road. Men's Shed / Diamond Waters Caravan Park.
Niller - 6505	Request for a footpath at Dunbogan - Diamond Head Road. Men's Shed / Diamond Waters Caravan Park.
Richards - 6506	Request for a footpath at Dunbogan - Diamond Head Road. Men's Shed / Diamond Waters Caravan Park.

St George - 6512	Request for a footpath at Dunbogan - Diamond Head Road. Men's Shed / Diamond Waters Caravan Park.
Burton - 6514	Request for a footpath at Dunbogan - Diamond Head Road. Men's Shed / Diamond Waters Caravan Park.
Miller - 6518	Request for a footpath at Dunbogan - Diamond Head Road. Men's Shed / Diamond Waters Caravan Park.
Tranter - 6284	Request for a footpath at Dunbogan - Diamond Head Road. Men's Shed / Diamond Waters Caravan Park.

**Response**

Council is currently developing a masterplan for the remaining sections of the Beach to Beach shared pathway project connecting Dunbogan Bridge to Pilot Beach. This alignment study will add to the existing strategic alignment plan for Schools to Schools. Council will continue to work with the Creek to Creek committee to identify the best way to develop a master plan for this particular pathway noting the majority of the alignment is across Crown Lands.

These strategic plans along with Council's Pedestrian Access and Mobility Plan form the overall Strategic Pathways Plan. Council Community Action Teams (CCAT) will help guide how best to consolidate the plans to show an overall alignment network plan of the area.

Council has an annual footpath program and will consider for inclusion the suggested new path along Diamond Head Road from the Dunbogan Bridge to the Diamond Waters caravan park.

Please be aware that Council receives a large number of requests annually for the construction of new footpaths. However, due to the limitations of this funding it is not possible to construct all of the new footpaths that are requested by the community. Council allocates priorities to new footpath works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.

Council has received grant money to upgrade the intersection of Diamond Head Road and The Boulevarde to improve flood access. This project includes the construction of a pathway from the Bridge to meet the shared path on The Boulevarde, approximately 270m, a segment of which is on the requested route.

The cost of a new path for approximately 1.7km along Diamond Head Road from the Dunbogan Bridge to the Diamond Waters Caravan Park would likely exceed the current annual allocation and based on the adopted criteria for prioritisation under this program would not rank highly.

Groves - 6448	Would like to see completion of paths and cycleways in Lakewood
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**Response**

Council has an annual footpath, cycling and pedestrian works program. As part of this program Council also applies for funding from the State Government for specific pathway projects. Council has applied for funding to continue the schools to schools pathway from Sirius Drive to Brother Glen Drive. Council will also give consideration to other pathway and pedestrian works in the Lakewood area, but please be aware that Council receives a large number of requests annually for the construction of new footpaths. Due to the limitations of funding it is not possible to construct all of the new footpaths that are requested by the

community. Council allocates priorities to new footpath works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.	
McNiece - 6454	Beach to Beach (B2B) pathways and safety issues in Dunbogan - the pathway should be on the residential side of the road and not the waters edge. The ambiance and environment protection of the river are of utmost importance to the area.
<p><b>Response</b></p> <p>Council is currently developing a masterplan for the remaining sections of the Beach to Beach shared pathway project connecting Dunbogan Bridge to Pilot Beach. The first stage in the masterplan process, which is currently in progress, is to determine the environmental approvals required to construct each section of path.</p> <p>Key considerations during this planning work is protecting the environment and ensuring the path is safe for all users. Once this work is complete Council will be able identify the next sections of the path that are likely to be constructed subject to funding. Council is working closely with the B2B Community Committee and the Community-Council Action Team (a part of the new community planning incentive) to have input on the pathway planning.</p>	
Scott - 6455	Request completion of the Beach to Beach footpath from Laurieton to Dunbogan due to safety concerns
<p><b>Response</b></p> <p>Council is currently developing a masterplan for the remaining sections of the Beach to Beach shared pathway project connecting Dunbogan Bridge to Pilot Beach. The first stage in the masterplan process, which is currently in progress, is to determine the environmental approvals required to construct each section of path.</p> <p>Key considerations during this planning work is protecting the environment and ensuring the path is safe for all users. Once this work is complete Council will be able identify the next sections of the path that are likely to be constructed subject to funding. This includes the section of path from the Tip Road to the Boat Shed. Council is working closely with the B2B Community Committee and the Community-Council Action Team (a part of the new community planning incentive) to have input on the pathway planning.</p>	
Lill - 6508	Support for pedestrian crossing near Real Estate at Bold St in Laurieton
<p><b>Response</b></p> <p>Noted that this submission supports the proposed location of the pedestrian crossing on Bold Street in Laurieton.</p>	
Hamilton - 6523	Request for a pedestrian refuge for shared path - Sirius Drive Lakewood
<p><b>Response</b></p> <p>Unfortunately, due to the configuration of the intersection of Sirius Drive and Ocean Drive (a requirement to maintain turning lanes) and the significant number of services adjacent to</p>	



<p>the road it is not feasible to construction a pedestrian refuge on Sirius Drive to connect the shared path.</p> <p>Council's strategic planning has identified the potential need to upgrade this intersection to traffic signals, which would include a controlled pedestrian crossing on Sirius Drive. Consideration will be given to investigation and design funding in future operation plans.</p>	
Smith - 6532	Footpath on Hoskie Road West Haven
<p><b>Response</b></p> <p>Council has an annual footpath, cycling and pedestrian works program and will consider for inclusion the suggested new path along Hoschke Road. Please be aware that Council receives a large number of requests annually for the construction of new footpaths.</p> <p>However, due to the limitations of this funding it is not possible to construct all of the new footpaths that are requested by the community. Council allocates priorities to new footpath works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.</p>	
Lameloise - 6601	Pedestrian crossing corner of Stewart Street - Grant Street Port Macquarie
<p><b>Response</b></p> <p>Council has an annual footpath, cycling and pedestrian works program and will consider for inclusion investigation and design works to improve pedestrian safety at the intersection of Grant and Stewart Streets.</p> <p>Please be aware that Council receives a large number of requests annually for pedestrian improvement works. However, due to the limitations of this funding it is not possible to undertake all works that are requested by the community. Council allocates priorities to works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors. Planning and design works are an important first step in providing infrastructure improvements.</p>	
Camden Haven Community Council Action Team (CCAT) - 6729	Camden Haven CCAT have agreed with the that the most urgent priority, is to create opportunity for the Camden Haven to be a more connected community. This can be achieved by completing the planning and construction of the three projects known as: Beach to Beach, Creek to Creek and Schools to Schools shared pathways as well as identifying/constructing key pathways across the community to ensure connectivity between key public spaces, beaches, waterways, reserves, national parks and recreational parks.
<p><b>Response</b></p> <p>Council will work with the CCAT to help identify the best way to utilise the limited resources to complete the required planning for the Camden Haven pathway network and the prioritisation of sections for construction.</p>	
Every - 6791	Request footpath from Hill Street to Roto House Port Macquarie

**Response**

Council has an annual footpath, cycling and pedestrian works program and will consider for inclusion the suggested new path along Lord Street connecting to Roto House.

Please be aware that Council receives a large number of requests annually for the construction of new footpaths. However, due to the limitations of this funding it is not possible to construct all of the new footpaths that are requested by the community. Council allocates priorities to new footpath works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.

Every - 6794

Request for extension of footpath Emerald Drive and Matthew Flinders Drive from near the roundabout at Marbuk Ave / Lighthouse Plaza entry through to the path in the reserve adjoining

**Response**

Council has an annual footpath, cycling and pedestrian works program and will consider for inclusion the suggested new path along Emerald Drive.

Please be aware that Council receives a large number of requests annually for the construction of new footpaths. However, due to the limitations of this funding it is not possible to construct all of the new footpaths that are requested by the community. Council allocates priorities to new footpath works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.

Counsell - 6795

Request for pathway at the north/eastern side of Ocean Drive between Rodley and Beach Streets and beautification of Bonny Hills

**Response**

Council has completed concept designs for a shared path along Ocean Drive from Rodley Street and Beach Street. Unfortunately, due to the narrow road and steep terrain in this area the cost estimate is approximately \$1.5Million. While Council does have funding for an annual footpath, cycling and pedestrian works program this funding is for the entire Local Government Area. Council will continue to seek grant funding opportunities that may apply to improving pedestrian connectivity in Bonny Hills.

Regarding the current stockpile site to the south of Bonny Hills, this site is critical to road maintenance operations in the Camden Haven. Council understands the amenity impacts of having an operational stockpile site located at the entrance to a town and as such is currently reviewing our stockpiling procedures.

Woodgate - 5570

1. Footpath needed near houses at 48 and 50 Currawong Drive - approx. 90 meters long.
2. Major Innes Road to the school - crossing at the pedestrian safety zone becomes crowded with children from the bus drop off zone. No lollipop person or line marking on the road approaches.
3. Footpath needed near the bus stop zone on Major Innes Road, near house 25 and 31 Currawong Drive



	4. Footpath needed near 21 and 31 Currawong Drive and 48 and 50 Currawong Drive, there is a gap of several hundred meters.
<p><b>Response</b></p> <p>Council has an annual footpath program and will consider for inclusion the three sections of suggested new path along Currawong Drive.</p> <p>Please be aware that Council receives a large number of requests annually for the construction of new footpaths. However, due to the limitations of this funding it is not possible to construct all of the new footpaths that are requested by the community. Council allocates priorities to new footpath works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.</p> <p>Currently there is no children's crossing zones around St Columba Anglican School. An application for a children's crossing zone and crossing Supervisor is made by the School Principal. All applications made are assessed by Transport for NSW against a set of criteria. Council works closely with all schools across the Local Government Area to help improve safety for school children.</p>	
Nash - 6528	Of the allocation of \$1,000,000 for new pathways can a large chunk go to Schools to Schools and Beach to Beach?
<p><b>Response</b></p> <p>Council has an annual footpath, cycling and pedestrian works program, which covers the Local Government Area (LGA). As part of this program Council also applies for funding from the State Government for specific pathway projects. Council has applied for funding to continue the schools to schools pathway from Sirius Drive to Brother Glen Drive, which if successful will also require Council funding from this program. Please be aware that Council receives a large number of requests annually for the construction of new footpaths across the entire LGA.</p> <p>Due to the limitations of funding it is not possible to construct all of the new footpaths that are requested by the community and large allocations of funding to specific projects detracts from providing improvement works in other areas of the LGA. Council allocates priorities to new footpath works on the basis of safety, construction cost, traffic volume on adjacent road, proximity to town centres, shops, schools, medical facilities, recreation areas and other factors.</p>	
<p><b>Council Service:</b> <b>Roads and Transport – Roads</b></p>	
<b>Submitter's name</b>	<b>Submitter's issue</b>
Coman - 5274	The Kew Main Street has not been included, this has just received federal funding of \$800,000 with a co-contribution of \$800,000 from council. I would have thought this would form part of the Operational Plan?
<p><b>Response</b></p> <p>The Kew Main Street project was omitted from the draft 2019-2020 Operational Plan due to the timing and confirmation of the Federal Government funding application announcement. This project will be delivered over multiple years commencing 2019-2020. Therefore, the final Operational Plan will be updated to include this project. Refer to 4.4.1.34 CW.</p>	

Cleary - 5292	Pappinbarra Road is dangerous. Corners are difficult to navigate for buses and large vehicles and the road also has no line marking, is this because of the width of the road?
<p><b>Response</b></p> <p>Like many rural roads, Pappinbarra road has been constructed to best suite the terrain and as such winds through steep terrain. Council reviews road safety and crash data across the Local Government area and implements safety improvements on high priority sites as funding permits.</p> <p>The line marking on rural roads is dictated by traffic volumes and road width, if narrow roads have high volumes of traffic, then a centre line is typically installed. The eastern section of Pappinbarra Road has higher traffic volumes therefore further line marking was installed in 2018. The western sections has lower volumes therefore line marking is not warranted.</p>	
Jones - 5298	The condition of Lighthouse road is dangerous, need upgrades done immediately. There is no footpath for children to walk or ride their push bikes on.
<p><b>Response</b></p> <p>Council was recently successful in receiving Federal Government grant funding to contribute towards Council funding enabling the upgrade the eastern section of Lighthouse Road (from Matthew Flinders Drive to the Lighthouse), with construction works scheduled to starting in the coming months.</p> <p>In the 2019-2020 Operational Plan, Council has an operational task to work with National Parks and Wildlife Services to adjust road boundaries that go over National Park boundaries, this includes the western end of Lighthouse Road. Following the adjustment of the road boundary Council will continue to seek grant funding to complete the designed upgrades of the western section of Lighthouse Road.</p>	
Thogersen - 5355	Where can I find details about the reconstruction of the Ruins Way?
<p><b>Response</b></p> <p>The reconstruction of The Ruins Way is currently in the design phase, the project will include the resurfacing of the The Ruins Way between Major Innes Road and Sitella Street. Works will include the construction of kerb and gutter on the eastern side with continuation of the pathway from Sitella Street to Major Innes Road intersection. Council staff are happy to answer any specific questions you might have.</p>	
Hicks - 5379	No curb on both sides of Ocean Drive Lake Cathie with water continually running from the road to our property, eroding the ground.
<p><b>Response</b></p> <p>Council's primary focus is to maintain rather than upgrade existing road infrastructure. Typically, new kerb and gutter is installed through private development.</p> <p>There have been recent community discussions about future upgrades to Ocean Dr which is likely to result in new kerb and gutter between Middle Rock Rd and Tallong Dr however the community have indicated that completion of the southern end of this project will take</p>	

<p>priority. Undertaking this project requires significant investment and partnership with the State and Federal Governments.</p> <p>This project is listed as item 4.4.1.33 in the DRAFT Operational Plan for detailed design work though unfortunately it concludes short of 1629 Ocean Drive.</p>	
Desouza - 5393	Only one way into and out of Timbertown estate. Should there be fire, there is no way to get out. Please build another access road to make it safe.
<p><b>Response</b></p> <p>Strategic plans for the area includes a secondary access for the Timber Town estate via Bushman Drive. There is currently an approved Development Application on the parcel of land to the west of Timber Estate that includes the extension of Bushman Drive and a secondary intersection on the Oxley Highway. As this forms part of a private development any associated timeframes are outside Council's control.</p> <p>For estates across the Local Government area such as Timber Town that currently have single access points, Council works with the Local Emergency Management Committee to ensure emergency response provisions are adequate.</p>	
Kennedy - 5611	Forbes River Road, Cattle grid and weight loading need to be addressed.
<p><b>Response</b></p> <p>Works are planned for May 2019 to address the pavement defects surrounding the cattle grids. The cattle grids are maintained by the adjoining property owners in accordance with Council Policy and standards. Weight limiting the road restricts access for all users and without any reasonable detours to divert traffic, this action is not permitted.</p>	
Whitelock - 5777	Request for an extension of school bus route on The Ruins Way due to inadequate safe walking paths from the bottom of the Ruins Way to past the Winery
<p><b>Response</b></p> <p>Bus routes are set by Transport for NSW in conjunction with the bus provider (Busways). Council will refer your request for an extension of the bus route on The Ruins Way to Transport for NSW for consideration. We are pleased to advise you that as part of the resurfacing works planned on the Ruins Way in the 2019-2020 Operational Plan, a pathway will be installed between Sitella Street and Major Innes Road. Extensions of this pathway will continue toward Annabella Drive in the future.</p>	
Hutchison - 5944	Would like to see consideration in the plans to seal some unsealed roads and it could be achieved with Council's budget and with support of State or Federal funding. Particularly Lorne Road up to Comboyne (14.1km).
<p><b>Response</b></p> <p>Unfortunately, Council's roads budgets cannot support the sealing of unsealed roads such as Lorne Road as it would significantly affect the level of service for road maintenance across the Local Government Area. This is reflected in Council's Unsealed Roads Policy.</p>	

Council does from time to time apply for State and Federal Government grants to support the upgrade of unsealed roads, a recent example being Maria River Road. Grant applications are typically supported by investigation and designs for the upgrades in order to get an accurate estimate of the costs and outline how the projects meet specific criteria in order to be successful.

Council will consider undertaking investigation and design works on Lorne Road in future operational plans in preparation for any grant programs that would be applicable to such a project. Typically, there has to be a specific grant funding program on offer from the Government to apply for funding. Until such time Lorne Road will continue to be maintained as an import arterial road link.

Knight - 6681

Sealing of Batar Creek Road - The unsealed gravel intersection of Batar Creek Rd and Cedar Loggers Lane is a serious hazard to the community and particularly school children.

**Response**

Unfortunately, Council's roads budgets cannot support the sealing of unsealed roads such as Batar Creek Road as it would affect the level of service for road maintenance across the Local Government Area. Council reviews road safety and crash data across the Local Government area along with traffic volumes and implements safety improvements on high priority sites as funding permits. This intersection has a low traffic volume and no recorded crashes. Council will review this intersection and discuss with Busways regarding the safety of the school bus stop.

Dean - 6747

Road maintenance from the new Bunnings site - debris lying in drains and gutters - the island looks disgraceful to tourist.

**Response**

Council undertakes a range of road maintenance activities, including vegetation maintenance, across the entire Local Government Area within the limitations of the available funding.

King and Campbell Pty  
Ltd - Thorn - 6812

Support for The Ruins Way reconstruction on behalf of St Agnes Parish

**Response**

Thank you for your support of the upcoming construction works to upgrade the Ruins Way. During finalising the design, consideration will be given to any future intersection adjacent to Lot 14 and the requirement to minimise any services in this location.

McMahon - 6846

Request for sealing of Batar Creek Road

**Response**

Unfortunately, Council's roads budgets cannot support the sealing of unsealed roads such as Batar Creek Road as it would affect the level of service for road maintenance across the Local Government Area. Council reviews road safety and crash data across the Local Government area along with traffic volumes and implements safety improvements on high priority sites as funding permits.

Johnston - 5557

1. Do the rest of Lake Road duplication instead of just saying planning.



	2. Herschell Street goat track needs fixing.
<p><b>Response</b></p> <p>1/. Undertaking detailed investigation and planning for road upgrades is an important first step to any construction works. Council considers funding for important upgrades like Lake Road duplication in line with all other services that are delivered to the Community. The continual upgrade of Lake Road will be considered in future operational plans.</p> <p>2/. The road rehabilitation works on Herschell have been delayed pending the Wrights Creek Flood Study. The section of Herschell Street that needs repairing has stormwater culverts beneath it that affect how the road can be repaired. Any changes to the stormwater culverts or road levels may lead to flooding of properties up of downstream. The flood study is nearly complete, and once it is, Council will be able to correctly design the required upgrades to Herschell Street. It is anticipated this will occur within the next 3 years.</p>	
Men at Work - Cargill - 6175	<p>1/. Does the Ruins Way Upgrade between Major Innes Dr and Sitella Street include the addition of a footpath?</p> <p>2/. Will the design for duplication of Lake Road (Ocean Drive to Chestnut Road) be completed the 2019-2020 year?</p>
<p><b>Response</b></p> <p>1/. The reconstruction of The Ruins Way is currently in the design phase, the project will include the resurfacing of the The Ruins Way between Major Innes Road and Sitella Street. Works will include the construction of kerb and gutter on the eastern side with continuation of the pathway from Sitella Street to Major Innes Road intersection.</p> <p>2/. No, the concept designs are currently being finalised, with the next phase of the project being to adjust the road boundaries with the Lake Innes Nature Reserve (National Park). Adjusting boundaries of National Parks is a lengthy process and will likely include an Act of NSW Parliament. Once Council has in-principle agreement from the National Parks and Wildlife Services and the concept design is acceptable, the detailed design can commence. Consideration will be given to funding the detailed design in future operational plans.</p>	
Garett - 6821	<p>I am against the new road link proposal that will bulldoze people's houses and go through a koala and kangaroo colony in Port Macquarie.</p> <p>I feel like Wauchope misses out on council funding.</p> <p>I would like to see bike lanes and more parking in Wauchope.</p>
<p><b>Response</b></p> <p>Thank you for your comments regarding the Orbital Road, Council has recently completed the public consultation with the consultation report being tabled at June 2019 Council Meeting. At this meeting, Council will make a decision whether to proceed with the strategic business case for this project which will assess all viable options to improve our transport network around the Ocean Drive, Lake Road and Wrights Road precincts of Port Macquarie.</p> <p>Wauchope is a key population area within our LGA. In recent years has received a large portion of Council's road maintenance funding with numerous road resurfacing works carried out around the area. Included in the 2019/20 Operational Plan is funding for the continuation of the Bago Road rehabilitation project from Milligans Road to Blue Water Crescent. Also, Council has partnered with RMS to deliver the \$2 million Wauchope Main Street project to improve pedestrian safety and the amenity of the main street.</p>	

Smaller projects that Council has delivered to Wauchope community is the off leash dog park and improvement works to Rocks Ferry Reserve. Also included in the 2019/20 Operational Plan is Council's Parking Strategy which will include Wauchope.

In the longer term, as part of planning for the continual growth in our region Council is currently developing a Regional Integrated Transport Strategy to identify the key transport decisions and actions that will guide Council to ensure our transport networks are safe, operate efficiently and have adequate capacity for now and into the future. This strategy will include all modes of transport including cycling.

In the interim, Council's planning for cycle lanes and shared pedestrian and Council's Bike Plan guides bike paths. Where feasible Council includes cycle lanes in road upgrade projects.

Streetwise Road Safety and Traffic Services Pty Ltd - 6342

Request Council to consider providing funding in the 2019-2020 budget towards improving cycling facilities in the Port Macquarie area. Cycling in our area has been ignored by for many years now, and the few existing cycle lanes we have in the area are becoming an increasing hazard.

The state of existing on-road cycle lanes is poor, and I suggest that any proposed funding should focus on addressing existing issues before extending the local cycling network, including the following:

- Review and map the location of existing cycling lanes and infrastructure in the Port Macquarie area.
- Assess the safety of existing cycle lanes, including widths, signage, intersections, driveways, poor surfaces, kerb blisters, grated stormwater pits etc. Consider independent road safety audit.
- Address the lack of connectivity and lack of direction for cyclists at the end of existing cycle ways.
- Council have not given enough consideration to cyclists and Council's approved Bike Plan during the following activities: DA assessment, Council roadwork design, TCPs and traffic management around Council and private roadworks Traffic Committee.

Dirago - 6827

Road Safety – Lighthouse Road (East) - The Mayor and Councillors are congratulated on providing/obtaining funds in 2018-2019 for safety improvements to Lighthouse Road (East), benefitting residents and tourists. When will the work commence and be completed?

**Response**

The project will be completed by the end of the year, favourable weather permitting.

**Response**

Council has proposed \$1,000,000 for the Footpath, Cycleway and Pedestrian works program for 2019-2020. A portion of this funding will be used for the cycleway element of the program, including undertaking practical safety improvements on cycle ways and



consideration will be given to reviewing Council's Bike Plan and identifying the highest priority works for inclusion in future programs.	
Churnside - 6411	For pedestrian safety and local amenity, heavy goods vehicles entering and exiting the newly approved heavy industrial sites on Herons Creek Road Kew, must be prohibited from travelling through the Kew town centre.
<b>Response</b>  The current configuration of the road network and with the Pacific Highway being a controlled access road, unfortunately there is no alternate access route to the Kew industrial area. Access from the north via Ron Banks Road is also limited by the railway under pass bridge having a height restriction of 3.8m.	
<b>Council Service:</b> <b>Roads, Bridges and Transport - Ferry Services</b>	
<b>Submitter's name</b>	<b>Submitter's issue</b>
Jeayes - 6762	Request for the Hibbard ferry to be bigger and a third ferry somewhere.
<b>Response</b>  The existing level of service provided by the Hibbard and Settlement Point ferries including road approaches is considered appropriate for the current level of usage. Should traffic volumes change in the future the level of service will be reviewed and improvements implemented if deemed necessary. Heavy vehicles are permitted to use our road network.	
<b>Council Service:</b> <b>Sewerage - Sewer</b>	
<b>Submitter's name</b>	<b>Submitter's issue</b>
Hann - 6346	Annual charges for septic systems mean that properties with septic systems are assigned into a low, medium or high risk category. Although our property in Byabarra is assigned in a medium risk category (to be checked once every 3 years), we are forced to pay an ANNUAL fee for a service that is only provided once every 3 years! This is unfair and a blatant example of "fees for no service".
<b>Response</b>  Council is legislatively required and has a duty to monitor onsite sewage management (OSM) systems and issue operational approvals on their performance. Under the Local Government Act 1993 Council has the ability to recoup or fund the approvals program through the issuing of an annual fee. The annual approval to operate is renewed upon payment of the fee. The fee and its incursion does not directly relate to a specific inspection but the approval.  Inspections are conducted based on the risk allocated to the OSM systems, which is based on their location and their proximity to sensitive areas. The current program and its structure assigns higher fees to those systems on a more frequent inspection cycle (higher risk) and more moderate fees for those less frequently inspected (lower risk).	
Dirago - 6827	Waste Treatment Port Macquarie - Residents have regularly brought to attention the foul odours from the Koala Street

	facility. What action is planned by Council in 2019-2020. What funds have been allocated?
<p><b>Response</b></p> <p>Council implemented an odour mitigation dosing unit at the Port Macquarie Wastewater Treatment Plant in February 2019. The dosing unit sprays a misting chemical into the air within the treatment plant which binds up odour causing compounds. Trials are still underway with this unit to optimise its effectiveness in response to odour complaints received. The system is planned to be switched to 24 hour / 7 days a week operation in early May 2019 to determine if it is a viable ongoing odour mitigation measure.</p> <p>It is hoped that this system can prove to be effective as the alternative odour control measures will require significant investment of ratepayer money to construct additional infrastructure at the treatment plant site. Initial works would involve approximately \$750,000 for odour control equipment with further works to follow. It is anticipated that the trials and evaluation of the chemical dosing system will be completed by September 2019 at which point a determination will be made into any further infrastructure requirements.</p>	
<p><b>Council Service:</b> <b>Strategic Land Use Planning</b></p>	
<b>Submitter's name</b>	<b>Submitter's issue</b>
Rodgers - 6205	Investigate the capacity of land at the intersection of Ocean Drive with Bonny View Drive for light industrial development or for use as a school. It is with major concern that I read the above. The area along Bonny View Drive has for many years been rural residential with the intersection being the school bus stop for the area. I believe that it would be totally inappropriate for this intersection to be used for light industrial development as this would destroy the rural amenity of the area. In addition it would result in increased traffic flows and pose a danger to the many school children who embark and disembark from school buses.
<p><b>Response</b></p> <p>This submission correctly notes that land at the intersection of Ocean Drive and Bonny View Drive has been identified for investigation for light industrial development or for a school, as Action 17 in the adopted Port Macquarie- Hastings Urban Growth Management Strategy (UGMS). Figure 40 (Volume 2 p.93) in the UGMS shows a buffer to existing rural residential development on Bonny View Drive.</p> <p>It is also noted on p.93 that: "The investigation... will include consideration of the need for visual buffering to main roads and the creation of an internal access road, from Houston Mitchell Drive to Bonny View Drive. The proposed Outline Plan for West Bonny Hills will also consider, amongst other things, the need for light industrial development to serve the Lake Cathie and Bonny Hills communities."</p>	
Dick - 6210	Objection to the omission of an updated Heritage Study/Heritage Inventory for the Port Macquarie-Hastings Local Government Area in the draft 2019-2020 Operational Plan currently on exhibition. My submission primarily relates to this matter and relies upon the adopted actions from the Urban Growth Management Strategy.

**Response**

The submission correctly notes that Council's adopted Urban Growth Management Strategy includes:

Action 31: A review of the Port Macquarie-Hastings Heritage Inventory, and Action 2: A review of planning for the Wauchope CBD and adjoining mixed use area. The indicative timing for these actions in the UGMS is: Year 1-2 for Action 31 (i.e. 2018-2019 and 2019-2020), and Year 3-4 for Action 2 (i.e. 2020-2021 and 2021-2022). In 2017-2018, Council completed Stage 1 work towards a review of the 1991 Heritage Inventory.

Australian Heritage Specialists (AHS) were engaged to review the heritage inventory contained in Schedule 5 of the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 and Council's management practices in relation to heritage, and to make recommendations for aligning them with best-practice frameworks. It is not feasible to amend the LEP based on the report by AHS because the report does not contain sufficient detail in relation to the items that are recommended for further investigation.

The existing 1991 heritage study and inventory are old and in need of update, and that there is increased risk in the absence of the Heritage Inventory Review that decisions will be made that compromise the integrity of existing and potential heritage items and this action is consistent with the North Coast Regional Plan.

Council resolved on 17 April 2019, to "Give consideration to the required \$60,000 funding for the preparation of a heritage inventory as part of the 2019-2020 budget". This consideration has resulted in the \$60,000 being funded in the 2019-2020 budget for the works to be carried out.

King and Campbell Pty  
Ltd - Thorn - 6817

Submission supports inclusion of the Operational Plan action  
- 4.5.1.1 - Investigate the capacity of land at the section of  
Ocean Drive with Houston Mitchell  
Drive for light industrial use and at the intersection of Ocean  
Drive with Bonny View  
Drive for light industrial development or for use as a school.

**Response**

Noted. Consistent with adopted Urban Growth Management Strategy 2017-2036.

**Council Service:  
Water Supply - Water****Submitter's name****Submitter's issue**

Wynn - 6672

Water supply - If Council hadn't allowed so many new houses in our area, we would have had enough water to carry us through drought conditions. I came here in 2002 and we were on strict water rationing. The new Cowarra dam was built soon after to save us from restrictions. Then the building boom started in Lake Cathie/Bonny Hills/Kendall/Kew/Lakewood. Shame on you Council, you put us back 17 years in growth.

**Response**

Port Macquarie Hastings Council has adopted an approach recommended by the NSW State Government in determining the capacity of our local water supply. The current design capacity of both Cowarra Dam and Port Macquarie Dam is based on population growth and demand projections, and the expected flow that can be drawn from the Hastings River. The combined total storage for both dams is 12,500 mega litres.

Council regularly updates water demand and population projections and develops long term construction works programs to meet the projected growth and demand. Planned future capital works include a number of projects that will increase yield potential and additional redundancy in the network while at the same time ensuring maintenance and upgrading of existing infrastructure is taking place.

Council also needs to ensure that new development areas are also adequately serviced. It also follows that long term financial modelling is required to ensure water pricing is considered to ensure that future water services are financially sustainable.

Water supply is under regular review, with the need to supply a secure, safe and affordable supply of paramount concern. Council cannot guarantee an unlimited storage capacity and unlimited supply of water, hence the need for water restrictions during periods of extreme dry, low water flow or quality - as is the case at present and throughout much of NSW.

Cook - 5579

With the population of Port Macquarie increasing rapidly what provision is there for water management in times of drought periods?

**Response**

Port Macquarie Hastings Council has adopted an approach recommended by the NSW State Government in determining the capacity of our local water supply. The current design capacity of both Cowarra Dam and Port Macquarie Dam is based on population growth and demand projections, and the expected flow that can be drawn from the Hastings River. The combined total storage for both dams is 12,500 mega litres.

Council regularly updates water demand and population projections and develops long term construction works programs to meet the projected growth and demand. Planned future capital works include a number of projects that will increase yield potential and additional redundancy in the network while at the same time ensuring maintenance and upgrading of existing infrastructure is taking place. Council also needs to ensure that new development areas are also adequately serviced.

It also follows that long term financial modelling is required to ensure water pricing is considered to ensure that future water services are financially sustainable.

Water supply is under regular review, with the need to supply a secure, safe and affordable supply of paramount concern. Council cannot guarantee an unlimited storage capacity and unlimited supply of water, hence the need for water restrictions during periods of extreme dry, low water flow or quality - as is the case at present and throughout much of NSW.

Johnston - 5557

20c increase in water usage is too much. Affordability for people who are already struggling.

**Response**

The water usage charge has been increased by 20c per kl, however the access charge for a 20mm meter has reduced from \$205.00 in 2018-2019 to \$198.00 in 2019-2020. This change in billing structure has been implemented over 3 years with the goal that 75% of water income will be derived from user charges by 2021-2022 as opposed to access charges.

This is in line with best practice recommendations and is designed to help drive efficient water use. Councils overall water income has however not increased above the level it would have under the previous structure.

**Council Service:**



<b>Compliance - Beach Driving</b>	
Jeayes - 6762	Beach driving problems now includes quad bikes driving in dunes and teenagers going without helmets
<b>Response</b>	
Rangers continue to undertake regular patrols and will take action on any unlawful behaviour.	
Council Service Governance and Procurement - Councillors	
Dirago - 6827	Councillor Availability - Throughout 2018-2019 we will also continue to take as many opportunities as possible to engage with our community, as it is these interactions that bring Council closer to the community" reports the Plan. Will the Councillors meet with the residents of Port Macquarie even once in 2019-2020?
<b>Response</b>	
Councillors are elected to represent the collective interests of residents, ratepayers and the community and facilitate communication between the local community and the governing body. Councillors are available through email and phone and also proactively engage with the community with 11 Council meetings. Two of these are offsite in Wauchope and Laurieton with the aim of bringing Council closer to the community.	

### Internal Consultation

The following levels of staff have reviewed, assessed and considered the draft documents throughout the public exhibition period:

- Councillors
- Executive
- Senior Leadership Team
- Integrated Planning and Reporting Development Officer
- Planning and Reporting Officer
- Staff

### **Planning & Policy Implications**

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

**Financial & Economic Implications**The 2019-2020 Budget

Within the one-year Operational Plan is an overview of how the proposed activities included in the plan will be funded, including the budget statement and capital works program.

The 2019-2020 budget forecasts a budget shortfall (excluding depreciation and loss on disposal of assets) of \$975,198. This compares to the \$511,873 shortfall in the previous (2018-2019) budget.

Budget Summary

	2019-2020 Budget
<b>Operating Budget</b>	
Operating Income	195,123,375
Developer Provided Asset Contributions	6,500,000
Operating Expenses (excluding depreciation, loss on disposal of assets and interest expense)	(111,644,169)
Interest Expense	(2,464,723)
<b>Net Operating Budget</b>	<b>87,514,483</b>
<b>Capital Items</b>	
Net Transfers from Reserves	12,178,103
New Loans	1,500,000
Purchase of Assets	(85,570,344)
Developer Provided Assets	(6,500,000)
Loan Principal Repayments	(10,097,440)
<b>Net Capital Result</b>	<b>(88,489,681)</b>
<b>Budget Result Surplus/(Shortfall)</b>	<b>(975,198)</b>

Council's projected expenditure for 2019-2020 is \$216.3m which includes the following:

	2019-2020 Budget
Ongoing Operational Costs (excluding depreciation, loss on disposal of assets and interest expense)	111,644,169
Capital Works Projects	85,570,344
Developer Provided Assets	6,500,000
Debt Servicing Costs	12,562,163
	216,276,676

Council's projected income for 2019-2020 is \$201.6m which includes the following:



	2019-2020 Budget
Rates and Annual Charges	100,315,591
User Charges and Fees (for services such as water, waste management, building and planning, animal registration, crematorium, airport and library)	39,803,585
Interest Income	8,701,024
Grants and Contributions (made up primarily of state and federal government grants and developer contributions)	40,862,872
Developer Provided Asset Contributions	6,500,000
Other Revenue (such waste management income, rental of Council facilities and fines)	5,440,303
	201,623,375

To provide for the future needs of our community, Council borrows money to fund infrastructure and community assets which cannot be funded out of normal revenue sources.

Total borrowings for 2019-2020 will be \$1.5 million. This includes proposed new borrowings as shown below:

New Borrowings by Project	Amount
Sporting Fields	1,500,000
	1,500,000

In addition to a budget shortfall position of \$975k, the 2019-2020 budget forecasts an operating surplus of \$3,549k on a consolidated basis and an operating deficit of \$7,506k for Council's general fund. The budget position, although a shortfall, is deemed to be manageable and the consolidated operating result is strong. The general fund operating result is forecast to be negative, however it is noted that there are a number of factors impacting this result including:

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

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

- completion of 5 service reviews of business critical areas;

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

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

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

**Attachments**

- 1 [View](#). Four Year Delivery Program 2017-2021 (Revised 2019) and One Year Operational Plan 2019-2020

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Item: 10.05

Subject: MAKING OF RATES AND CHARGES FOR 2019/2020, ADOPTION  
OF THE FEES AND CHARGES AND REVENUE POLICY FOR  
2019/2020

Presented by: Corporate Performance, Rebecca Olsen

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.28605 cents) in the dollar with a Base Amount of \$598.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Residential Defined Urban Centres'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 49.47%.
2. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.30300 cents) in the dollar with a Base Amount of \$498.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Residential Other'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 39.49%.
3. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.60371 cents) in the dollar with a Base Amount of \$598.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Defined Urban Centres'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 20.28%.
4. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (2.35042 cents) in the dollar with a Base Amount of \$598.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Port Macquarie CBD'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 5.20%.
5. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.52490 cents) in the dollar with a Base Amount of \$498.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Business Other'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 30.51%.
6. Make an Ordinary Rate – Farmland, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.30327 cents) in the dollar

with a Base Amount of \$601.00 for all rateable land in the Port Macquarie-Hastings LGA categorised as 'Farmland'. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 29.75%.

7. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2019/2020 of (0.07114 cents) in the dollar for all rateable land within the Broadwater Special Rate area outlined in the attached rating maps.**
8. **Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2019/2020 of (0.15850 cents) in the dollar for all rateable land within the Sanctuary Springs Special Rate area outlined in the attached rating maps.**
9. **Make an Annual Charge for Waste Management Services – Domestic, pursuant to Section 496 of the Local Government Act, for 2019/2020 on all rateable land, categorised as Residential or Farmland, to which a domestic waste service is (or able to be) provided. The Domestic Waste Annual Charge will be based on the type of service received:**

<b>Type of Service</b>	<b>Charge for 2019/20</b>
Standard service – 240 litre fortnightly general waste	\$447.00
Minimiser service – 140 litre fortnightly general waste	\$392.00
Excess Service – 240 litre weekly general waste	\$661.00
Half standard service – 240 litre fortnightly general waste (multi-unit dwellings only)	\$246.00
Half excess service – 240 litre weekly general waste (multi-unit dwellings only)	\$354.00
Half minimiser service - 140 litre fortnightly general waste (multi-unit dwellings only)	\$219.00
Half special weekly service (multi-unit dwellings only)	\$300.00
Availability charge on vacant land	\$77.00
Availability charge on land not receiving full charge (multi-unit dwellings only)	\$139.00
Additional recycling service – 240 litre fortnightly	\$65.00
Additional organics service – 240 litre weekly	\$96.00
Additional weekly garbage service – 240 litre general waste	\$347.00
Additional weekly garbage service – 140 litre general waste (multi-unit dwellings only)	\$264.00
On application only special weekly service – 140 litre weekly general waste	\$553.00
Minimum waste charge – single dwellings	\$392.00

10. **Make an Annual Charge for Waste Management Services – Other, pursuant to Section 501 of the Local Government Act, for 2019/2020 on all rateable land, categorised as Business, to which a waste service is**



(or able to be) provided. The Other Waste Annual Charge will be based on the type of service received:

Type of Service	Charge for 2019/20
Commercial weekly service – 140 litre general waste	\$553.00
Commercial excess Service – 240 litre weekly general waste	\$661.00
Commercial half weekly service – 140 litre fortnightly general waste (shared)	\$300.00
Commercial half excess service – 240 litre weekly general waste (shared)	\$354.00
Availability charge on vacant land – business properties	\$77.00
Commercial availability charge on land not receiving full charge	\$77.00
Commercial additional recycling service – 240 litre fortnightly	\$65.00
Commercial additional organics service – 240 litre weekly	\$96.00
Commercial additional weekly garbage service – 240 litre general waste	\$347.00
Commercial additional weekly garbage service – 140 litre general waste	\$264.00
Waste management access charge	\$30.00

11. **Make an Annual Charge for Water Availability and a charge per kilolitre for Water Usage, pursuant to Section 501 and 502 of the Local Government Act, for 2019/2020 on all rateable land, to which a water service is (or able to be) provided. The Water Annual Charge will be based on water meter size:**

Size of water meter connection	Charge for 2019/20
20 mm including vacant properties and equivalent tenants	\$198.00
25 mm	\$315.00
32 mm	\$527.00
40 mm	\$829.00
50 mm	\$1,306.00
80 mm	\$3,356.00
100 mm	\$5,248.00
150 mm	\$11,832.00
200 mm	\$21,039.00
Fire service – 50 mm	\$653.00
Fire service – 80 mm	\$1,678.00
Fire service – 100 mm	\$2,624.00
Fire service – 150 mm	\$5,916.00
Fire service – 200 mm	\$10,519.50
Step 1 usage charges – per kilolitre	\$3.06
Step 2 usage charges – per kilolitre	\$6.12



12. **Make an Annual Charge for Sewer Availability, pursuant to Section 501 of the Local Government Act, for 2019/2020 on all rateable land, to which a sewer service is (or able to be) provided. Make a usage charge for sewerage usage, pursuant to Section 502 of the Local Government Act, for 2019/2020 on Caravan Parks, Retirement Homes, Motels, Clubs, Hotels, Schools, Backpacker Hostels, Flats, Major Regional Shopping Centres. The Sewer charges are as follows:**

Service	Charge for 2019/20
Pressure Sewer	\$852.70
Connected or available (excluding churches and halls)	\$882.70
Non-rateable (other than churches & halls S555)	\$702.70
Non-rateable (S556)	\$882.70
Unconnected (S548a)	\$566.50
Non-rateable (churches & halls S555)	\$566.50
Usage Charge - per kilolitre	\$1.32

13. **Make an Annual Charge for Reclaimed Water Availability, pursuant to Section 501 of the Local Government Act, for 2019/2020 on Port Macquarie urban area business/commercial/council facilities where a reclaimed water service is provided. Make a usage charge for reclaimed water usage, pursuant to Section 502 of the Local Government Act, for 2019/2020 where a reclaimed water service is provided. The reclaimed water annual charges are based on meter size:**

Reclaimed Metre size	Charge for 2019/20
20 mm	\$99.00
25 mm	\$157.50
32 mm	\$263.50
40 mm	\$414.50
50 mm	\$653.00
80 mm	\$1,678.00
100 mm	\$2,624.00
150 mm	\$5,916.00
200 mm	\$10,519.50
Usage Charge - per kilolitre	\$1.53

14. **Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act, for 2019/2020 on each parcel of rateable land for which the service is available. The stormwater annual charges are as follows:**

Service	Charge for 2019/20
Residential	\$25.00
Residential - Strata	\$12.50
Business - Strata	\$12.50
Business – 0m2 to 350m2	\$25.00

Business – 351m2 to 700m2	\$50.00
Business – 701m2 to 1,000m2	\$75.00
Business – 1,001m2 to 1,400m2	\$100.00
Business – 1,401m2 to 1,750m2	\$125.00
Business – 1,751m2 to 2,100m2	\$150.00
Business – 2,101m2 to 2,450m2	\$175.00
Business – 2,451m2 to 2,800m2	\$200.00
Business – 2,801m2 to 3,200m2	\$225.00
Business – 3,201m2 to 3,500m2	\$250.00
Business – 3,501m2 to 3,850m2	\$275.00
Business – 3,851m2 to 4,200m2	\$300.00
Business – 4,201m2 to 4,600m2	\$325.00
Business – 4,601m2 to 4,900m2	\$350.00
Business – 4,901m2 to 5,200m2	\$375.00
Business – 5,201m2 to 5,600m2	\$400.00
Business – 5,601m2 to 5,950m2	\$425.00
Business – 5,951m2 to 6,300m2	\$450.00
Business – 6,301m2 to 6,600m2	\$475.00
Business > 6,600m2	\$500.00

15. **Make an Annual Charge for Onsite Effluent Services, pursuant to Section 501 of the Local Government Act, for 2019/2020 on each parcel of rateable land for which the service is provided. The Onsite Effluent annual charge are based on the risk of the system:**

System	Charge for 2019/20
Low risk system	\$38.00
Medium risk system	\$75.00
High risk system	\$107.00
Small commercial	\$214.00
Large commercial	\$267.00

16. **Adopt the following Integrated Planning and Reporting (IPR) documents:**
- a) **Fees & Charges 2019-2020**
  - b) **Revenue Policy 2019-2020**
  - c) **Rating Maps 2019-2020**
17. **Set the interest rate on overdue rates and charges at 7.5% from 1 July 2019 in accordance with the Office of Local Government directive.**

### Executive Summary

The rates and annual charges for 2019/2020 have to be formally 'made' by Council resolution under Section 535 of the Local Government Act 1993. This report encompasses the rates and annual charges along with the fees and charges that are included in the 2019/2020 Revenue Policy that require formal adoption by Council.

The full listing of rates, fees and charges, relevant statutory regulations and the proposed income generated is contained in the Revenue Policy and the Fees and Charges documents as attached to this report.

**Discussion**

The Fees and Charges document and Revenue Policy are an integral part of the Integrated Planning and Reporting (IPR) suite of documents. These documents outline Council's rating structure and the fees and charges to be applied to the 2019/2020 financial year.

**Rates and Annual Charges**

The Ordinary Rate structure detailed in the recommendation to this report incorporates an increase in Council's General Rating Income of 2.7% for 2019/2020, which is the rate peg increase approved by IPART. The same increase (2.7%) has been applied to all the annual charges (excluding stormwater). The base stormwater annual charge has remained unchanged since its inception in 2006/2007. Some minor amendments have been made to the annual charges since the Draft Revenue policy was placed on exhibition, (note that these have also been amended in the Fees and Charges document). The changes are as follows:

<b>Annual Charge</b>	<b>Draft \$</b>	<b>Revised \$</b>
Commercial half excess service – 240 Litre weekly general waste (Shared)	364.00	354.00
Commercial half weekly service – 140 Litre general waste (Shared)	301.00	300.00
Commercial weekly service - 140 Litre weekly general waste	555.00	553.00
Commercial excess service - 240 Litre weekly general waste	664.00	661.00
Availability charge on vacant land	79.00	77.00
Commercial availability charge on land not receiving full charge	79.00	77.00
Commercial additional recycling service – 240 Litre fortnightly	67.00	65.00
Commercial additional organics service – 240 Litre weekly	99.00	96.00
Commercial additional weekly garbage service - 240 Litre general waste	348.00	347.00
Commercial additional weekly garbage service - 140 Litre general waste	265.00	264.00

**Fees and Charges**

Some minor amendments have been made to the Fees and Charges since the draft Fees and Charges document was placed on exhibition. In addition to the annual charges amendments noted above, the Bricks/Concrete fee at the Cairncross Waste Depot has reduced from \$140.00 to \$30.00 and the Mixed Solid Waste fee has reduced from \$250.00 to \$235.00. A Water Usage Printout fee for Urgent Delivery of \$38.00 has been included in line with the standard delivery fee.

Council has received advice from the Office of Local Government that the Section 603 certificate fee will be \$85.00 in 2019/20, this is an increase of \$5.00.

Whilst the fees charged have not changed, a note has been added to the Innes Garden Chapel Hire section clarifying that the minimum hire period is 1.25 hours. Similarly, additional clarification has been added to Appendix 2 - Port Macquarie Airport in relation to the ability of Council to waive or reduce fees.

**Options**

It is a statutory requirement that Council adopt its Integrated Planning and Reporting suite of documents by 30 June 2019.

**Community Engagement & Internal Consultation**

The draft revenue policy and fees and charges documents were placed on public exhibition from 19 March to 18 April 2019. The consultation process undertaken is outlined in the "Integrated Planning and Reporting (IPR) Suite of Documents" report included in this meeting.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The making of the rate and adoption of the fees and charges will allow Council to raise the income that is required to undertake the works included in the 2019/2020 Operational Plan.

**Attachments**

- 1[View](#). 2019-2020 Rating Maps
- 2[View](#). 2019-2020 Fees and Charges
- 3[View](#). 2019-2020 Revenue Policy

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**Item: 10.06**

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

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

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

### **Executive Summary**

This report will detail monthly budget adjustments recommended to be made for the month of May 2019.

The Council adopted budget position as at 1 July 2018 was a shortfall of \$511,873, and as at 30 April 2019 this was revised to a surplus of \$24,077. The budget adjustments contained in this report will maintain that surplus position.

### **Discussion**

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

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

### **Monthly Budget Review Summary**

<b>Original Budget as at 1 July 2018</b>	<b>Shortfall</b>	<b>(\$511,873)</b>
Plus adjustments:		
July Review	Balanced	\$0
August Review	Balanced	\$0
September Review	Balanced	\$0



October Review	Surplus	\$147,265
November Review	Balanced	\$0
December Review	-	-
January Review	Balanced	\$0
February Review	Balanced	\$0
March Review	Balanced	\$0
April Review	Surplus	\$388,685
May Review	Balanced	\$0
<b>Forecast Budget Position for 30 June 2019</b>	<b>Surplus</b>	<b>\$24,077</b>

May 2019 Adjustments

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

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

Description	Notes	Funding Source	Amount
Grant Funding	1	Grant	\$220,000
Reserve Transfers	2	Reserves	\$0
Contributions and Other Revenues	3	Contributions	\$27,000
Section 7.11 Contributions	4	S7.11 Contributions	\$0
Budget Variation Requests	5	Grant/Reserve/ Section 7.11 Contributions/Revenue	\$2,815,722
Transfer Between Projects	6	Revenue	\$179,690
Council Resolutions	7	Section 7.11 Contributions	\$455,000
Project Deferrals	8	Grant/Reserve/Section 7.11 Contributions/ Revenue	\$15,099,000
<b>Total</b>			<b>\$18,796,412</b>

*1. Grant Funding*

The total net increase in grant funding for 2018-2019 is \$220,000

Council Project	Grant Provider	Grant Funding	Other Funding*	Comment
Lake Cathie Master Plan Implementation	NSW Department Premier & Cabinet	\$120,000	\$0	Construction of accessible toilets, pathways, new park benches, trees and turfing upgrades. Funded through the Stronger Country Communities Fund.

Council Project	Grant Provider	Grant Funding	Other Funding*	Comment
North of Hastings River Level 3 Timber Bridge Assessments	Restart NSW, Infrastructure NSW	\$100,000	\$0	Funding for level 3 timber bridge assessments.
<b>Total Grant Funding</b>		<b>\$220,000</b>	<b>\$0</b>	

2. *Reserve Transfers*

Nil

3. *Contributions and Other Revenues*

Council Project	Received From	Amount	Other Funding*	Comment
Glasshouse Dinner and Community Day	Persons attending the event	\$27,000	\$0	As part of the Glasshouse 10 <sup>th</sup> birthday celebrations they are undertaking a Dinner and Community Day for which they are collecting income.
<b>Total Contributions and other Revenues</b>		<b>\$27,000</b>	<b>\$0</b>	

4. *Section 7.11 Contributions*

Nil

5. *Budget Variation Requests (approved by Executive)*

Project Name	Funding Source	Amount	Comments
Hill Street Power Pole Relocation	Reserve	\$12,000	Reserve funds are required to complete the power pole relocation on Hill Street, Port Macquarie.
Strategic Business Advisory & Valuation Services - Innes Gardens Memorial Park Crematorium & Lawn Cemetery	Reserve	\$40,000	Budget adjustment required for expenditure on strategic business advisory and valuation services (Part A) in relation to potential sale/lease of Innes Gardens Memorial Park & Lawn Cemetery.
Housing Choice Planning Review	Reserve/ Revenue	\$70,000	Council's Strategic Land Use Planning team has issued a brief for the project. Four responses have been received. The total budget needed is now estimated

Project Name	Funding Source	Amount	Comments
			at \$150,000. It is proposed to make up part of the budget shortfall of \$70,000 for the Housing Choice Planning Review by transferring unexpended and uncommitted funds in the Strategic Land Use Planning UGMS Investigations budget. It is also proposed to transfer funds from the proposed Planning Studies Reserve, which contains rezoning fees over that budgeted in 2018/19, for implementation of major strategic planning projects, such as the Housing Review. The remaining shortfall of \$80,000 is to be transferred from available funds within the Council-Wide Consultancies budget (see transfer between projects section)
Lake Road - Design of Dual Lanes (Oxley to Ocean)	Reserve	\$34,071	This budget adjustment is required to allow for additional traffic modelling to be undertaken in order to optimise the proposed design. The estimated costs to complete the project are projecting a shortfall. The recently completed upgrades to the Batar Creek Rd and Laurel Street Drainage (Stage 2) project contains a budget surplus. It is proposed to transfer all of the surplus funds to the Lake Road works.
Beechwood Road Reconstruction (Stage 2) – Riverbreeze Drive to Rosewood Road	Section 7.11 Contributions	\$190,034	During the project preconstruction planning, it was identified that a shortfall of funding existed between the estimated project construction cost and the allocated budget. It was acknowledged in the signed project plan that this shortfall would need to be addressed and was confirmed prior to construction with the project sponsor. There is sufficient S7.11 contributions available to enable this adjustment to be completed.
741 Beechwood Rd - Stormwater Remedial Works	Revenue	\$44,300	Budget adjustment required to reflect the addition of an emerging and reactive

Project Name	Funding Source	Amount	Comments
			stormwater remedial works project to the TSN works programme.
Road Reseal and Rehabilitation Programme	Grant/Reserve/Section 7.11 Contributions/Revenue	\$2,425,317	The 14 road rehabilitation projects, 18 asphalt rejuvenations, 2 microsurfacing and 34 reseals were funded from 10 separate ledger numbers. The expenditure was managed on a global scale with funding supplemented from operational funds to maximise the extent of the works. This adjustment is to align the budgets to the ledger numbers where the actual expenditure was costed.
<b>Total Approved Budget Variations</b>		<b>\$2,815,722</b>	

6. *Transfer Between Projects*

Transfer from	Transfer To	Amount	Comments
Additional Design Works Funding	Kew Main Street Upgrade - Stage 3	\$30,000	This is to allow design works to commence for this project that is included in the 2019/20 Operational Plan.
Consultancies - Council Wide	Housing Choice Planning Review	\$80,000	So that these projects can be better tracked through the Operational Plan a separate project has been created.
Consultancies - Council Wide	Yippen Creek Planning Investigations	\$69,690	
<b>Total Transfers Between Projects</b>		<b>\$176,690</b>	

7. *Council Resolutions*

Description	Comment	Amount	Source
Land Acquisition - 210 Hastings River Drive, Port Macquarie	To pay land acquisition costs and associated legal fees as per Council resolution made at the April 2019 Council meeting, item 14.06.	\$455,000	Section 7.11 Contributions
<b>Total Council Resolutions</b>		<b>\$455,000</b>	

8. *Project deferrals*

The following budgets have been deferred to 2019/2020 as the projects are not expected to be completed this financial year:

Project Name	Source of Funds	Amount
Diamond Head Road/The Boulevard Flood Access Stage 1A	Grant/Revenue/Env Levy	\$1,390,000
Illaroo Road - Stormwater Remediation	Grant/Env Levy	\$700,000
Wood Street - Road Upgrade	Grant	\$950,000
Wayne Richards Park - Stages 3 & 4	Env Levy	\$250,000
Port Macquarie Coastal Walk	Grant/Reserve/ Section 7.11 Contributions/ Revenue	\$780,000
Sancrox/Thrumster Sports Fields	Section 7.11 Contributions	\$267,000
Flynns Beach Seawall - Design and Construction	Grant/Env Levy/ Revenue	\$900,000
Westport Stormwater Management Plan Design	Reserve/Revenue	\$270,000
Calwalla Crescent, Port Macquarie - Stormwater Remediation	Reserve	\$200,000
Rodley Street, Bonny Hills - Flooding Mitigation Measures	Reserve	\$400,000
Hastings River Drive & Boundary Street Upgrade	Section 7.11 Contributions	\$654,000
Telegraph Point Pedestrian Safety Upgrades	Grant	\$560,000
Dunbogan Bridge - Reid Street - Structural Rehabilitation	Loan	\$2,000,000
Ocean Drive, Lake Cathie - Miala to Orana - Design	Reserve	\$145,000
Bold Street, Laurieton - Crossing between Seymour and Tunis Streets - Preconstruction	Grant	\$255,000
John Oxley Drive - Upgrade Preconstruction	Section 7.11 Contributions	\$484,000
Lighthouse Road, Port Macquarie - East Upgrade - Tourism Connectivity Project	Reserve/Revenue/Contri butions/S7.11/Grant	\$1,470,000
Trunkmain - Sancrox Reservoir to Area 13	S64 Contributions	\$991,000
Trunk Main Augmentation - Sancrox Reservoir to Wauchope	Reserve	\$1,133,000
Reclaimed Water - Area 14 Trunk Main - Inlet & Outlet	S64 Contributions/ Reserve	\$1,300,000
<b>Total Deferrals</b>		<b>\$15,099,000</b>

**Options**

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



**Community Engagement & Internal Consultation**

Not applicable.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The Attachment to this report contains information of each individual budget adjustment by Division and Section. The budget movements within this report maintain the budget position of surplus amount \$24,077.

Statement by Responsible Accounting Officer

*“The adopted original budget result for 2018-2019 was a shortfall of \$511,873. Previous budget adjustments have improved that position to a surplus of \$24,077 with the variations contained within this report maintaining that position. This position is considered a satisfactory result for the year.”*

**Attachments**

1 [View](#). May 2019 Budget Review

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**Item: 10.07****Subject: INVESTMENTS - MAY 2019****Presented by: Corporate Performance, Rebecca Olsen**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council note the Investment Report for the month of May 2019.**

**Executive Summary**

- Total funds invested as at 31 May equals \$291,779,651.
- Interest for the month of May was \$733,490.
- The year-to-date investment income of \$7,916,170 represents 93% of the total revised annual investment income budget of \$8,472,800.
- Council's total investment portfolio performance for the financial year to date was 1.00% above the benchmark (3.01% against 2.01%). Benchmark being the Bank Bill reference rate as at 31 May 2019.

**Discussion**

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

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

**Overview**

Councils (including Port Macquarie-Hastings Council) provide a broad range of services and associated infrastructure to their communities. These services include (but are not limited to) the following:

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

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

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

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

The full report is available on Council's website:

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

### Current Investments

Council is required to undertake investments in accordance with section 625 of the Local Government Act 1993. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 31 May 2019, comply with this Act.

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

As at 31 May 2019, the investments held by Council totalled \$291,779,651 and were attributed to the following funds:

General Fund	117,333,351
Waste Fund	17,763,545
Water Fund	95,584,096
Sewer Fund	59,636,843
Sanctuary Springs Fund	37,931
Broadwater	1,423,885
	<b>291,779,651</b>

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

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

**Options**

This is an information report.

**Community Engagement & Internal Consultation**

Council uses the services of an independent financial advisor, on an ongoing basis with investments. The investments placed this month were term deposits. At least three quotes were obtained from financial institutions in line with Council's Investment Policy. Council obtains regular updates regarding market activities positions from various institutions.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

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

Council's total investment portfolio performance for the financial year to date is 1.00% above the benchmark (3.01% against 2.01%) and year to-date income is 93% of the total revised annual budget.

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

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

**Certification**

I hereby certify that the investments listed within this report were made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

*Nicole Spencer*  
*Responsible Accounting Officer*

**Attachments**

1 [View](#). Port Macquarie-Hastings Council Monthly Report - May 2019

2 [View](#). Port Macquarie-Hastings Council Portfolio as at 31 May 2019



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**Item: 10.08**

**Subject: CLASSIFICATION OF LANDS TO BE ACQUIRED BY COUNCIL**

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

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### **Alignment with Delivery Program**

1.5.3 Develop, manage and maintain Council Business Units through effective commercial management.

### **RECOMMENDATION**

**That Council:**

- 1. Classify Lot 4 Deposited Plan 1246722 (land situated at 31A Henry Street, Long Flat) as operational land;**
- 2. Classify Lot 2 Deposited Plan 39064 (land situated at 210 Hastings River Drive, Port Macquarie) as operational land.**

### **Executive Summary**

A report to consider the classification of lands to be acquired by Council as “operational” land in accordance with the requirements of the *Local Government Act 1993*.

### **Discussion**

At the Ordinary Council meeting held on 17 April 2019, Council considered a report on the acquisition of land for the Long Flat Sewerage Scheme and resolved as follows:

#### **12.04 LAND ACQUISITION - LONG FLAT SEWERAGE SCHEME**

**RESOLVED:** *Levido/Cusato*

**That Council**

- 1. Pay compensation in the amount of \$21,250.00 (GST Exclusive) to the owner of Lot 4 Deposited Plan 713682, S Parker, for the acquisition of that part of Lot 4 Deposited Plan 713682 more particularly described as Lot 4 in plan of acquisition Deposited Plan 1246722;*
- 2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's property conveyancing costs;*
- 3. Delegate authority to the General Manager to sign, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the Electronic Transactions Act 2000;*
- 4. Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 4 Deposited Plan 1246722 as “operational land” by placing on public exhibition the proposed resolution “It is intended to classify Lot 4 Deposited Plan 1246722 (land situated at 31A Henry*

*Street, Long Flat) as operational land” from 24 April 2019 for a minimum period of 28 days;*

5. *Note that a further report will be tabled at the June 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.*

**CARRIED:** 7/0

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

**AGAINST:** Nil

At the Ordinary Council meeting held on 17 April 2019, Council also considered the acquisition of land at 210 Hastings River Drive, Port Macquarie and resolved as below:

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

**RESOLVED:** Alley/Cusato

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

*Item 14.06 Land Acquisition - 210 Hastings River Drive, Port Macquarie*

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

**RECOMMENDATION**

*That Council:*

1. *Pay compensation in the amount of \$450,000.00 (GST Exclusive) to the owners of Lot 2 Deposited Plan 39064, WF & PG Schubert and AM Morrow, for the acquisition of Lot 2 Deposited Plan 39064;*
2. *Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowners' reasonably incurred legal and financial costs associated with the acquisition, including valuation fees;*
3. *Pursuant to Section 377 of the Local Government Act 1993, delegate authority to the General Manager to execute, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the Electronic Transactions Act 2000;*
4. *Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 2 Deposited Plan 39064 as “operational land” by placing on public exhibition the proposed resolution “It is intended to classify Lot 2 Deposited Plan 39064 (land situated at 210 Hastings River Drive, Port Macquarie) as operational land” from 24 April 2019 for a minimum period of 28 days;*
5. *Note that a further report will be tabled at the June 2019 Ordinary Council meeting detailing any submissions received during the exhibition period;*
6. *Pursuant to Section 10 of the Roads Act 1993, on completion of the process to classify Lot 2 Deposited Plan 39064, dedicate that part of Lot 2 Deposited Plan 39064 more particularly described as Lot 27 Deposited Plan 874058, as a public road.*

**CARRIED:** 7/0

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

**AGAINST:** Nil

In accord with the Resolutions 4 above, the proposed land classifications were placed on public exhibition. At the conclusion of the exhibition period no submissions were received.

The *Local Government Act 1993* requires these land parcels to be formally classified following the conclusion of a public exhibition period.

**Options**

Nil – the land is required to be classified in accordance with the provisions set out in the *Local Government Act 1993*.

**Community Engagement & Internal Consultation**

The proposed land classifications were notified in the weekly *Community Now*. At the conclusion of the exhibition period no submissions were received.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

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

**Attachments**

Nil

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**Item: 10.09****Subject: NOTICE OF MOTION - FEDERAL ELECTION - CONGRATULATIONS  
TO FEDERAL MEMBERS**

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

**RECOMMENDATION**

**That Council:**

- 1. Congratulate Dr David Gillespie MP on his re-election as the Federal Member for Lyne.**
- 2. Congratulate Mr Patrick Conaghan on his election as the new Federal Member for Cowper.**
- 3. Thank and congratulate all candidates who stood for election in the Federal seats of Cowper and Lyne, for their participation in our democracy.**

**Comments by Mayor Pinson**

At the Federal Election held on 18 May 2019, Dr David Gillespie was re-elected as the Federal Member for Lyne. With the retirement of Mr Luke Hartsuyker, Mr Patrick Conaghan was elected the new Federal Member for Cowper.

Congratulations are extended to Dr Gillespie and Mr Conaghan on their election and Council looks forward to working with them both for the betterment of the Port Macquarie-Hastings local government area.

Thanks and congratulations are also extended to all candidates who stood for election in the Federal seats of Cowper and Lyne, for their participation in our democracy.

**Attachments**

Nil

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Item: 10.10

Subject: NOTICE OF MOTION - EMERGENCY SERVICES LEVY INCREASE

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

#### RECOMMENDATION

That Council:

1. Notes that last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers.
2. Notes that in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded worker's compensation scheme.
3. Notes that as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation.
4. Notes that the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/2020 budgets.
5. Notes that Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.
6. Supports Local Government NSW's calls for:
  - a) The NSW Government to cover the initial additional \$19m increase to local governments for the first year and
  - b) The NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.
  - c) Requests that the General Manager liaise with Local Government NSW to provide information on:
    - i) The impact on Council budgets and
    - ii) Council advocacy actions undertaken.
7. Requests that the General Manager write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state members to:
  - a) Call upon the NSW Government to fund the 12 months of this extra cost rather than requiring Councils to find the funds at short notice when budgets have already been allocated.
  - b) Explain how this sudden increase will impact Council services / the local community.
  - c) Highlight that Councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018



- d) **Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.**
- e) **Ask the Government to work with local government to redesign the implementation of the scheme to ensure it is fairer for Councils and communities into the future.**
- f) **Copy the above letter to Local Government NSW.**

**Comments by Councillor (if provided)**

In May 2019, Local Government NSW (LGNSW) has launched a campaign encouraging all member Councils to support advocacy concerning increases to the Emergency Services Levy (ESL) announced in May 2019. Following is some background and information on the ESL increases as provided by LGNSW:

Each year, the NSW Government collects payments from Councils and insurers to fund emergency services agencies in NSW, with Councils required to pay 11.7 per cent of the budget required by NSW Emergency Services. These charges are embedded in Council rates and insurance premiums.

From 1 July 2019, the NSW Government plans to collect an additional \$160 million (in 2019/20) from NSW Councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers.

Councils were sent bills with a letter from Revenue NSW in May 2019, saying NSW Council contributions will increase by \$19 million in 2019/20. The letter also foreshadowed increases in the following year, but not the amount.

Port Macquarie-Hastings Council received notification that our ESL contributions would increase by \$104,000 for 2019-2020. This will mean PMHC, as with other Councils, will need to find additional funds and/or cut planned initiatives or services.

Council supports career and volunteer firefighters in NSW, as it does all emergency services workers and volunteers and in fact, many NSW Council staff and Councillors are volunteers. However, local government was at no point advised that it would be required to cover these costs via significant increases to the ESL or what this cost would be.

Local Government NSW is calling upon the NSW Government to fund the first 12 months of this extra cost and work with local governments to ensure the implementation of the funding mechanism is fairer into the future.

**Attachments**

Nil

# 2 Your Community Life

**What we are trying to achieve**

A healthy, inclusive and vibrant community.

**What the result will be**

We will have:

- Community hubs that provide access to services and social connections
- A safe, caring and connected community
- A healthy and active community that is supported by recreational infrastructure
- A strong community that is able to identify and address social issues
- Community participation in events, programs, festivals and activities

**How we will get there**

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

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**Item: 11.01**

**Subject: NOTICE OF MOTION - PORT MACQUARIE POLICE STATION SITE**

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

**RECOMMENDATION**

**That Council:**

- 1. Note that planning is underway by the NSW Government for a new Police Station and facilities in Port Macquarie.**
- 2. Recognise that the current Police Station site, including the historic Police Constable's cottage and lock-up, is a community heritage asset of high significance that contributes to the cultural, heritage, and educational enhancement of the Port Macquarie CBD.**
- 3. Note that there is strong community support to retain the current Police Station and historic Police Constable's cottage in community ownership once a new Police Station has been commissioned.**
- 4. Request the General Manager give consideration to requesting Council's heritage consultant to prepare a heritage management plan for the Police Station and the historic Police Constable's cottage during the 2019-2020 financial year.**
- 5. Write to the Member for Port Macquarie and the Member for Cowper to request their support for the retention of the Police Station and historic Police Constable's cottage in community ownership.**
- 6. Consider applying for any potential grant funding from other levels of Government to facilitate the retention of this important community asset.**

**Comments by Councillor (if provided)**

Nil.

**Attachments**

Nil

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**Item:** 11.02

**Subject:** RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 2019  
SEAVIEW CYCLING CLASSIC

**Presented by:** Infrastructure, Jeffery Sharp

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council approve the 2019 Seaview Cycling Classic subject to Police and Roads & Maritime Services concurrence of the revised Traffic Management Plan and dates.**

**Executive Summary**

The Local Traffic Committee met on 24 April 2019, reached consensus on Item 07 (attached) and now submits the above recommendation for Council consideration.

**Attachments**

1 [View](#). 20190424 LTC Item 07

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**Item: 11.03**

**Subject: LAURIETON SPORTS COMPLEX MASTER PLAN**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the information contained within the Laurieton Sports Complex Master Plan Report;**
- 2. Note that the development of the Master Plan was based on targeted stakeholder/user group engagement and will not be placed on formal public exhibition; and**
- 3. Adopt the Laurieton Sports Complex Master Plan (Attachment 1) for implementation.**

### **Executive Summary**

Following consideration of a report at the November 2018 meeting of Council, the General Manager was requested to prioritise development of a Master Plan for the Vince Inmon Sporting Complex. Staff have now engaged with sporting user groups of the Complex to develop a facility Master Plan identifying a range of improvements aimed at contemporising infrastructure and maximising usage opportunities at this significant recreational complex.

The Master Plan has been developed in collaboration with identified stakeholders and is presented to Council for consideration. At a high level, proposed improvements include new and upgraded amenities supporting increased participation in local sport, drainage upgrades, provision of automatic irrigation systems, improved spectator facilities and better pedestrian linkages throughout the complex.

The report provided to Council in November 2018 identified resourcing implications associated with bringing forward development of a Master Plan for Laurieton Sports Complex into the current financial year. This report identified that existing project workload would not allow commencement of the master planning process until mid-January 2019 and that presentation of the draft Master Plan to Council in June 2019 could only be achieved if community engagement requirements were limited to sporting user groups, unless significant land use changes are proposed through development of the Master Plan. No such changes have been identified in the draft Master Plan. On this basis, staff do not propose to exhibit the draft Master Plan to allow for broader community feedback.



Pending adoption of the Master Plan, Council will partner with sporting user groups to implement the plan based on their identified facility priorities.

This report recommends that the Laurieton Sports Complex Master Plan (Attachment 1) be adopted for implementation.

### Discussion

It should be noted that in previous reports regarding this matter staff have referenced the name of this sporting facility as Vince Inmon Sports Complex. Through the master planning process staff have been informed by representatives of the sports committee that Vince Inmon Field forms part of Laurieton Sports Complex. On this basis, staff have rectified this issue and this facility has been correctly referenced in this report and the Master Plan and related attachments.

This matter was last considered at the Ordinary Council Meeting held on 21 November 2018 where it was:

#### *10.04 VINCE INMON SPORTING COMPLEX - MASTER PLAN DEVELOPMENT*

*RESOLVED: Alley/Dixon*

*That Council:*

- 1. Note the information contained in the Vince Inmon Sporting Complex – Master Plan Development Report.*
- 2. Request the General Manager to prioritise development of a Master Plan for Vince Inmon Sporting Complex.*
- 3. Request the General Manager to provide a report to the June 2019 Ordinary Council Meeting presenting the Draft Master Plan for Vince Inmon Sporting Complex.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

In accordance with resolution 2 above, Council staff commenced early planning works in late January 2019 with development of a basic concept plan to start the conversation with sporting stakeholders at the first meeting which was scheduled during late February. The basic concept plan for Laurieton Sports Complex was based on sporting user group feedback provided to Councillors and staff at a meeting held in Laurieton on 9 August 2018.

#### Master Plan Development - Sporting stakeholder meetings

The first meeting with sporting stakeholders to commence the master planning process was held on 28 February 2019. At this meeting, Council's Senior Landscape Architect presented the basic concept plan to sports committee and user group representatives who provided immediate feedback about plan elements they liked and shared ideas about what could be done to further improve the plan. This feedback was further considered by staff and the plan was further developed for the next scheduled meeting.

The follow up meeting with sporting stakeholders regarding the master planning process was held on 2 April 2019. At this meeting, Council's Senior Landscape Architect presented a first draft Master Plan which was discussed in detail. Attendees considered the information presented and requested changes to the plan, which were subsequently made. This modified Master Plan was then provided to the sports committee for distribution through to the sporting clubs so that their respective committees could review and discuss proposed improvements prior to providing overarching feedback at the next Master Plan meeting.

The third meeting with sporting stakeholders to develop the Master Plan to final draft stage was held on 2 May 2019. This meeting was well attended with all clubs in attendance except Camden Haven Netball Club.

The purpose of this meeting was to get feedback from the clubs following consultation with their respective committees. This feedback was discussed with the broader group. When a club requested changes to the Master Plan these changes required the support of the broader group for inclusion in the final draft Master Plan.

At this meeting clubs were also asked to identify their top priorities included within the Plan. To do this, each action within the Master Plan was identified and each club was given three votes to allocate. The collective priorities were then documented.

Council's Senior Landscape Architect subsequently made the changes as agreed by attendees at this meeting with the final draft Master Plan attached (Attachment 1) to this report for Council consideration.

Council's Group Manager Recreation and Buildings met with Camden Haven Netball Club committee members on 11 May 2019 to discuss the Plan and ascertain their top three priorities for implementation. Those committee members that were at this meeting endorsed the Plan as presented.

#### Master Plan Inclusions

The Master Plan identifies a range of improvements for sporting participants, club volunteers and spectators including:

- New and upgraded buildings:
  - Additional change rooms required during peak use periods.
  - Provision of gender neutral change rooms to meet the needs of an increasing number of female participants involved in a broader range of sports being offered locally.
  - Provision of more accessible infrastructure (public amenities, kiosks, elevated viewing points) for spectators, volunteers and participants.
  - Providing storage that meet contemporary training and competition requirements of sporting user groups.
- Formalisation of parking around the site providing more efficient use of the space.
- Upgraded landscaping providing increased shade for spectators and improved visual aesthetic.
- Improved spectator seating facilities:
  - Terraced seating adjacent to main soccer field and netball courts.
  - Terraced and mounded spectator seating adjacent to the main oval.
- Construction of all-weather netball courts.

- Providing local players with the opportunity to train on the surface that they compete on week in, week out at Macquarie Park, Port Macquarie.
- Providing opportunity for establishment of mid-week and social competitions within the Camden Haven area.
- Field improvements:
  - Improved drainage to reduce field closures associated with wet weather.
  - Implementation of soil improvement programs to improve turf health and vigour resulting in quality playing surfaces for user groups.
  - Provision of irrigation to maintain turf health and vigour during periods of dry weather, which can result in field closures.
- Provision of an improved pathway network:
  - Improved wayfinding throughout the site for persons unfamiliar with this facility.
  - Improved accessibility and connectivity across the site with connection to destinations beyond Laurieton Sports Complex.
- Upgraded floodlights at the tennis courts.
- Improved Little Athletics facilities.
- Provision of an electronic scoreboard to service the main oval.

#### Sporting User Group Priorities

As mentioned above, sporting user groups were asked to prioritise Master Plan actions. The top six priorities in order of importance are:

Master Plan Action	Votes
Upgrading the main sports facility (Sports Facility 1)	7
Upgrading the soccer/netball building (Sports Facility 2)	4
Upgrade Storage Facilities	4
Upgrade the main soccer field (drainage, re-profile and soil improvements)	2
Upgrade the mini rugby league field (drainage, re-profile and soil improvements)	2
Improve Little Athletics facilities (i.e. long jump, discus, etc.)	2

The full list of sporting user group votes is included within *Laurieton Sports Complex Master Plan - Sporting User Group Priorities* attachment to this report as Attachment 2.

#### Next Steps

Council staff involved in the master planning process will be meeting with sporting stakeholders on 27 June 2019 to discuss the outcome of Council's consideration of the Plan and Master Plan implementation, pending adoption by Council.

#### **Options**

Council can opt to:

- Adopt the Master Plan as presented - staff preference.
- Adopt the Master Plan with amendments.
- Not adopt a Master Plan for this site.

**Community Engagement & Internal Consultation**

As key sporting stakeholders in Laurieton Sports Complex, the following groups have been heavily involved in development of this Master Plan:

- Camden Haven District Sport and Recreation Management Committee
- Camden Haven Touch Association
- Camden Haven Junior Rugby League Football Club
- Camden Haven Bombers Junior AFL Club
- Camden Haven Cricket Club
- Camden Haven Netball Club
- Camden Haven Little Athletics
- Laurieton Tennis Club
- Laurieton Hotel Stingrays Rugby League Football Club

There was also internal engagement with:

- Recreation and Buildings staff to ensure that key operational, maintenance and management issues were adequately considered in development of the master plan.
- Transport and Stormwater Network staff in relation to stormwater infrastructure capacity and car parking improvements identified within the master plan.

**Planning & Policy Implications**

The development of Laurieton Sports Complex is aligned with the following 2018/19 Operational Plan action:

3.3.2.4 Undertake Regional Master Planning for recreational facilities.

In accordance with implementation of the Crown Land Management Act, Council is required to develop Plans of Management for Council Crown Land Managed Reserves across the Local Government Area. Laurieton Sports Complex is one such site and Council is required to develop a Plan of Management for adoption by the relevant Minister by 30<sup>th</sup> June 2021. Pending adoption, this master plan will be integrated into the Plan of Management for this site.

Provision of the new building proposed in the master plan will require Development Consent. All other improvements are considered Exempt Development or Development permitted without consent in accordance with Division 12 of State Environmental Planning Policy (Infrastructure) 2007. Staff will deliver master planned works in accordance with these planning requirements.

The main building (sports facility 1) concept is designed in accordance with the National Rugby League's preferred *Facility Guidelines for Grassroots Rugby League 2014* and addresses accessibility and Safer by Design principles.

**Financial & Economic Implications**

Staff have estimated the total cost of implementing the Laurieton Sports Complex Master Plan at \$5.5 million (refer to attachment - *Laurieton Sports Complex Master*

*Plan - Cost Estimate*) (Attachment 3). It is important to recognise that the development of this Master Plan does not obligate Council to be solely responsible for funding or implementation. This planning process was born out of user group desire for facility improvements and a long term strategy to achieve this that they could be strongly involved in delivering. The development of this Master Plan provides the framework for this outcome.

Sporting clubs have committed to seeking grants and have suggested that they have capacity to source donated services and materials to support master plan implementation. Further, the sports committee has appointed a grants officer to assist clubs with funding applications. The soccer and rugby league clubs have also suggested that assistance can be provided by Football Mid North Coast and Country Rugby League in developing funding applications.

Council has been allocated \$239,200 through the Stronger Country Communities Fund Round 2 program for improvements at Laurieton Sports Complex. This allocation is for upgrading of floodlighting for the netball courts and improvements to existing amenities, which has been identified as a priority through this planning process.

An allocation of \$560,000 has also been included in the draft 2019/20 Operational Plan for upgrading of sports facilities at Laurieton Sports Complex. It is intended that this contribution could be used to deliver in part agreed priority works identified within the master plan.

The improvements identified within this Master Plan put Council and sporting user groups in a good position to secure funding from other levels of government. As an example, the focus on providing gender neutral (unisex) change rooms is strongly aligned with key actions in the recently adopted NSW Government's Her Sport Her Way 2019 - 2023 Strategy. This strategy identifies a need for the NSW Government to increase investment in female friendly facilities and proposes to implement a Female Friendly facility investment program in the future.

### **Attachments**

[1View](#). Laurieton Sporting Complex Masterplan

[2View](#). Laurieton Sports Complex Master Plan - Sporting User Group Priorities

[3View](#). Laurieton Sports Complex Master Plan - Cost Estimate



# 3 Your Business and Industry

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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

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Item: 12.01

Subject: ROAD CLOSURE AND SALE OF LAND - MAIN STREET,  
ELLENBOROUGH

Presented by: Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

1.5.3 Develop, manage and maintain Council Business Units through effective commercial management.

### RECOMMENDATION

#### That Council:

1. Proceed with the closure of that part of Main Street, Ellenborough adjacent to House Number 6, being the areas depicted as (A) and (B) in the survey plan prepared by Frank O'Rourke & Associates dated March 2019 Job Reference 10598;
2. Pursuant to Sections 38B and 38E of the *Roads Act 1993*, in the Notice of Road Closure, vest the land within the closed road in Council ownership as "operational land";
3. Following completion of the road closure process, sell the land within the closed road referred to in Resolution 1 above to the owner of 6 Main Street Ellenborough, E Delaforce, at a value to be determined by Council's Consulting Valuer;
4. Reaffirm that all costs associated with the road closure and sale are the sole responsibility of the owner of 6 Main Street, Ellenborough;
5. Pursuant to Section 377 of the *Local Government Act 1993* delegate authority to the General Manager to sign:
  - a) Plan of road closure;
  - b) Electronically or otherwise, all documents including but not limited to any authorisation form associated with the land sale as required in accordance with the *Electronic Transactions Act 2000*.

### Executive Summary

A report to consider the closure and sale of part of a Council public road situated adjacent to 6 Main Street, Ellenborough (adjacent to Lots 10 and 11, Deposited Plan 758383).

### Discussion

The dwelling situated at 6 Main Street, Ellenborough has been partly constructed on Council's road reserve. The landowner has made application to Council for the closure and sale of part of Main Street, Ellenborough. That part of Main Street sought for closure and purchase, comprises the encroachment of the dwelling and established shrubs and garden. The location of the dwelling, extent of the

encroachment and area of road sought for closure and sale is shown in the attached plan (depicted as areas (A) and (B)). The total area requested for closure and sale is 136.3m<sup>2</sup>.

An inspection of the site indicates that the closure and sale of the land does not impact on the movement of vehicles along Main Street as the formed road carriageway is a number of metres from the land sought for closure and sale.

**Options**

Council has the option to:

1. Proceed with the road closure and land sale as recommended; or
2. Not proceed with the road closure and land sale.

**Community Engagement & Internal Consultation**

As required by the provisions of the *Roads Act 1993* and *Roads Regulation 2018*, the proposal to close the road and sell the land within the closed road to the adjoining land owner was notified to the community in Council's Weekly "Community Now" and the prescribed Statutory Authorities notified.

At the conclusion of the notification period, no objections to the proposal were received.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

If the road closure is endorsed by Council and a Notice of Road Closure published in the NSW Government Gazette, Council may sell the closed road. The value of the land in the closed road is then determined by Council's Consulting Valuer and forms the value payable by the landowner to Council. All costs associated with the road closure and land sale are to be paid by the landowner.

When a closed road is vested in Council as operational land it may be sold. Section 43(4) of the *Roads Act 1993* stipulates that money received by a Council from the proceeds of the disposal of land comprising former public road "is not to be used by a Council except for acquiring land for public roads or carrying out road work on public roads".

**Attachments**

- 1 [View](#). Plan Showing Area of Road Sought for Closure and Purchase

# 4 Your Natural and Built Environment

## What we are trying to achieve

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

## What the result will be

We will have:

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

## How we will get there

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



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**Item: 13.01**

**Subject: PROPOSED ORBITAL ROAD PROJECT**

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

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That Council:**

1. **Note the information provided in:**
  - a) **this Proposed Orbital Road Community Engagement Council report and**
  - b) **the RPS Proposed Orbital Road Community Engagement Report, Attachment 1.**
2. **Thank the community for the feedback received during the engagement period in relation to the proposed Orbital Road and request the General Manager advise those who made submissions of Council's determination in this matter.**
3. **Request the General Manager to proceed to the next stage of the proposed Orbital Road process, being the development of a Strategic Business Case, known as "Gate 1" (incorporating a Needs Confirmation Summary, known as "Gate 0") as identified in the NSW Infrastructure Investment Assurance Framework.**
4. **Note that the Strategic Business Case will include a review of (but will not be limited to):**
  - a) **Findings to date (e.g. Orbital Road Feasibility Study and recent community engagement)**
  - b) **Project specific traffic studies**
  - c) **Environmental impact investigations**
  - d) **Social and economic impact investigations**
  - e) **Investigation of alternate routes**
  - f) **Planned road upgrades to the existing road network**
  - g) **Engage and partner with:**
    - i) **Roads and Maritime Services (RMS)/Transport for NSW (TfNSW);**
    - ii) **NSW Office of Environment & Heritage (OEH);**
    - iii) **NSW National Parks & Wildlife Service (NPWS);**
    - iv) **NSW Department of Planning & Environment (DPE);**
5. **Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels.**
6. **Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to**



- State agencies as listed above such as TfNSW, OEH, NPWS, DPE and any others deemed applicable, as well as to local State and Federal Members of Parliament.
7. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council-adopted Charter (yet to be determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests are represented on the Committee.
  8. Request the General Manager to develop a communications and engagement plan to cover the period of the development of the Strategic Business Case, as a way of keeping the community informed, including via the Community Consultative Committee, to enable transparently and in a timely manner in relation to progress of the project.
  9. Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council web site.
  10. If Council resolve in line with Item 3 above (i.e. proceed to development of the Strategic Business Case), request the General Manager to write to the State member for Port Macquarie, Leslie Williams MP, seeking ongoing support and \$400,000 in grant funding as a co-contribution towards the estimated \$800,000 cost to develop the Strategic Business Case, with Council also contributing \$400,000.
  11. In parallel with the commencement of the Strategic Business Case, request the General Manager to investigate the implications for the overall proposed Orbital Road project of separating what is known as the flood-free Primary Airport Access Road from the proposed Orbital Road project (at the appropriate time), separate to the East-West Link (Ocean Drive to Oxley Highway) and the North-South Link (Oxley Highway to Boundary Street).
  12. Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report.

### Executive Summary

This report brings together the summary of recent community engagement regarding the proposed Orbital Road, which consists of the collective east-west link (Ocean Drive to Oxley Highway), the north-south link (Oxley Highway to Boundary St) and the flood-free Primary Airport Access Road (Oxley Highway to Hastings River Drive). It also presents a summary of the planning and investigation work completed to date on future needs in terms of our local transport network.

The report also provides detailed information and outcomes regarding the work undertaken by Council staff in response to the 21 November 2018 Council resolution to "*commence community and stakeholder engagement on the viable route options for the Orbital Road*" and "*actively seek external funding for preconstruction activities required to progress the planning for the Orbital Road*". It also follows on from the May 2015 resolution of Council in which Council resolved to "*endorse the investigation and planning for new road links and upgrades within the Local*

*Government Area including (a) new North-South and East-West links (b) additional links to Port Macquarie regional Airport ...".*

Council has undertaken a large body of work in recent years in relation to investigating proposed new links. It has also delivered a large body of work for road network improvements since 2013 totalling \$72.5 million.

As resolved on 21 November 2019, Council engaged the RPS Group to support an extensive community and stakeholder engagement program regarding the Proposed Orbital Road from November 2018 - March 2019. In the attached engagement report (**Attachment 1**), RPS have aimed to accurately and fairly capture the feedback provided during the engagement period. As a single project, this has received the highest level of community engagement and feedback ever experienced by Council.

The feedback received from the community is extensive and has been explained under 'key themes' in the attached report (**Attachment 1**). Further, RPS presented twelve recommendations, which have been considered by Council staff, with the responses, detailed in this report.

In presenting, the RPS Community Engagement Report Council is now at the point in this process where it needs to consider whether or not to proceed to the next step in the project planning process and the development of a Strategic Business Case.

While not required for Council projects, Council is working to ensure this project process aligns as closely as possible with the NSW Infrastructure Investment Assurance Framework. The Framework includes a series of "gates" as review and decision points. In aligning this project development and management process to the NSW Government Framework, Council will ensure that the project may be suitable for consideration for NSW Government funding or construction support in the future.

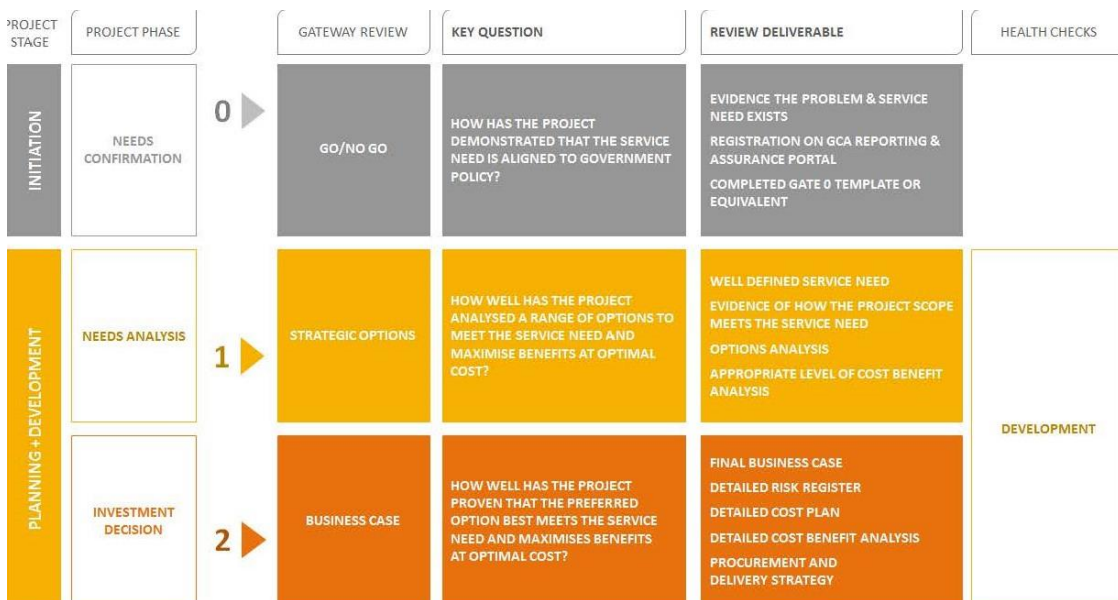


Figure 1 - Snap shot of Infrastructure NSW Investment Assurance Framework summary

Whilst the initial proposed, Orbital Road engagement program mapped a draft project process and timeline that focused strongly on the proposed Orbital investigation area and routes identified from the Engineering Feasibility Study, Council has listened to

the community's desire to consider a broader range of options - both other options for new links (some of which have been received as submissions) and potential further upgrades to the existing road network. For this reason, this report recommends that Council proceed to the development of a Strategic Business Case, with the scope of this work to include a review of options, including but not limited to the following matters:

- Alternative link road routes/options - both those presented by Council during the recent community engagement and those suggested by the community during this time; and
- Council has continued its upgrade program, including the Lake Road, Ocean Drive upgrades and working with the Roads and Maritime Services (RMS)/ Transport for NSW (TfNSW) on improvements to the Oxley Highway, noting this is a State controlled road.

At the conclusion of the Strategic Business Case, the intent is that Council will have a more detailed appreciation of the preferred option(s) to alleviate traffic congestion via better dispersal of traffic across the network. This may include short, medium and long-term options to improve the existing Port Macquarie road network (both widening roads and intersection upgrades) and/or provide new links.

A Communication and Engagement Plan will be developed for the Strategic Business Case to ensure timely updates to, and engagement with, the community as work progresses. As recommended by RPS, the establishment of a Community Consultative Committee will also be part of this Plan.

This report recommends that Council proceed to the development of a Strategic Business Case through collaborating with the community and key state partners.

## **Discussion**

### What is the role of Council?

One of the key strategic functions of a Council is to adequately manage the road network. As an area grows, the demand on the road network changes, not only the volume of road users but the pattern of travel and user types. Constructing new roads and upgrading existing roads ensures that the efficiency, capacity and safety of the network is maintained and where required improved.

Port Macquarie is identified as a Regional City in the NSW Government's North Coast Regional Plan and is one of the fastest growing regional centres in NSW. The introduction of Charles Sturt University in 2015, continued expansion of the Base Hospital since 2013, upgrades to the Port Macquarie airport, growth of the broader education sector, expansion of the CBD and shopping precincts, and increased residential development have all contributed to the growth of the Port Macquarie-Hastings area. Continued growth is expected to see our population reach an estimated 104,000 by the year 2036.

The Port Macquarie road network has limited capacity to continue to facilitate and respond to a fast rate of growth with critical elements of the network already experiencing reduced levels of service as identified in a range of previous studies and traffic assessments. This limited capacity is centred on the Oxley Highway, Ocean Drive, Lake Road and Hastings River Drive areas and the need to facilitate



effective east-west and north-south movements and improved access to key areas. Current designed network upgrades are only likely to provide additional capacity in the short term (5-10years). This limited capacity will have impacts on the region's economic development and the level of service provided to the community as Port Macquarie continues to grow.

Background/ History of Road network actions to date

Since the 1980's it has been recognised that Port Macquarie requires adequate road corridors to connect current and future urban areas recognising the Lake Innes Reserve as being a geographical divider. This was further outlined in the 2002 Hastings Roads and Traffic Study. Many improvements to the existing road network have been implemented responding to traffic demands experienced due to growth however; with continued expansion of the urban area, the road network remains largely incapable of handling current traffic volumes.

Significant upgrades that have occurred to support the area's growth since the 2002 traffic study include the upgrade of the Oxley Highway from the Pacific Highway into Port Macquarie as the key gateway, duplication and upgrade to Ocean Drive and the linking of Ocean Drive to Gordon Street.

Upgrades to a number of key intersections including the intersection of Oxley Highway/Ocean Drive/Gordon Street/Hastings River Drive and the Hastings River Drive/Boundary Street intersection have also been completed.

Corridor upgrades that are continuing include the duplication of Hastings River Drive between Gordon and Boundary streets and the duplication of Lake Road between Ocean Drive and Oxley Highway.

Below is a summary of investigations informing the strategic need and routes for the Orbital Road to date.

Planning for Urban Growth 1989 - Outer Orbital Link	Plan developed for an outer Orbital link as part of the planning for the beaches and southern areas of Port Macquarie
The Hastings Road and Traffic Study (2001)	The Hastings Road and Traffic Study was completed following adoption of the Hastings Urban Growth Strategy (2000) with a major outcome of the work being the recommendation that the Port Macquarie-Hastings plan for the provision of an 'Outer Link Road' to cater for future traffic generated from both new and existing development areas. The conceptual Outer Ring Road was identified as linking Ocean Drive through to Hastings River Drive via the Oxley Highway.
Innes Peninsula Traffic Study (2002)	The traffic study indicated the need for road links to the Oxley Highway and the incorporation of plans for an Outer Ring Road from Ocean Drive as the existing collector system was inadequate for the expected growth in traffic.
Port Macquarie Outer Link Roads	Building on the recommendations presented in the Hastings Roads and Traffic Study, Port Macquarie-Hastings Council

route feasibility and selection study (2005)	commissioned environmental consulting firm ERM to undertake an Outer Link Road route feasibility and selection study. Preliminary road corridor options assessed included an East-West route, linking Ocean Drive and the Oxley Highway and a North-South route, linking between the Oxley Highway and Hastings River Drive.
Port Macquarie Outer Link Options – Traffic Assessment (2006)	Following the Outer Link Road route feasibility and selection study, SMEC undertook traffic network modelling assessment of seven north-south options, four east-west options and a combined link road option. Results confirmed the links would provide travel timesavings across the local road network; however, greater timesavings would be achieved with the continuous link.
Port Macquarie Revised Route Options Report (2007)	In 2007, ERM prepared a revised route options report for consideration by Council in its September 2007 determination of preferred routes to be exhibited for community comment.
September 2007 Council Resolution - Outer Link Road Route Options	<p>At the 17 September 2007 Ordinary Council meeting, it was resolved as follows:</p> <p>ADOPTED: 17/9/07</p> <ol style="list-style-type: none"> <li>1. That EW link 3E/3A be the preferred option to cater for long term traffic relief from Lake Road (Oxley Highway to Ocean Drive) and an environmental approval and concept design for this route be pursued to further investigate a link to the industrial area within the next 3 to 5 years, as part of Council's future Transport Infrastructure Works Programme.</li> <li>2. That the upgrade of Lake Road, Ocean Drive to the Oxley Highway, be the preferred option to cater for the short to medium term east/west movement of traffic between Ocean Drive and the Oxley Highway.</li> <li>3. That the upgrade of Lake Road be limited to a four (4) lane carriageway (two lanes in each direction plus kerbside parking lanes) until EW link 3E/3A, or an alternative EW link is implemented.</li> <li>4. That in the event of Council being unable to obtain an environmental approval for EW link 3E/3A (or an alternative EW link nominated by Council), upgrade of Lake Road to a six (6) lane carriageway be pursued to cater for long term traffic movements between Ocean Drive and the Oxley Highway.</li> <li>5. That NS link 3C be the preferred link to cater for longer term north/south traffic movements between Area 13 and Hastings River Drive via the Airport precinct and that the final alignment of this link reviewed as part of the Area 13 and Airport Precinct planning.</li> <li>6. That NS link 4A be the preferred option to provide a link between Area 13 and Hastings River Drive and further development in the Sancrox precinct.</li> </ol>



	<p>7. That Clifton Drive, Widderson Street and Findlay Avenue continue to operate as local collector roads and traffic conditions within these roads be monitored to determine necessary upgrades to be further considered for inclusion in Council's Transport Infrastructure Improvement Programme.</p> <p>8. That copies of ERM Australia Pty Ltd and all Workshop reports be made available as part of the public exhibition.</p> <p>9. That the outcomes of the public exhibition be reported for Council to resolve a position with respect to proceeding with the outer link road investigations.</p> <p>10. That the changes required to the report, as outlined by the Director of Infrastructure Services, be adopted.</p>
Port Macquarie Outer Link Roads Final Route Options Report (2008)	The Outer Link Roads Final Route Options Report updated the revised route options report with additional traffic modelling results, updated road and bridge construction costs and revised distribution of future population.
May 2008 Council Resolution - Port Macquarie Outer Link Road Route Options	<p>At the 07 May 2008 Ordinary Council meeting, it was resolved as follows:</p> <p>ADOPTED: 7/5/2008</p> <p>1. The Upgrade of Lake Road be the preferred option to cater for the east/west movement of traffic between Ocean Drive and the Oxley Highway.</p> <p>2. A detailed concept design and strategy for the upgrade of the Lake Road corridor be further reported to Council during 2009, including opportunities for rezoning of adjoining lands, improved parking, staging and a funding plan.</p> <p>3. NS link 3C be the preferred link to cater for longer term north/south traffic movements between Area 13 and Hastings River Drive via the Airport precinct and that the final alignment be reviewed and further reported to Council, as part of Area 13 and Airport Precinct land use planning.</p> <p>4. NS link 4A be deleted from further consideration due to the marginal economic impacts of developing this route and the high environmental impacts that would need to be ameliorated.</p> <p>5. Clifton Drive, Widderson Street and Finlay Avenue continue to operate as local collector roads and traffic conditions within these roads be monitored to determine necessary upgrades to be further considered for inclusion in Council's Transport Infrastructure Improvement Programme.</p>
Port Macquarie-Hastings Infrastructure Gap Analysis (2014)	In 2014, PSA Consulting Australia undertook a capacity assessment of Port-Macquarie Hastings transport and telecommunications infrastructure. Informed by stakeholder input and strategic analysis of anticipated needs, the report recommended consideration of new transport provision from Oxley Drive to Boundary Street and Oxley Highway to Ocean Drive.

<p>May 2015 Council Resolution - Road Network Planning</p>	<p>At the 20 May 2015 Ordinary Council meeting, it was resolved as follows:</p> <p>ADOPTED: 20/5/2015</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorse the investigation and planning for new road links and upgrades within the Local Government Area including: <ol style="list-style-type: none"> <li>(a) new North-South and East-West links</li> <li>(b) additional links to Port Macquarie Regional Airport</li> <li>(c) new link between Central Road and Acacia Avenue</li> <li>(d) options for additional access to the southern section of the Lake Road Industrial area through to Kingfisher Drive/Wrights Road area</li> <li>(e) upgrade of Lake Road to two lanes in each direction between the Oxley Highway and Ocean Drive.</li> </ol> </li> <li>2. Consider the proposed link road investigations in the preparation of the Urban Growth Management Strategy (UGMS) review and prior to commencing any investigations for the future rezoning of land that may be affected by future link roads.</li> <li>3. Actively seek external funding for the preconstruction and construction activities required for the upgrade of Lake Road.</li> <li>4. Consider funding the preconstruction activities in 2016 - 2017 budget if other funding is not forthcoming.</li> </ol>
<p>Port Macquarie Orbital Road Engineering Feasibility Investigation (2015-2018)</p>	<p>An engineering feasibility study for the Orbital Road commenced in 2016 to determine the most feasible route from an engineering perspective, looking at environmental constraints, project costs and other more recent infrastructure and land constraints that have been introduced in the last 10 years. The investigation identified a viable route for the proposed Orbital Road, which informed the investigation corridor for the community consultation undertaken by Council.</p>
<p>Port Macquarie-Hastings Area Wide Traffic Study (2015-2018)</p>	<p>The Area Wide Traffic Study undertaken by Council, in partnership with RMS, identified that the proposed Orbital Road project would remove through traffic from the Inner Port Macquarie area, and allow easier access for local traffic.</p>

Following a period of Administration Council was returned in September 2012. Subsequently in March 2013 Council resolved as follows in relation to priority Roads Infrastructure projects:

*RESOLVED: Intemann/Levido*

That Council, in relation to Roads Infrastructure projects:

1. Allocate the highest priority to the Stingray Creek Bridge Upgrade; reconstruction of Houston Mitchell Drive; the Hastings River Drive upgrade to four lanes from Gordon Street to Boundary Street and commence reconstruction of Beechwood Road.
2. Write to the Minister for Roads and Ports, the Hon. Duncan Gay, seeking to meet with him regarding traffic congestion and safety program funding for Hastings River Drive.
3. Allocate appropriate funding in the 2013/14 budget for works as discussed in the report for the Stingray Creek Bridge Upgrade, Houston Mitchell Drive, Hastings River Drive and Beechwood Road, as discussed in this report.
4. Seek assistance from NSW Treasury Corporation (T-Corp) to review Council's financial position based on proposed borrowings outlined in this report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

In accordance with that resolution, Council has substantially completed works as prioritised, from 2013 to 2019, to the value of approximately \$54.5 million, being:

Beechwood Road upgrades - 2014-2019	Reconstruction and rehabilitation of Beechwood Road (Waugh Street to Neville Road) completed in stages from 2014 to 2019 at a total cost of \$6.6 million.
Hastings River Drive/ Boundary Street intersection upgrade - 2014	Intersection upgraded to traffic signals completed in 2014 at a cost of \$2.3 million.
Duplication of Hastings River Drive 2016	Duplication of Hastings River Drive (Gordon to Aston Street) completed in 2016 at a cost of \$5.9 million.
Houston Mitchel Drive upgrade 2017	Upgrade of Houston Mitchell Drive completed in 2017 at a cost of \$8.3 million.
Stingray Creek Bridge upgrade 2017	Upgrade of Stingray Creek Bridge completed in 2017 at a cost of \$28.8 million.
Hastings River Drive / Newport Island Road intersection upgrade 2018	Construction of dual lane roundabout at the Hastings River Drive / Newport Island Road intersection completed in 2018 at a cost of \$2.6 million.

In addition to the works identified in the 2013 resolution, Council has also undertaken a broad program of road network improvements across the Local Government Area, including works on Lake Road.

Major improvement projects, delivered since 2013, are outlined below:

Saltwater Creek Bridge upgrade - Pembroke Road 2013	The upgrade of a single lane timber bridge on Pembroke Road to a dual lane concrete bridge completed in 2013 at a cost of \$1.5 million.
Loggy Creek Bridge upgrade - Pembroke Road 2014	The upgrade of a single lane timber bridge on Pembroke Road to a dual lane concrete bridge completed in 2014 at a cost of \$1.0 million.
The Boulevard and Dunbogan Tip Road upgrade 2015	The upgrade of The Boulevard and Dunbogan Tip Road to improve flood access for the Dunbogan community completed in 2015 at a cost of \$2 million.
Lake Road - Blackbutt Road Intersection upgrade (roundabout) 2016	The upgrade of the Lake Road / Blackbutt Road intersection to a dual lane roundabout completed in 2016 at a cost of \$3.2 million. This project also included minor modifications to the Lake Road / Jindalee Road roundabout to achieve two west bound through lanes.
Gordon Street upgrade 2017	The upgrade and safety improvements to Gordon Street (Horton Street to Lake Road) completed in 2017 at a cost of \$1.4 million.
Hyndman's Creek Bridge upgrade - Comboyne Road 2017	The upgrade of a narrow timber bridge to a full dual lane concrete bridge on Comboyne Road completed in 2017 at a cost of \$1.6 million.
Bulli Creek Bridge upgrade Comboyne Road 2018	The upgrade of a single lane timber bridge to dual lane concrete bridge on Comboyne Road completed in 2018 at a cost of \$2.0 million.
Harty's Creek Bridge upgrade - Comboyne Road 2018	The upgrade of a narrow timber bridge to a full dual lane concrete bridge on Comboyne Road completed in 2018 at a cost of \$1.8 million.
Albert Street Bridge upgrade 2018	The upgrade of a single lane timber bridge to a dual lane concrete bridge on Albert Street, Kendall, completed in 2018 at a cost of \$0.9 million.
O'Neill's Bridge upgrade - Batar Creek Road 2018	The upgrade of a narrow timber bridge to a full dual lane concrete bridge on Batar Creek Road completed in 2018 at a cost of \$0.9 million.
Lake Road Duplication (Toorak Court to Oxley Highway) 2018	Duplication of Lake Road (Toorak Court to Oxley Highway) completed in 2018 at a cost of \$1.7 million.



These projects were undertaken with funding from Council and with the support of other levels of government.

### Engagement

Due to the complex nature of this community engagement project, availability of limited internal skills and experience for engagement at the proposed scale, along with the sensitive nature of the Orbital Road project, a 'reverse brief' style of proposal was determined as the most appropriate procurement method.

It was determined that the most effective procurement method in the circumstances. Accordingly, the Local Government Procurement panel arrangement – Professional Consulting Services (LGP1208-3), was reviewed and two specialist communication consultants were identified as suitable.

The benefit of using a Local Government Procurement panel arrangement directly for procurements over \$150,000. Is that Local Government Procurement has met the requirements of Section 55(3) of the Local Government Act 1993 (NSW), with Local Government Procurement being a "prescribed organisation". As a result, there is no requirement for Council to undertake a formal Tender process for these services.

The Request For Quote (RFQ) documentation was subsequently issued to two appropriately experienced and qualified consultants seeking detailed proposals on 14 August 2018.

The project delivery was divided into a two (2) phases, with Phase 1 being a direct appointment based on the outcomes of the RFQ process. Phase 2 option was the subject of a separate Council resolution, at its sole discretion. Further information on key items for each of the Phases is as follows:

**Phase 1** – Advice on commencing the community engagement prior to a Council decision to engage:

- Appropriate media release statements and supporting visual product as required to inform the public prior to Council report about the project and Council's intent to engage; and
- Appropriate content for a Council report (public document) to initiate the community engagement
- The commencement of a Community Aided Telephone Interview (CATI) Survey

**Phase 2** (Subject to Council decision to proceed) – Plan and lead the community engagement process for the next stages of planning and development for the Orbital Road project:

- Produce a comprehensive engagement plan;
- Produce appropriate support products - Fact sheets, feedback surveys, map products, information for Council's online 'Have your say' website, etc;
- Facilitate community information sessions;
- Collate and document feedback and submissions received; and
- Produce a comprehensive engagement report.

On the 14 September 2018, RPS/Straight Talk Pty Ltd were engaged to undertake the Phase 1 component of the project. With Phase 2 being subject of the Council decision at the November 2018 Council meeting.



Council, with the support of RPS, delivered an extensive community and stakeholder engagement program for the proposed Orbital Road. The consultation and engagement period began November 2018 and concluded on 30 March 2019.

The RPS engagement program was designed to:

- raise awareness about the proposed Orbital Road, including communicating the history of the project
- invite and encourage submissions from the community and other stakeholders to inform Council's
- decision whether to further the progress the project
- provide accurate and timely information about the proposed Orbital Road and the planning process
- understand and access valuable local knowledge from the community and stakeholders
- promote a comprehensive and transparent approach
- establish communication channels so stakeholders are kept informed throughout the corridor planning process

On 21 November 2018 in a Confidential Report to Council, Council resolved to progress investigations for the proposed Orbital Road as follows:

*RESOLVED Alley /Dixon*

*That Council:*

1. *Accept the quote from RPS Manidis Roberts Pty Ltd trading as Straight Talk for Phase 2 of the Orbital Road Communications Strategy and Community Engagement project for \$106,525.00 (inclusive of Project Management Fees- exclusive of GST).*
2. *Note that the total cost for engaging RPS Manidis Roberts Pty Ltd trading as Straight Talk for the Orbital Road Communications Strategy and Community Engagement project(Phase 1 and Phase 2) will total \$181,275.00 (inclusive of Project Management Fees- exclusive of GST).*
3. *Pursuant to Section 55 (3) (a) of the Local Government Act 1993, resolve to not invite tenders for the Orbital Road Communications Strategy and Community Engagement project.*
4. *Affix the seal of Council to the necessary documents.*
5. *Maintain the confidentiality of the documents and consideration in respect of Tender T-18-43.*
6. *Request the General Manager to commence community and stakeholder engagement on the viable route options for the Orbital Road.*
7. *Request the General Manager to actively seek external funding for preconstruction activities required to progress the planning for the Orbital Road.*

The engagement was required to be undertaken in accordance with advice from RPS and delivered in a number of stages. All attempts were to be made to engage with the broader community in addition to those within the investigation area. However, as is often the case with this type of project, the bulk of the feedback received has been from the potentially effected community members.

- **Engagement process**

The engagement process prior to the November 2018 Council meeting, commenced with a Computer Assisted Telephone Interview (CATI) survey of 604 residents to gauge the community's attitudes toward traffic across Port Macquarie, explore travel habits and behaviours and understand levels of awareness of the concept for an Outer Orbital Link Road, as it had been described historically.

The results from the CATI survey can be found in the RPS Community Engagement Report - Section 2.3.4 (**Attachment 1 and 2**). The CATI report was part of the initial RPS methodology as part of Stage one of the engagement actions. This was to assist in understanding and awareness of the project in the broader community, noting the survey questions were not route specific.

Following the 21 November 2018 Council resolution Council staff commenced doorknocking 414 properties within the investigation corridor to provide initial project information relating to the proposed Orbital Road.

Communication material delivered included:

- An addressed letter to the resident/landowner/business owner
- FAQ document
- A map of the investigation corridor

To coincide with Council's decision to progress investigations for the proposed Orbital Road, a project information webpage was launched on Council's Have Your Say website. Community members were encouraged to provide feedback to Council on the proposed Orbital Road through the website.

During the broader engagement program, face-to-face and online engagement tools were used to inform community and stakeholders about the project and to facilitate the expression of their opinions, concerns and ideas. A range of opportunities to provide feedback and seek information were available. These included:

- posts on the Port Macquarie-Hastings Council Facebook and Twitter pages
- video messages from the Mayor and Deputy Mayor
- project information brochure, frequently asked question sheets and maps were distributed to properties
- within the investigation area, and emails and letters to stakeholders and directly and indirectly affected landowners.
- key stakeholder and landowner meetings, including meetings with local action groups
- six community drop-in information sessions and multiple pop-up information booths, held in a range of locations
- paper-based and online surveys about the proposed orbital road and broader issues about traffic and transport in the local area
- meetings and telephone conversation with community members.

During this time period, property owners, residents and business owners within the investigation corridor were also able to request a one-on-one meeting with Council's project team. Between 22 November and 10 December 2018, 30 requests for one-on-one meetings were lodged through the Have Your Say website.

A second letter box drop to property owners, residents and business owners within the investigation corridor was conducted prior to Christmas 2018. Material delivered included a project update letter from the Mayor, a project information brochure and fact sheet. The material was also made available to the community via the Have Your Say website. During the period from December 2018 through to February 2019 Council staff, the Mayor, Councillors and the General Manager continued to meet with residents, businesses and other community members.

From 26 February 2019 until 30 March 2019, in response to community feedback, Council developed a series of additional fact sheets which were made available on the Have Your Say webpage. The fact sheets included:

- Identifying a corridor for the Orbital Road
  - Corridor Protection for Future Road Infrastructure
  - Environmental Considerations for the Proposed Orbital Road
- During this period, several community and stakeholder engagement activities were implemented including:

- A. Six community information sessions
  - B. Eight stakeholder workshops (i.e. Environmental Groups, Real estate Agents, Business groups, Community groups etc.)
  - C. Five community pop-up sessions
  - D. Four meetings with residents and local action groups
- During the engagement process, 42 meetings were held with individuals, businesses and residents outside the formal community engagement sessions. In addition, there were 17,500 unique visits to the Have Your Say project webpage, with over 46,350 page views, which is the total times a project page was loaded.

Since the November 2018 Council meeting there has been a high level of community interest in the project with eight community members also speaking at the following Council meetings:

- 12 December 2018
- 20 February 2019
- 20 March 2019
- 15 May 2019

Community attendance at the above-mentioned Council meetings was high.

- **Engagement Feedback**

Throughout the engagement process there was a high level of engagement. A summary of the engagement outcomes is included in the RPS Engagement Report Section 2.3 (**Attachment 1**). In summary this included:

- 1788 community members participated in face to face sessions 495 submissions received (including emails, letters and submission feedback forms)
- 604 local residents participated in a randomly-selected phone survey exploring initial perceptions, ideas and concepts about the proposed Orbital Road, and general views on traffic and congestion. A CATI survey was completed 1 – 9 November 2018
- 578 proposed Orbital Road community surveys completed
- clear themes emerged from the feedback received during meetings, at the community drop-in sessions

- Social media and media coverage

A list of submitters is included in **Attachment 3**.

Clear themes emerged from the feedback received via community feedback forms, emails, postal and online submissions and during community and stakeholder meetings as outlined in the RPS Community Engagement Report Section 3 (**Attachment 1**).

Below is an outline of the engagement themes and subthemes including the number of times the theme was raised through the submissions received. These are outlined in the RPS Community Engagement Report Section 4 (**Attachments 1 and 2**). The numbers displayed against each theme indicates the number of times the theme was raised through the engagement submissions.

1. Project Planning and decision making - 359
  - Benefits of the proposed Orbital Road
  - Trust in Council and the decision-making process
  - Project planning and decision making
  - Project need
  - Funding for the proposed Orbital Road
  - Project name
  - Timelines for the proposed Orbital Road
2. Collective Impacts - 232
  - Infrastructure and growth
  - Traffic congestion
  - The Health and Education Precinct
  - Local infrastructure assets
3. Social Impacts - 193
  - Connections to place, lifestyle and amenity
  - Health and wellbeing
  - Community impacts
4. Environmental Impacts - 183
  - Flora and vegetation
  - Fauna and habitats
  - Flooding and evacuation
  - Noise and vibration
  - Wetlands and waterways
  - Acid sulphate soils and contamination
  - Geology
  - Lake Innes Nature Reserve and Kooloonbung Creek
  - Air quality and pollution
5. Infrastructure - 151
  - Impacts on existing infrastructure
  - Infrastructure upgrades



6. Community Engagement - 148
  - 2007 - 2008 community engagement
  - 2018 - 2019 community engagement
7. Property Acquisition - 128
  - Process and timing
  - Impacts to property values
  - Compensation for directly affected properties
  - Compensation for properties adjacent to the proposed Orbital Road corridor
8. Project alternatives - 119
  - Alternative alignments and recommendations
9. Investigation and evidence - 77
  - Engineering Feasibility Report
  - Area Wide Traffic Study
  - Calls for evidence to support the need and location of the proposed Orbital Road
10. Design - 57
  - Road design
  - Crossing Lake Innes Nature Reserve
11. Planning Policy - 30
  - Local and State planning documents
  - Alignment with recent planning decisions
12. Economic considerations - 29
  - Local businesses and organisations
  - Tourism
13. Heritage - 18
  - Local heritage buildings

- **Recommendations from RPS Community Engagement Report**

The RPS Community Engagement Report made 12 key recommendations to Council to consider based on key issues raised by the community and potential ways to mitigate the impacts of a project of this scale. These can be found in the Executive Summary and Section 5 of the RPS Community Engagement Report (**Attachment 1**).

These recommendations have been carefully considered and the proposed actions in response are detailed below.

- **Recommendation #1:** Council to consider extending the corridor investigation area to include the area to the south of the golf course, and alternatives to crossing Lake Innes Nature Reserve.

The current corridor investigation area is of great concern to many members of the community. Primary concerns include the amount of development that has occurred within the area since 2008, Council prescribing a preferred investigation corridor for



the Engineering Feasibility Study and the scale of impact the proposed road would cause on established communities.

**Council staff response:** As part of the Strategic Business Case, a review of alternate options, including upgrades to the existing road network and options provided by the community will be undertaken.

**Recommendation #2:** This document and its findings are publicly released and easily accessible for the Port Macquarie community.

It was evident in the findings that the proposed Orbital Road is of great interest to the local community.

**Council staff response:** The document will be publicly released with this Council report and included on Council's website.

**Recommendation #3:** The findings are shared internally with Council staff, specifically, those working on the Regional Integrated Transport Strategy

The local knowledge that the community have regarding their local environments cannot be underestimated. Feedback received from the community as part of this engagement program is relevant to other projects that Council is currently working on.

Much of the feedback received from the community is relevant to the RITS, especially Section 4.1.4, where comments and suggestions relate to alternate modes of transport including better public transport connections, improved pedestrian and cycleway infrastructure and mass transit options.

**Council staff response:** The findings will be used internally to assist in the further development of the Regional Integrated Transport Strategy.

**Recommendation #4:** The findings are shared with State Agencies including:

Roads and Maritime Service (RMS): Information relevant to RMS includes community feedback on the Primary Airport Access Road link into Fernhill Road and suggested upgrade of the Oxley Highway.

The Office of Environment and Heritage (OEH): Information relevant to OEH includes Section 4.4 – Environmental impacts and 4.13 – Heritage.

National Parks and Wildlife Service (NPWS): Information relevant to OEH includes Section 4.4 – Environmental impacts.

**Council staff response:** Council will share the findings externally with key agencies including RMS, OEH and NPWS.

**Recommendation #5:** Port Macquarie-Hastings Council investigate establishing a formally recognised Community Consultative Group for the project. The purpose of this group would be for community members (through a formal nomination process) to be involved in the reviewing project information. Members would assist Council in making informed decisions that draw on local knowledge and expertise. Council could use the group to assist with communication and information sharing as well as testing approaches.

Many community members are concerned that decisions that affect their livelihood are made without their knowledge or input.

**Council staff response:** If the project proceeds as recommended, Council will establish a Community Consultative Committee, to support the project and act as key information sharing mechanism. The establishment of this Committee will include the development of a Charter, an expression of interest process and criteria for membership to ensure broad representation.

**Recommendation #6:** It is recommended that the Port Macquarie-Hastings Council Community Engagement Strategy and Policy are reviewed. Working with the community through a range of engagement means, Council should update the key principles of engagement to address transparency in the decision-making process.

Findings indicate that the community is concerned about the openness and transparency that Council proclaims.

**Council staff response:** Council routinely reviews its strategies and policies and there are lessons to be learnt from any engagement process. Council will, over the next 12 months, review its Engagement Policy and Procedures to ensure there are clear approaches for input into decision-making.

**Recommendation #7:** Council consider developing a positioning statement that addresses transparency in the decision-making process.

**Council staff response:** Council will, as part of the review of our Engagement Policy, consider a statement that addresses how to increase transparency in the decision making process.

**Recommendation #8:** Council evaluate the way that information is shared with the community, particularly outcomes from Council meetings. The information should be easily accessible to the community, with consideration that not all community members are regular users of the internet. It is recommended that Council remind the community that decisions are published on the website on the Friday following meetings. Additionally, Council could consider providing hard copy versions of Council decisions at the Council Administration Office and the local library, so those members of the community that do not use the internet can have access and visibility of decisions made by Council.

From the findings, it appears that many community members were unaware of Council's unanimous decision during the May 2015 Council meeting to reinvestigate options for an orbital road.

**Council staff response:** Council will, as part of the review of our Engagement and Communications strategy and Policy, consider how information is shared with the community, particularly in relation to Council meetings and decisions. Council currently publishes the decisions of Council on its website and provides copies of the business papers at Council's Customer Service Centres and Libraries. Council will consider printing the minutes (with decisions) and providing these in our Libraries and Customer Service Centres.

**Recommendation #9:** That Council uses the Area Wide Traffic Study (AWTS) and conducts future traffic modelling scenarios that include the upgrade of Ocean Drive and Lake Road. This would enable the community to understand whether the proposed Orbital Road would still be needed if these works were undertaken.

The upgrade of Lake Road and Ocean Drive were consistently mentioned across submissions. Considering previous Council decisions to undertake this work and funding having been secured for Ocean Drive in 2012, Council need to prioritise the upgrade of these roads. Many community members who oppose the current proposal believe that if these projects were completed, the proposed Orbital Road would no longer be necessary.

**Council staff response:** Council intends to use the AWTS to assist in conducting future, more detailed, traffic modelling scenarios.

**Recommendation #10:** The Area Wide Traffic Study examined the road network at an LGA level. It is recommended that Council build on the AWTS to a comprehensive analysis of the Port Macquarie road network, with the aim of identifying solutions for future traffic congestion. This should include the examination of intersection upgrades.

Many community members suggested that roundabouts are not designed to handle the volume of traffic on Port Macquarie roads, particularly during peak periods. It was suggested that traffic lights would improve traffic flow.

**Council staff response:** Council intends to undertake additional traffic modelling at local level to support the development of future network plans to assist in identifying solutions to our current congestions and future needs.

**Recommendation #11:** Council develop a succinct report written in plain English that explains the outcomes of the Area Wide Traffic Study. It is recommended that questions raised in submissions are addressed in the report, specifically those outlined in Section 4.9.2 – traffic modelling and movements.

The outcomes from the Area Wide Traffic Study present challenges to those who are unfamiliar with traffic modelling. Many questions were asked about where traffic is going to and coming from across the entire Port Macquarie road network.

**Council staff response:** Council prepared a plain English explanation as part of the Council report to support the AWTS that was tabled at the Ordinary Council meeting in February 2019. However, this may have gotten overlooked in all the information surrounding the proposed Orbital Road. Council will review the summary to ensure a plain English, easily understood summary of the AWTS is available for the community and undertake a communication plan to circulate information broadly through the community.

**Recommendation #12:** Council inform the community about the program of works for road maintenance across the Local Government Area, specifically, what projects are priorities for Council. This should also include information regarding planning for growth and continuing to maintain current assets.

Reference was made to Council's road maintenance backlog.

**Council staff response:** Council provides regular updates to the community through a variety of channels including print media and the website regarding the

road maintenance program. Council's priority projects are also determined through the Operational Plan process annually.

- **Engagement Analysis**

As detailed in the RPS Community Engagement Report, the community engagement program provided avenues for both qualitative (written submissions) and quantitative (surveys) data to be received by Council. This presents both benefits and challenges to the outcomes of engagement. High level analysis of CATI survey data indicates that for the initial telephone survey, 71% of respondents were supportive of the concept of an Outer Orbital Link Road, however, they were not provided with details of where such a road would be located.

Results from the proposed Orbital Road Community Survey indicated a clear division between those who support (48% of respondents) and those who oppose the project (48% of respondents). 3 % of respondents neither opposed or supported the project and 1% stated they did not know.

The 495 written submissions and feedback delved deeper into why the project was either supported or opposed by the community. As with many community engagement programs, it is often those who are likely to be impacted by a proposal, policy or plan that are most likely to take the time to provide feedback as they have a vested interest in the outcome. This presents a challenge in ensuring that broad community responses are received for such proposals.

The proposed Orbital Road engagement program reflects the nature of community engagement on projects that have the potential to impact on individuals, communities, and what they value about their local environment.

The majority of written submissions received either opposed the project outright or believed the road is needed and there were several submissions that supported the project. Accordingly, the RPS Community Engagement Report suggests a new alignment needs to be identified that minimises impacts to homes, businesses and the environment.

People who support the project believe it will create better connectivity across Port Macquarie, particularly for those living in the southern areas, and that the road would redistribute traffic across the network with the end result being the alleviation of congestion hotspots during peak periods. Conversely, many community members do not believe the proposed Orbital Road will alleviate and redistribute traffic across the region, and call for Council to present the evidence that this would be the result.

The community engagement program assisted in identifying the underpinning issues and concerns surrounding the potential impact the proposed Orbital Road would have on the local community, the environment and existing infrastructure.

These findings provide Council with a deeper understanding of the social, cultural and environmental values tied to the local area and the potential impacts that the proposal will have on the community

Details of the community feedback, CATI Survey, community survey and all the information that was provided to the community during the engagement period are contained in the RPS Community Engagement Report and appendices (refer Attachment 1 and 2). A list of names of people who lodged submissions is also attached to this report at Attachment 3. The submissions, with identifying information redacted, are available on the Have Your Say page on Council's website.



### Next Steps

If Council resolves to proceed to the next stage of the proposed Orbital Road project, this would be the development of a Strategic Business Case, known as Gate 1. The development of the Strategic Business case would also incorporate a Needs Confirmation Summary, known as Gate 0. This will generally be in line with the Infrastructure NSW Project Assurance Framework. Indicative project decision points are detailed in the figure below:



The Strategic Business Case will include a review of (but will not be limited to):

- Findings to date (e.g. Orbital Road Feasibility Study and recent community engagement)
- Project specific traffic studies
- Environmental impact investigations
- Social & economic impact investigations
- Investigation of alternate routes
- Planned road upgrades to the existing road network
- Engage and partner with:
  - Roads and Maritime Services/ Transport for NSW (TfNSW);
  - NSW Office of Environment & Heritage (OEH);
  - NSW National Parks & Wildlife Service (NPWS);
  - NSW Department of Planning & Environment (DPE);

The Strategic Business Case would include further detailed analysis of the existing road network. This would build on the work completed as part of Council's Area Wide Traffic Study and would see the development of a Port Macquarie-specific traffic model.



The work undertaken as part of a Strategic Business Case aims to:

- reconfirm the need for Council, to address traffic congestion and the need to improve our transport network to respond to and cater for growth;
- consider the cost benefit analysis of a full range of options and based on that, reduce the number of options to a preferred option or shortlist; and
- provide decision-makers with the information they need to determine whether or not to proceed to future stages of the project.

It is important to note that any improvements to the network across the short, medium and long term will need to be assessed with other viable improvements. The interconnected relationship of the road network means any one improvement may affect others and the timing of these improvements.

The Strategic Business Case analysis will enable deficiencies in the existing road network to be further understood and various improvement options to be tested in terms of their cost and benefit. Key considerations and objectives when reviewing the options would include:

- maximising traffic benefits by minimising travel times and delays;
- minimising construction cost;
- maximising road safety benefits;
- minimising environmental impacts;
- minimising social impacts;
- maximising future regional economic development opportunities; and
- maximising improvements to social connectivity.

If Council resolves to proceed to the Strategic Business Case stage, a specialist consultant will be engaged to complete the Strategic Business Case in consultation with Councillors, Council staff and relevant stakeholders such as Transport for NSW and Department of Planning and Industry. This process can be a lengthy one and is anticipated that it would take up to 24 months to complete. It is acknowledged that such a timeline will not give any certainty to residents within the current investigation area of a preferred route for some time. However, it is critical that Council undertake this detailed work in order to make the most appropriate decision for the future.

On completion, the Strategic Business Case would be reported to Council for consideration and with a recommendation on whether or not to proceed to the next stage of the Project and/or to determine a preferred approach to further address the traffic congestion problem. The intent being that at the conclusion of the Strategic Business Case, there would be an improved understanding of the most feasible option (s) (potentially short and long term) to alleviating traffic congestion via better dispersal of traffic across our network. It would be at this point in the process that there would be another decision point for Council to determine whether to proceed to the next phase (Gate 2) of the project, being determination of the preferred option(s) and development of a detailed business case on this option(s).

Refer to the fact sheet - Proposed Orbital Road - Strategic Business Case - **Attachment 4.**

**Options**

Council may resolve as per the recommendations included in this report or Council may choose to resolve in some other manner.

**Community Engagement & Internal Consultation**

A comprehensive community engagement process was undertaken, as detailed in the report.

In preparing this report, significant internal engagement has also taken place.

**Planning & Policy Implications**

There are no immediate planning implications arising from this report. However as included in the recommendations there would be a requirement to review Council's Engagement Policy.

**Financial & Economic Implications**

Should Council resolve to proceed to the Strategic Business Case stage, funding of \$800,000 is included in the draft 2019/20 Operational Plan. It is recommended that Council seek a co-contribution of \$400,000 from the NSW government to develop the Strategic Business Case.

Any major infrastructure works such as new link roads or major improvements to the existing road network, will require significant investment from Council and likely, other levels of government.

**Attachments**

- 1[View](#). Proposed Orbital Road Engagement Report
- 2[View](#). Appendices - Proposed Orbital Road Engagement Report
- 3[View](#). Proposed Orbital Road Project - List of Submitters
- 4[View](#). Infrastructure - Strategic Business Case Fact Sheet

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Item: 13.02

Subject: LAND ACQUISITION - CORNER OF LAKE ROAD & BLACKBUTT ROAD, PORT MACQUARIE

Presented by: Corporate Performance, Rebecca Olsen

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$13,156.00 (GST Exclusive) to the Owners Corporation of Strata Plan 98553 for the acquisition of part of the Common Property of Strata Plan 98553 more particularly described as Lot 1 in Plan of Acquisition Deposited Plan 1230034 being land situated at 146 Lake Road, Port Macquarie;
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the Owners Corporation of Strata Plan 98553 reasonably incurred legal and financial costs associated with the acquisition;
3. Pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the General Manager to execute, electronically or otherwise, all documents including, but not limited to, any authorisation form as required associated with the acquisition in accordance with the *Electronic Transactions Act 2000*;
4. Pursuant to Section 10 of the *Roads Act 1993*, on the acquisition of Lot 1 Deposited Plan 1230034, dedicate the land as a public road.

#### Executive Summary

A report to consider the payment of compensation for the acquisition of land following the completion of construction of the roundabout at the intersection of Lake Road and Blackbutt Road, Port Macquarie.

#### Discussion

Construction of the roundabout at the intersection of Lake Road and Blackbutt Road, Port Macquarie requires the acquisition of part of the Common Property of Strata Plan 93225 being land situated at 146 Lake Road. The location of the land acquisition is shown as the triangular Lot 1 in the attached plan.

The land to be acquired has been surveyed as Lot 1 in Plan of Acquisition DP1230034. Lot 1 comprises an area of 40.48m<sup>2</sup>.

The construction of the roundabout was completed with the prior written consent of the landowner.

**Options**

On the basis that construction of the roundabout has been completed and compensation agreed, there are no alternative options.

**Community Engagement & Internal Consultation**

There has been ongoing consultation with the Owners Corporation legal representative.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The acquisition of the land entitles the landowner to the payment of monetary compensation and to the reimbursement of expenses reasonably incurred arising from the acquisition.

Having regard to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council's Consulting Valuer has assessed compensation for the acquisition of Lot 1 DP1230034 at \$13,156.00 (GST Exclusive). A written offer in this amount has been made to, and accepted by, the landowner.

Reasonably incurred expenses by the landowner comprise the legal fees of the landowner's legal representative.

Costs, including Council's legal expenses in completing the acquisition, and the compensation for the land to be acquired are estimated at \$20,000 (GST inclusive). There are sufficient funds available in the Lake Road / Blackbutt Road Roundabout Reserve to fund this acquisition. A budget will be allocated through the monthly financial reporting process in the new financial year.

**Attachments**

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

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Item: 13.03

Subject: LAND ACQUISITION AND ROAD CLOSURE BEING PART THONE  
RIVER ROAD, BYABARRA

Presented by: Corporate Performance, Rebecca Olsen

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Proceed to acquire that part of Lot 12 Deposited Plan 136647 of sufficient length and width to enable a public road to be created over the existing Thone River Road track in use at its intersection with Comboyne Road;
2. Subject to Resolution 1 above, pursuant to Section 10 of the *Roads Act 1993*, on completion of the proposed acquisition, dedicate the acquired land as a public road;
3. Subject to Resolutions 1 and 2 above, proceed with the closure of that part of Thone River Road, enclosed by the blue dashed line in the attachment to this report titled "Proposed Road to be Closed";
4. Pursuant to Sections 38B and 38E of the *Roads Act 1993*, in the Notice of Road Closure, vest the land within the closed road in Council ownership as "operational land";
5. Pursuant to Section 44 of the *Roads Act 1993*, provide the land within the closed road referred to in Resolution 3 above, to the owner of Lot 12 Deposited Plan 136647, as compensation for the land acquired from Lot 12 Deposited Plan 136647;
6. Complete the land acquisition and road dedication processes referred to in Resolutions 1 and 2 above, either prior to, or at the same time, as the closure of that part of Thone River Road referred to in Resolution 3 above;
7. Pursuant to Section 377 of the *Local Government Act 1993* delegate authority to the General Manager to sign:
  - a) Plan of road closure and Section 88B Instrument;
  - b) b. Electronically or otherwise all documents including but not limited to any authorisation form as required in accordance with the *Electronic Transactions Act 2000*.

#### Executive Summary

Part of the currently constructed and in-use Thone River Road is not located within the prescribed road reserve where it commences at Comboyne Road. The road is a constructed gravel track which passes through private property, Lot 12 DP136647. The owner of this property has requested this anomaly be addressed by Council.



Rectification of the anomaly will improve address information for service delivery and locating addresses for emergency services.

The anomaly is able to be rectified through the acquisition of land for the purposes of a new road reserve, that includes the current formed gravel track. In lieu of the payment of monetary compensation for the required land acquisition, the now unused surveyed section of the original alignment of the Thone River Road road reserve, can be closed and the land within the closed road provided as compensation to the landowner. In essence, a land swap occurs. Subject to the final plan of acquisition, it is intended that the area of the land to be acquired for the new road reserve will be approximately equivalent to the area of land within the road reserve to be closed.

### **Discussion**

The initial approximately 160 metres of Thone River Road from its intersection with Comboyne Road, comprises a formed track across private land. The location of the public road network in the vicinity of the intersection is shown by grey shading in the attached aerial image (Attachment 1).

The owner of the land through which the formed track passes (Lot 12 DP136647) has requested the anomaly between the track in use and the surveyed section of the Thone River Road road reserve, which is no longer in use, be remedied. This is able to be achieved by means of acquiring the land occupied by the formed track. In lieu of monetary compensation for the land acquisition, the no longer in use section of the surveyed Thone River Road road reserve, can be closed and provided as compensation to the landowner. In essence, a land swap takes place. Section 44 of the *Roads Act 1993* allows for such a procedure. The land swap scenario is shown in the attached plan (Attachment 2).

Should Council proceed with the land swap, to ensure ongoing legal access to properties along Thone River Road, the land acquisition and dedication of the acquired land as public road will need to occur prior to, or at the same time, that the proposed road closure occurs.

### **Options**

Council has the option to:

1. Proceed as per the recommendations of this report to rectify the road reserve anomaly and improve address information for service delivery and locating addresses for emergency services; or
2. Not proceed with the proposed land acquisition and subsequent land swap and retain the status quo.

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

There has been consultation with the landowner on the proposed land swap. As required by the *Roads Act 1993*, notification of the proposal to close the original alignment of the unused section of the Thone River Road road reserve and provide the land in the closed road as compensation for the land to be acquired for road purposes, has been publicly exhibited in the "Community Now" Notices and notified to the mandatory Statutory Authorities.

At the conclusion of the notification period, no objections to the proposal were received. Essential Energy has requested an easement be created in its favour where overhead power lines traverse the road proposed to be closed.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

Whilst there is nil monetary compensation sought for the land to be acquired, survey preparation, survey plan registration and legal fees will be incurred. These costs are anticipated to be in the order of \$10,000. There is funding available in the operational plan (OP 1.5.3.8 CW) to meet the anticipated costs.

**Attachments**

1[View](#). Extent of Public Road Network

2[View](#). Road Proposed to be Closed (in Blue Dashes)

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Item: 13.04

Subject: LAND ACQUISITIONS - WINGHAM ROAD AND MAIN STREET,  
COMBOYNE

Presented by: Corporate Performance, Rebecca Olsen

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

##### That Council:

1. Pay compensation in the amount of \$29,132.00 (GST Exclusive) to the owner of Lot 1 Section 1 Deposited Plan 8802, N Matthews, for the acquisition of part Lot 1 Section 1 Deposited Plan 8802 more particularly described as Lot 1 in Plan of Acquisition Deposited Plan 852232;
2. Pay compensation in the amount of \$9,955.00 (GST Exclusive) to the owner of Lot 2 Deposited Plan 205711, P Newman, for the acquisition of part of Lot 2 Deposited Plan 205711 more particularly described as Lot 2 in Plan of Acquisition Deposited Plan 852232;
3. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* pay the legal costs reasonably incurred by the landowners associated with the acquisitions;
4. Pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the General Manager to execute, electronically or otherwise, all documents including, but not limited to, any authorisation form as required associated with the acquisition in accordance with the *Electronic Transactions Act 2000*;
5. Pursuant to Section 10 of the *Roads Act 1993*, on the acquisition of Lots 1 and 2 Deposited Plan 852232, dedicate the land as a public road.

#### Executive Summary

A report to consider the payment of compensation for the acquisition of land being part of the road bridge spanning the Thone River at Comboyne.

#### Discussion

In the early 1990's, the road bridge spanning the Thone River at Comboyne was replaced. The bridge on the new alignment encroaches onto private lands. With the recent change in ownership of both properties, the new landowners have requested that acquisitions be completed.

The area of lands occupied by the realigned bridge have been surveyed as Lots 1 and 2 in Plan of Acquisition Deposited Plan 852232. The location and general extent of the lands to be acquired is shown in the attached plan.

**Options**

As the existing bridge encroaches onto private lands there are no alternative options other than to proceed with the proposed acquisitions.

**Community Engagement & Internal Consultation**

There has been consultation with the landowners, their legal representative and with Council's Consulting Valuer.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The acquisition of the land entitles the landowners to the payment of compensation. Council's Consulting Valuer has assessed compensation payable and offers have been made to the landowners in line with the amounts assessed by Council's Consulting Valuer. The landowners have provided their written acceptance of the offers.

In addition to the payment of monetary compensation for the land, Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires that Council meet the landowners reasonably incurred legal fees. These fees are estimated at \$3,000 (GST Inclusive).

There is funding available in the operational plan (OP 1.5.3.8 CW) to meet the costs outlined in this report.

**Attachments**

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

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Item: 13.05

Subject: CREATION OF EASEMENTS FOR WATER SUPPLY - JOHN OXLEY DRIVE, THRUMSTER

Presented by: Corporate Performance, Rebecca Olsen

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#### Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

#### RECOMMENDATION

That Council:

1. Pay compensation in the amount of \$82,260.00 (GST Exclusive) to the owner of Lots 1, 2 and 3 Deposited Plan 1250669, S.Z.C.J.S.E. Pty Ltd, for the creation of easements for water supply 4 metres wide and 12 metres wide shown as (J) and (H) respectively in Deposited Plan 1250669;
2. Pursuant to Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991*, pay the landowner's reasonably incurred valuation and legal fees associated with the creation of the easements;
3. Pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the General Manager to execute, electronically or otherwise, all documents including, but not limited to, any authorisation form as required associated with the easement creation in accordance with the *Electronic Transactions Act 2000*.

#### Executive Summary

A report recommending the payment of compensation for the creation of easements for water supply at Thrumster.

#### Discussion

In order to ensure the Sancrox water supply system has enough water storage to supply the increased population in the zone (especially with the development in Area 13), a new 20 million litre reservoir has been constructed. The distribution capacity from the new reservoir now needs to be augmented to serve Area 13. Council's 2018/2019 Operation Plan has adopted the design and construction of approximately 2040 metres of new 750mm diameter water pipe to provide a larger capacity feed to Area 13 from the new Sancrox Reservoir. This pipeline requires a new easement east of the Pacific Highway through Lots 1, 2 and 3 DP1250669. The easements are depicted as (J) and (H) in DP1250669 and are shown on the attached plan.



**Options**

Nil.

**Community Engagement & Internal Consultation**

There has been ongoing consultation with the landowner and the landowner's consultant, and between Council's Consulting Valuer and the landowner's Consulting Valuer.

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

**Planning & Policy Implications**

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

**Financial & Economic Implications**

The creation of the easements entitles the landowner to the payment of compensation. Council's Consulting Valuer and the landowner's Consulting Valuer have agreed on the value of the easements in the amount of \$82,260.00 (GST exclusive). The landowner has provided his written agreement to the amount.

In addition to the payment of monetary compensation for the easements, Section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires that Council meet the landowner's reasonably incurred costs including valuation and legal fees.

There is funding available in the current Operational Plan - OP 4.1.1.1 CW to meet the compensation and costs incurred by the landowner.

**Attachments**

1 [View](#). Location of Easements for Water Supply

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Item: 13.06

Subject: PLANNING PROPOSAL REQUEST PP2011 - 9.3: THE RUINS WAY  
AND SOUTH BLACKWOOD, PORT MACQUARIE

Presented by: Strategy and Growth, Holly McBride

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Not support the Planning Proposal request to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to the un-subdivided residue land at Ascot Park and Innes Lake (being Part Lot 340 DP1251842 and Part Lot 399 DP1241278), Port Macquarie, for the following reasons:
  - a) The proposed development resulting from the Planning Proposal is considered unacceptable in terms of environmental impact, specifically:
    - i) up to 100% loss of existing Core Koala habitat within the proposed development precincts to satisfy Planning for Bushfire Protection requirements.
    - ii) loss of a significant corridor / habitat linkage between key foraging areas, with significance for genetic dispersal, and recovering vulnerable species, including koala.
    - iii) Incremental and cumulative habitat and connectivity loss, through ineffective offsets, barriers to movement, vehicle strike, and increased risk of dog attack and disease.
  - b) The Planning Proposal is inconsistent with North Coast Regional Plan 2036, Urban Growth Management Strategy 2017-2036, State Environmental Planning for Koala Habitat Protection and Coastal Management 2018, and the Biodiversity Conservation Act 2016.
  - c) The outcomes of the Planning Proposal do not have strategic merit and the request proposes development of land which is inconsistent with the Strategic Merit Test as outlined in the Department of Planning & Environment's Guidelines for Strategic and Site-Specific Merit Assessment Criteria for Planning Proposals.
  - d) The request proposes development of land which, if supported, would be inconsistent with Object (b) and Object (e) of the Environmental Planning and Assessment Act, 1979.
2. For the reasons outlined in 1 above, not forward the Planning Proposal to the Department of Planning & Environment for a Gateway

**Determination under Section 3.33 and 3.34 of the Environmental  
Planning & Assessment Act 1979.****3. Notify the Proponent of its decision on the matter.****Executive Summary**

The purpose of this report is to consider a Planning Proposal request (PP2011-9.3) from Love Project Management Pty Ltd to rezone Part Lot 340 DP1251842 and Part Lot 399 DP1241278 at Ascot Park and Innes Lake, Port Macquarie, and provide a summary of the outcomes of staff assessment of the request.

The Planning Proposal request originally related to three separate areas located off The Ruins Way and Blackwood Street, Port Macquarie, being:

1. The Ruins Way – East, which is proposed to be gifted to The Point Church
2. The Ruins Way – West, located to the north of Blue Wren Close
3. South Blackwood (Lindfield), which was linked to the South Lindfield Urban Release Area.

The first of these areas has now been removed from the proposal at the request of the proponent.

The stated aims of the proponent are to permit general residential development of the land as an extension of existing subdivision whilst retaining remnant habitat and corridor linkages within an urban setting. The intended effect of the Planning Proposal request is to amend planning controls including zone, lot size, floor space ratio and height of building controls, on land within the proposed development areas.

The land is currently zoned rural (RU1 Primary Production), and all parts contain high environmental value remnant vegetation and known koala habitat, which functions as a habitat link.

Council first considered the request in July 2011, resolving to include the proposal in Council's 2011-12 Strategic Land Use Planning program as a site specific Local Environmental Plan (LEP) Amendment proposal, subject to:

- Satisfactory resolution of urban design and conservation outcomes, having regard for what was originally approved for the subject land.
- The need for a Koala Plan of Management.
- The implications of the proposed development on the adjoining Nature Reserve.

Since that time, there have been reviews of submitted information, meetings with the proponent and their representative consultants, reports to Council on the status of the proposal and site visits. The proponent has been advised that the information submitted in support of the request does not address fundamental issues.

Council resolved on 16 August 2017 (Item 12.04) to discontinue the request if the necessary information has not been submitted for Council to support preparation of a Planning proposal by 16 February 2018.

The Proponent lodged additional information within the deadline (Copy as Attachment 2) in February 2018, plus additional studies submitted in April and May 2018 (copy as Attachment 3).

On review, Council staff have concluded that the information submitted does not satisfactorily address the outstanding issues which were summarised to the proponent on 2 and 31 August 2018 (Copies at attachment 4) in order for Council to determine whether to refer the Planning proposal for Gateway Determination.

Council's letter of 31 August 2018 advised the Proponent that *"Council staff have concluded that the proposed vegetation removal required for asset protection zones etc. cannot be undertaken without significant impact on the habitat of local populations of vulnerable species and on habitat connectivity."*

The proponent contends that the majority of the staff concerns, including detailed and ongoing legislative and environmental concerns which were outlined in Council's letter of 31 August 2018 (copy at Appendix 4), can be considered and addressed at the time of lodgement and assessment of future development applications (DAs under Part 4 of the EP&A Act) for the areas in question.

Council staff do not accept this position, concluding that it is not appropriate to rezone land for residential development where there is significant doubt that residential development can take place. Council staff have concluded that based on the information provided, the proposed vegetation loss and expected further vegetation removal required for asset protection zones etc, cannot be undertaken without significant impact on the habitat of local populations of vulnerable species and on habitat connectivity.

Council staff have formed the view that these issues are significant and it is unlikely that they can be resolved over the majority of the subject land. While the issues appear to be somewhat detailed for a rezoning/planning proposal it is the cumulative, overlapping and contradictory impacts of the issues that necessitate their consideration at this stage in the process.

The koala population in the Innes Lake area has been identified as nationally significant and the incremental loss of habitat is therefore significant in this area.

The possible exception to this is the South Blackwood (Lindfield) area, which potentially has some development potential. However, there remain long standing unresolved Council and Office of Environment and Heritage (OEH) concerns arising from investigation of the area as part of the South Lindfield Urban Release area, including:

- the width of buffers to the Lake Innes Nature Reserve,
- retention of habitat linkages
- vegetation offset requirements.

These issues have not been resolved in the information provided by the proponent and it is therefore proposed that Council not support the proponent's request to prepare a planning proposal for the Vilro/Charley land for the reasons recommended.



**Background****The Site**

The subject site comprises three separate precincts located on un-subdivided residue land at Ascot Park and Innes Lake, which at the time of writing, comprised two (2) lots.

The Ruins Way East and The Ruins Way West precincts form part of Lot 340 DP 1251842 and South Blackwood (Lindfield) is located within Lot 399 DP1241278, as shown below.



Figure 1. Site context.

Both lots are residue lots following residential subdivision, including golf course, wetland buffers, and approved koala plans of management.

**Lot 399 DP1241278**

Part *RU1 Primary Production*, part *R1 General Residential*, and part *E2 Environmental Conservation*.

This lot comprises the residue area of Ascot Park subdivision. It is located west of the Nature Reserve. It contains numerous easements, positive covenants, rights of access, servicing infrastructure, and commitments relating to existing approvals, including bushfire asset protection zones, golf course and vegetation retention.

**Lot 340 DP1251842**

Part *RU1 Primary Production*, and part *R1 General Residential*,

This lot is located to the east of the Lake Innes Nature Reserve with a land area of approximately 23ha. The lot contains managed grassland, stands of remnant coastal forest/woodland as well various easements, positive covenants, bushfire asset



protection zones, servicing and stormwater management facilities associated with adjoining subdivision approvals, and golf course. Existing vegetation has been retained in connection with existing approvals, including golf course, wetland buffers, and approved koala plans of management.

### The Proposed Rezoning Precincts

#### 1. The Ruins Way East



Figure 2 - The Ruins Way – East

This precinct is around 1.8ha. It is located west of The Ruins Way, forming the north eastern extent of Lot 340. Boundaries are to existing housing in The Ruins Way, The Stockyard and Coucal Close. The northern boundary adjoins Council owned land for service easements and Electricity Transmission, while the western boundary fronts The Ruins Way at the entrance to the Innes Lake estate. Access is via The Stockyard and The Ruins Way. The site is known to contain identified koala habitat.



Figure 3 - The Ruins Way East: Site images, captured 24 October 2018 at onsite meeting with proponent.

## 2. The Ruins Way – West

This area is located west of The Ruins Way at the northern extent of Lot 340. It also adjoins a Council owned and managed easement for services and transmission line to the north, neighbouring residential housing in Blue Wren Close to the south, and The Lake Innes Nature Reserve to the west. It is approximately 4ha. Access is via The Ruins Way and the road network to the south.



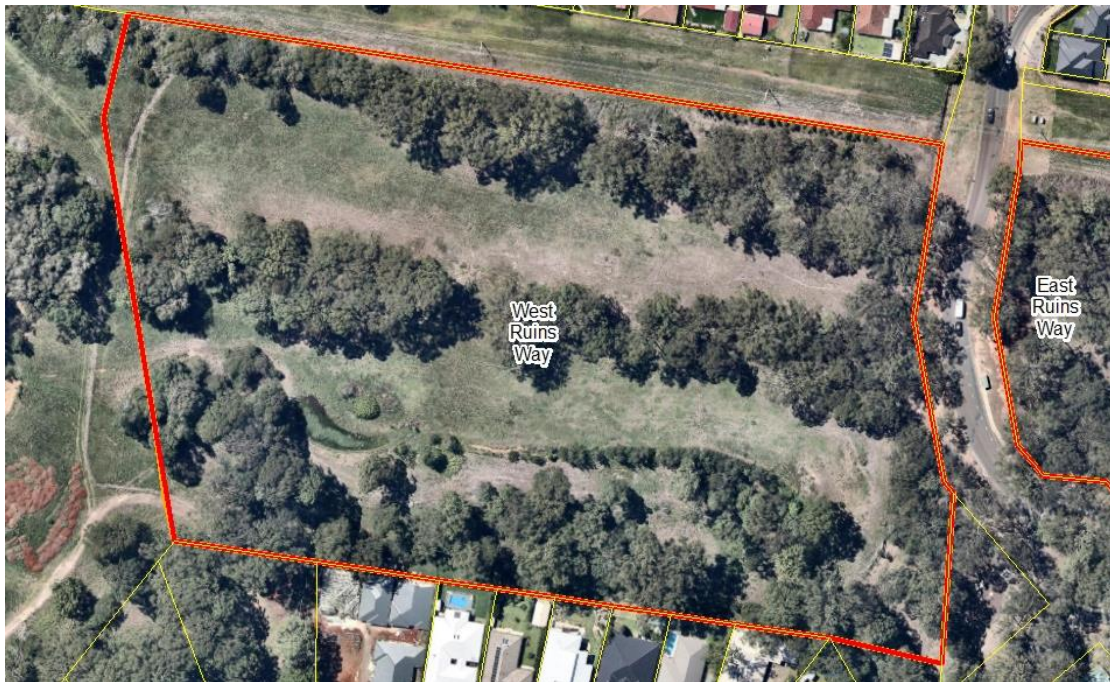


Figure 4 - The Ruins Way West Precinct - Context Image, NearMap March 2019

The proposed development area contains managed grassland and remnant strips of mature vegetation retained in accordance with existing approvals, including approved golf course fairways.

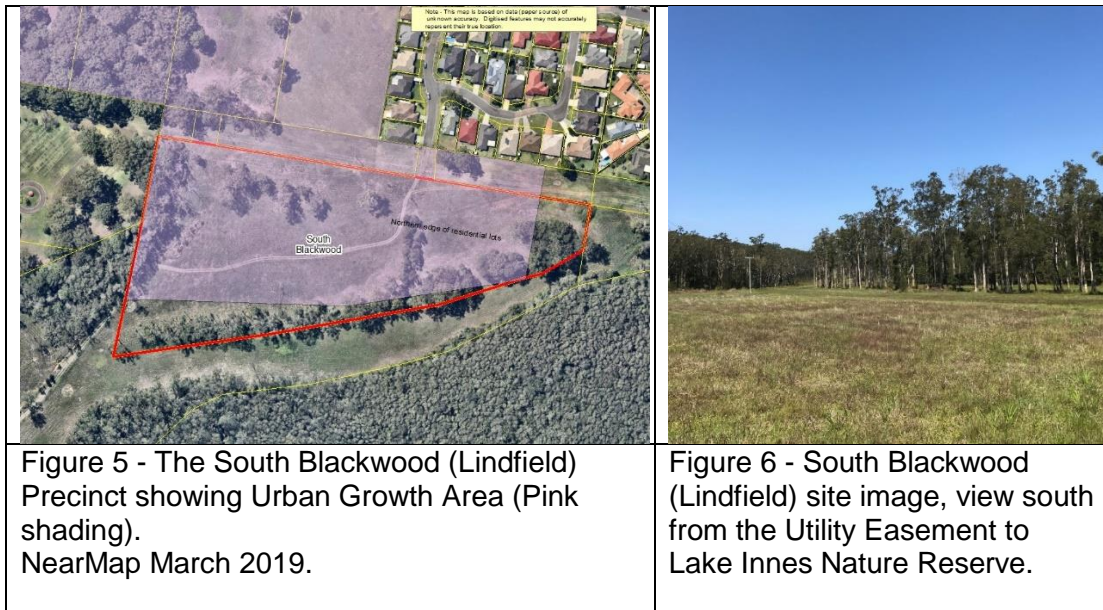
### 3. Blackwood Street - South

This area is located at the northern border of Lot 399, west of Lake Innes Nature Reserve. The site adjoins the recent land release at South Lindfield to the north, the Port Macquarie Crematorium to the west and Lot 340 to the east. The area comprises around 5.8ha of managed grassland and remnant vegetation generally confined to narrow strips situated along drainage swales and peripheral areas including boundary edges and golf course fairways.

At the request of the proponent, the area has been variously included in, or omitted from, the subject planning proposal request. In March 2017 Council resolved to omit the area from the adjacent Lindfield Urban Release Area planning proposal on the basis of Office of Environment and Heritage concerns and non-resolution of environmental matters, including:

- the need for a 35-metre-wide vegetated buffer to protect the Lake Innes Nature Reserve from direct/indirect impacts associated with any potential future residential development of the South Blackwood area
- provision of a viable ecological link for koala habitat connectivity, and offset planting

Approximately 3ha of the precinct is located within *North Coast Regional Plan 2036* Urban Growth Area (UGA) boundary and identified for urban investigation. (Figure 5).



### Chronology

Council has worked with the proponent since 2011 to progress the planning proposal request. A detailed Chronology of the Planning Proposal Request is included at Attachment 1. The chronology shows:

- Council resolution to include the land in question in July 2011, subject to *consistency with Regional and Local planning strategies, and conservation outcomes in The Ruins Way area having regard to what was originally planned, the need for a Koala Plan of Management, the relationship to the neighbouring National Park Nature Reserve and the potential loss of open space associated with the then Innes Peninsular residential subdivision.*
- Multiple staff requests for information (2011-2019).
- Reports to Council (2011-2019) advising on the status of the site specific request.
- Determinations to defer consideration and/or set deadlines for submission of necessary information (2013-2018).
- Extended timeframes for submission of information (5 since June 2017).
- Omission and inclusion of the South Blackwood precinct at varying stages.
- The land owner's offer to gift The Ruins Way East area to a local church group, and representations to staff.
- Omission of The Ruins Way East (March 2019) at the request of the proponent.

A summary of the information submitted in chronological order is provided below.

### **The Planning Proposal Request – February 2018**

In February 2018, the proponent lodged revised information in response to the Council's resolution of 16 August 2017. The submission included:

- Planning Proposal Application Report (February 2018)
- Ecological Survey and Constraints Assessment Version 4, (February 2018)
- Draft Koala Plan of Management Version 3, (February 2018)



- Conceptual subdivision development layouts for three distinct precincts in the north of the landholding.
- Bushfire Hazard Assessment (27 November 2013).
- Revised and updated Bushfire Hazard Assessment (submitted to senior staff 19 July 2018).


The submission did not include previously requested studies, including:

- Aboriginal Archaeological and Cultural Heritage Report (received April 2018)
- Drainage and hydrology report.
- A zoning concept for the land.


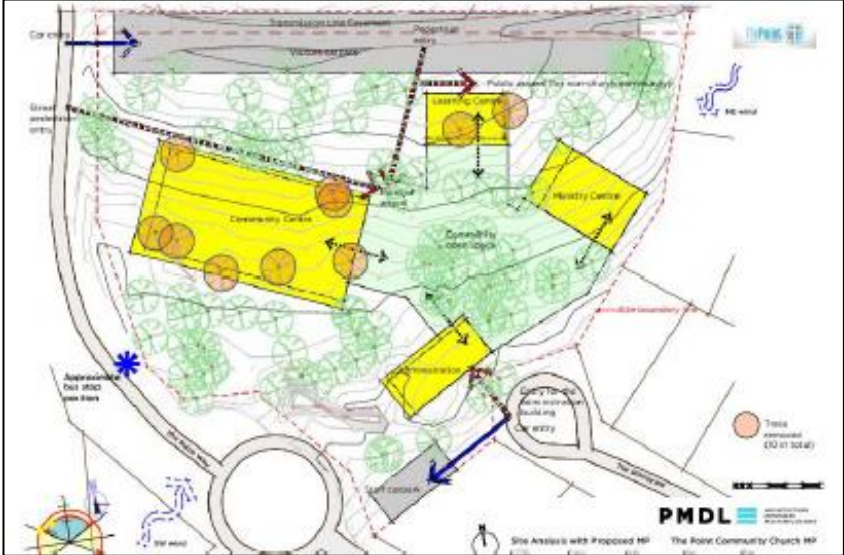
The Planning Proposal documentation submitted by the Proponent is contained in Appendix 2 of this report.

The request states that *“the proposal has been prepared in response to the need to evaluate and determine the appropriate land use zones for a large landholding in Port Macquarie which is surrounded by residential and urban forms of development. The land contains minor strips of vegetation, some of which have environmental merit for their retention within an urban setting”*.

The request has included the following *“notional”* development concepts for the land:

Concept Layouts - February 2018 submission	Revisions
 <p><b>South Blackwood (Lindfield) (Lindfield) – 33 lots</b> Proponent submission: <i>“West Lindfield has been assessed as able to accommodate a residential subdivision for some 33 residential lots and an area in the southern portion of the land which will be zoned for environment protection to ensure the long term preservation of a narrow strip of trees which has been retained as a separation between the approved fairway and the proposed residential subdivision.”</i></p>	NA



Concept Layouts - February 2018 submission	Revisions
 <p><b>The Ruins Way – West – 28 lots</b> Proponent submission: <i>“The West Ruins Way land is also proposed to be both residential development and environmental protection areas. The concept plan provides for 38 residential allotments and areas of retained vegetation which will be zoned for environmental protection and enhancement.”</i></p>	
 <p><b>The Ruins Way – East – Church</b> Proponent submission: <i>“The East Ruins Way site requires a long term management plan which will be achieved through this Planning Proposal. The successful management of large areas of vegetation within an urban environment will require vegetation management plans to form part of the future development consents on the property. The proposal is for this land to become a site owned and managed by a community group, with the footprint of proposed buildings located to maximize retention of koala food trees.”</i></p>	<p>Omitted by proponent 1 March 2019.</p> <p>Note: Council staff have also worked with the Point Church Group in relation to the site.</p>

**The Planning Proposal Request, Additional Information - 1 March 2019**

On 1 March 2019, the proponent submitted further information in response to Council's letter of 31<sup>st</sup> August 2018. (Copy at Appendix 3 of this report).

The details of the submissions are:

- Letter from Love Project Management to Council removing The Ruins Way – East proposal from the request, and an amended concept for The Ruins Way – West.
- Att. A – Love Project Management itemised response to matters raised on pages 4-5 of Council correspondence of 31<sup>st</sup> August 2018
- Att. B – JB Enviro response to matters set out on pages 1-3 of Council correspondence of 31<sup>st</sup> August 2018.
- Amended Concept Plan for West Ruins Way, shown below.



Figure 7 - The Ruins Way West, Amended Concept, 1 March 2019

**The Point Church, independent representations to Council  
17 July 2018, 26 March 2019 and 20 May 2019**

Separate to the above mentioned submissions from Love Project Management, representatives of the local church group have met independently with the Council staff. Key points of discussion focused on:

- The Ruins Way East site, modified concept layout, compressed building footprint, and areas for access and parking over the northern Utility Easement.
- The status of, and need to achieve compliance with NSW RFS *Planning for Bushfire Protection 2018 Pre-release* guidelines.



- The extent of vegetation removal (100%) needed to achieve compliance for a 'Special Fire Protection Purpose (SFPP) Development' under the above guidelines.
- The impact of vegetation removal/modification, which is known to be 'Core Koala' habitat and part of connectivity and habitat corridors shown to be retained in adopted Koala Plans of Management.

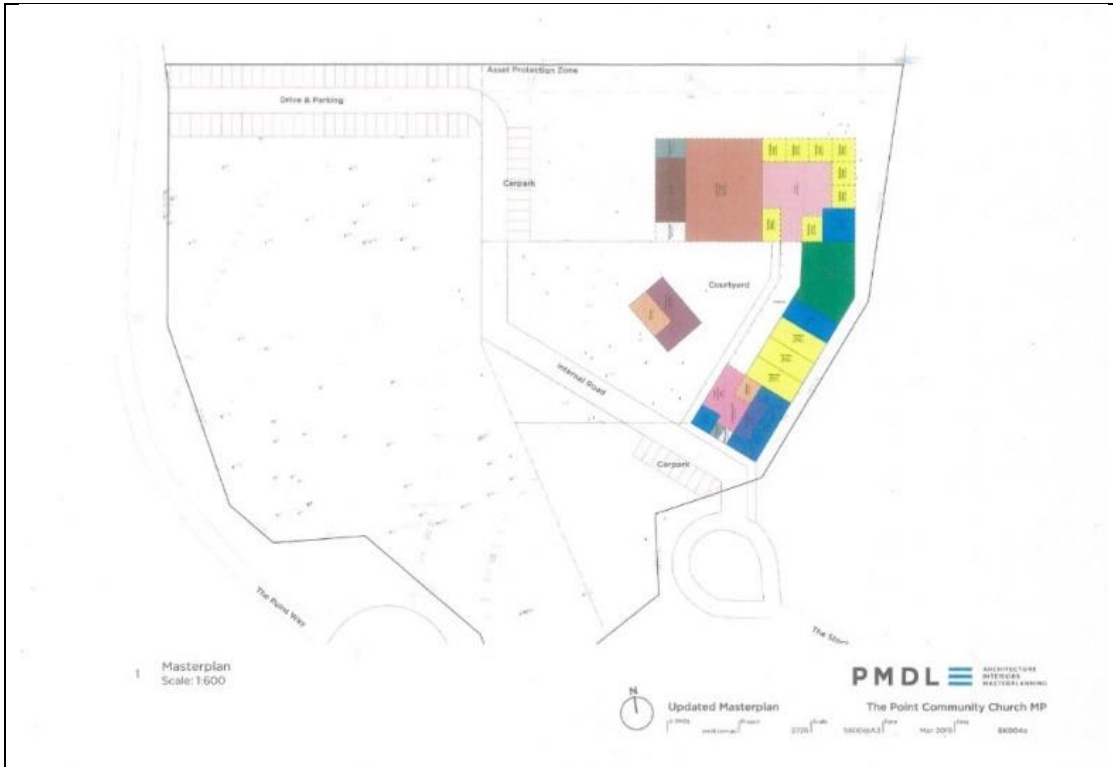


Figure 8 - The Ruins Way East, Amended Concept, 26 March 2019

### Existing Planning Controls

Relevant legislative requirements are:

#### Environmental Planning and Assessment Act, 1979

*Part 1.3 Objects of the Act.* The relevant objectives of the Act are:

- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (g) to promote good design and amenity of the built environment,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

*Part 3: Planning Instruments*, sets out the **legal requirements** for preparing and making of environmental planning instruments, including amending local environmental plans (LEPs).

Associated Government guidelines for preparing planning proposals and local environmental plans are also applicable.

### State Environmental Planning Policies

Relevant State Environmental Planning Policies (SEPPs) applying within the Port Macquarie-Hastings Council area are:

#### I. State Environmental Planning Policy No. 44 Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

An assessment of the planning proposal request against the requirements of the *Policy* is provided in the Assessment section of the report.

#### II. State Environmental Planning Policy (Coastal Management) 2018

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone. *Clause 10 Development on certain land within coastal wetlands*, and *Clause 11 Development on land in proximity to coastal wetlands* of the policy are relevant to the proposal.

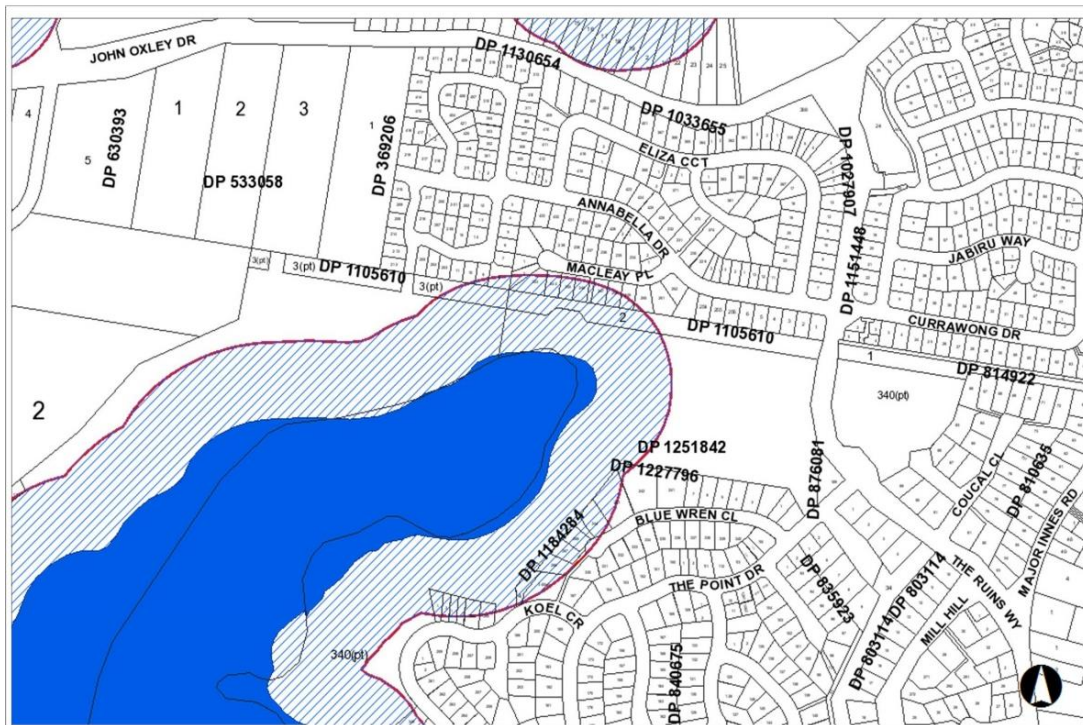


Figure 8 - Extract from SEPP mapping showing Coastal Wetland (Blue) and Proximity Area for Coastal Wetlands (Hatched). Development within Coastal Wetland areas is declared to be designated development under the EP&A Act.

An assessment of the planning proposal request against the requirements of the *Policy* is provided in the Assessment section of the report.

Policy Directions for Plan Making - Ministerial Directions under Section 9.1  
Environmental Planning and Assessment Act, 1979

All Councils must follow certain directions when preparing planning proposals for new and amending LEPS. Relevant applicable Directions are:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection zones
- 2.2 Coastal Management
- 3.1 Residential Zones
- 4.4 Planning for Bushfire Protection
- 5.10 Implementation of Regional Plans

An assessment of the planning proposal request against the requirements of the *Directions* is provided in the Assessment section of the report.

NSW Rural Fire Service Planning for Bushfire Protection (PBP) (2006) and (2018, Pre-release)

PBP identifies best practice for developing in bush fire prone areas. NSW planning law requires all new development on bush fire prone land to be done in accordance with PBP.

A review has been conducted of Planning for Bush Fire Protection 2006, and a pre-release version of the document issued in August 2018. The document is applicable to all development on bushfire prone land in NSW.

North Coast Regional Plan 2036

This plan encompasses a vision, goals and actions to deliver greater prosperity for living, working and visiting the region. All levels of government are required to cooperate to deliver the plan to deliver on-ground outcomes. Council is required to ensure compliance with the plan prior to preparing a planning proposal to rezone land.

Relevant Directions are:

- Direction 1: Deliver environmentally sustainable growth
- Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments.
- Direction 23: Increase housing diversity and choice.

Relevant Planning Principles for guiding growth on the North Coast are:

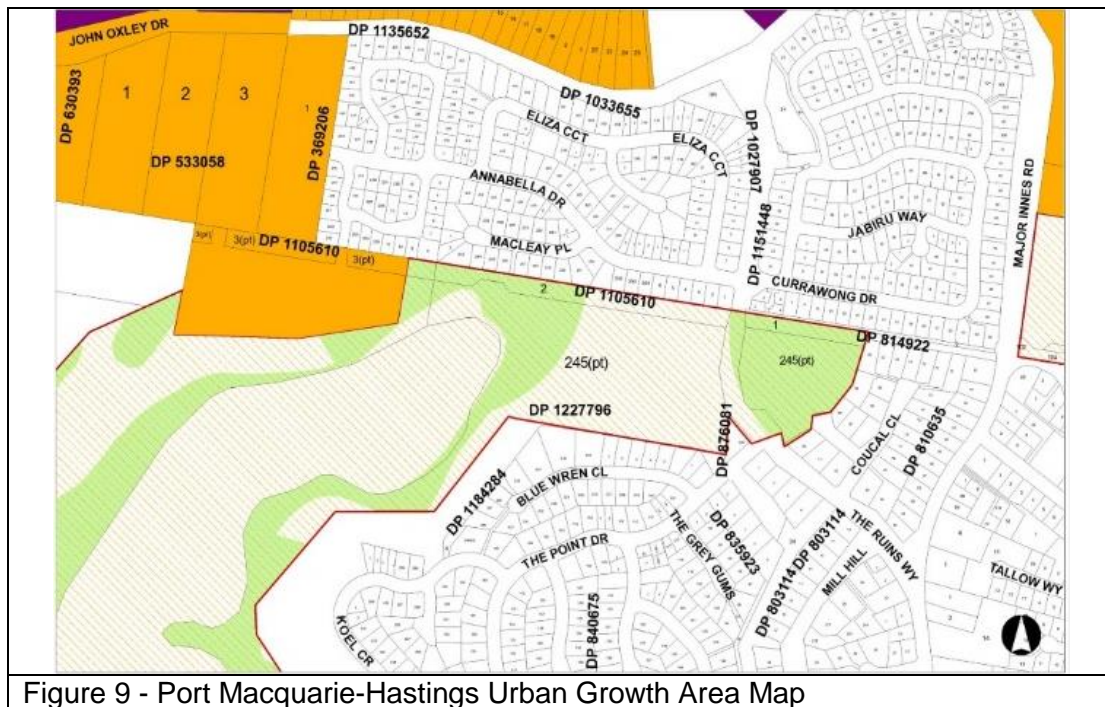
- Principle 1: Direct growth to identified urban growth areas i.e. within the UGA.
- Principle 2: Manage the Sensitive Coastal Strip
- Principle 3: Provide great places to live and work in a unique environment.

Relevant map layers are detailed here and shown in the below map. They are:

- Potential High Environmental Values (Green)
- Coastal Strip (Hatching)



- Note: Around 3ha of the South Blackwood (Lindfield) precinct is identified for investigation for urban development. The area excludes high environmental value land and wetland buffers.



# Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036

The strategy aims to achieve well planned growth in the right places, to create a more diverse and prosperous economy and maintain a healthy environment and great places to live.

- High Priority Koala Habitat.
- Medium-High Priority Biodiversity Area.
- Urban Growth Area (UGA) boundary - South Blackwood (Lindfield) is generally located within the UGA, consistent with the North Coast Regional Plan 2036.

Further detail, including mapping and an assessment of the planning proposal request against the requirements of the *Strategy* is provided in the Assessment section of the report.

#### Port Macquarie-Hastings Draft Koala Plan of Management

A draft Coastal Koala Plan of Management has been exhibited by Council under the provisions of Clause 13 of the State Environmental Plan No. 44 – Koala Habitat Protection (SEPP 44). Council staff are currently undertaking a review of submissions and comments.

All remnant stands of vegetation on the subject sites are identified and mapped as Core Koala Habitat in the draft plan. These areas are the subject of a proponent sponsored koala plan of management prepared by JB Enviro and included in the planning proposal request.

An assessment of the proponent's koala plan of management is provided in the Assessment section of the report.

#### Port Macquarie-Hastings Local Environmental Plan 2011

The plan sets out the local environmental planning provisions for land in Port Macquarie-Hastings in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

The current zoning is RU1 Primary Production. Relevant LEP development standards and controls are discussed in the Assessment section of the report.

#### **Assessment of the Planning Proposal Request**

The following assessment of the Planning Proposal request has been based on the information provided by the Proponent in February 2018 and in March 2019, as contained in Appendix 1 and 2 of this report.

Consistent with the Department of Planning and Environment *A Guide to preparing planning proposals*, the key factor in determining whether a proposal should proceed to a Gateway Determination is ***Strategic Merit***.

The NSW Planning Department has recently strengthened the strategic merit test and there is now a presumption that proposals that do not meet the Strategic Merit Test will not proceed to Gateway.

The following Assessment Criteria have been established by the NSW government to assist in determining the strategic merit of a planning proposal request, and justification for the preparation of a planning proposal: -

**A - THE NEED FOR THE PLANNING PROPOSAL****Q1. Is the planning proposal the result of an endorsed local strategic planning statement, strategic study or report?**

Strategic Planning Statements for regional councils have not yet been finalised and the planning proposal request has therefore been assessed for consistency with Council's UGMS as follows:

The proposed South Blackwood (Lindfield) precinct is partly identified for future urban investigation in *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036*. However, the proposed urban development of the land at The Ruins East and The Ruins West is not identified as a specific local planning priority, as detailed in the Strategy.

Council has previously considered the South Blackwood (Lindfield) area, resolving to not proceed with this area as part of the South Lindfield area as there was no resolution to concerns raised by the NSW Office of Environment and Heritage regarding habitat buffers and linkages.

The South Blackwood area was reinstated with this proposal. No further substantive information has been provided to resolve the concerns of the OEH regarding environmental buffer and habitat linkages.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

A change in planning controls for the subject area as requested by the proponent can only be achieved through a formal plan making (LEP) process.

**B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK****Q3. Will the proposal give effect to the objectives and actions of the applicable regional plan?**

The *North Coast Regional Plan 2036* is the relevant plan. The Regional Plan sets out three *Planning Principles for Guiding Growth on the North Coast*:

- Principle 1: Direct growth to identified urban growth areas (UGA) – Inconsistent.

The primary focus here is to ensure a balanced, strategic and coordinated approach to urban growth. Council has only recently reviewed its strategic planning for growth, which does not support extending the urban footprint in this location, and/or locate future housing in areas outside of the UGA, on environmentally constrained land.

- Principle 2: Manage the sensitive coastal strip – Inconsistent.

Comment: The Ruins Way West area is identified as being partly within the 'proximity area to coastal wetlands' (SEPP Coastal). Only cursory information is provided in the request in respect of the application of the SEPP and the consistency of the proposal with the statutory requirements of the SEPP. The proponent has been advised of the proposals inconsistencies with the SEPP and



staff have maintained the need for clarity and certainty in respect of any potential impact from future housing on wetland areas.

- Principle 3: Provide great places to live and work in a unique environment – Inconsistent.

Comment: The developer's intent for the Ascot and Innes Lake residential estates has been to provide residential housing growth within a diverse and natural setting, which protected and retained important habitat, and threatened species. However, the natural setting has been significantly modified and diminished overtime to the extent that the proposed extension of the urban zone over the subject land will now result in almost certain loss of a significant functioning habitat corridor at the northern extent of the Lake Innes nature Reserve.

The Regional Plan also contains 4 Goals and related planning Directions on a range of matters, including Goal 1 in the Regional Plan: The most stunning environment in NSW. The focus of the regional Plan in relation to Goal 1 is to deliver sustainable land use that protects the North Coast's biodiversity and environmental values, directs growth to locations that do not compromise the natural environment, and provides opportunities for '*sustainable growth...that protects highly valued environment for future generations*'

The staff assessment of the proposed rezoning is that the request does not demonstrate that Goal 1 of the Regional Plan can be met. With the exception of part of the South Blackwood Precinct, it is unlikely that the proposed residential development can be satisfactorily integrated to retain important habitat areas.

The proposal is therefore inconsistent with the aims, objectives and planning principles for growth as detailed in the Regional Plan.

### Assessment Criteria

#### a. Does the proposal have Strategic Merit?

<b>Will it:</b>	<b>Comment</b>
<b>Give effect to a relevant regional plan?</b>	The request is inconsistent with Goal 1 of the Regional Plan, as discussed above.
<b>The effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic</b>	<p><i>The Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) 2017-2036 was endorsed by the NSW government on 2 November 2018. The UGMS sets out Council's planned approach to the release of land for residential growth.</i></p> <p>The request has been assessed against the Strategy Principles for residential growth. Key to the subject request are:</p> <ul style="list-style-type: none"> <li>• <i>Sufficient residential land for population growth</i></li> <li>• <i>Housing choice – the right choice in the right location</i></li> <li>• <i>Efficient provision of infrastructure</i></li> <li>• <i>Improve our environment</i></li> </ul>

<b><i>Will it: planning statement; or</i></b>	<b><i>Comment</i></b>
	<p>Excluding approximately 3 ha within the South Blackwood (Lindfield) precinct, the area is not needed for housing as there is adequate available vacant land supply within the established limits to growth in the area in question.</p> <p>The remainder of the proposed rezoning would require the removal of Koala Habitat and the loss of a functioning habitat link in order to address Asset Protection Zone requirements. The loss of this significant vegetation is unacceptable and can be avoided if the proposed rezoning does not take place.</p> <p>The proposal is therefore inconsistent with the UGMS as it would not improve our environment and would involve the loss of high environmental value land, which cannot be satisfactorily addressed using the 'avoid, ameliorate, offset' principle in the Regional Plan.</p> <p>The submitted concepts do not effectively avoid, mitigate or satisfactorily offset environmental impacts; improve local biodiversity; or enhance connectivity outcomes.</p> <p>There are unresolved environmental issues relating to all proposed precincts and the viability of infrastructure extension has not been adequately considered.</p>
<b><i>Respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.</i></b>	<p>The proposal is not the result of unforeseen circumstances. The development of the site is not required to meet anticipated population growth ahead of planned investigations, or deliver priority actions, as detailed in the endorsed <i>Port Macquarie-Hastings Urban Growth Strategy 2017-2036</i>.</p> <p>Notwithstanding, previous assessment of the South Blackwood (Lindfield) area under the South Lindfield Planning Proposal, the current assessment of all three areas, concludes there is insufficient justification to progress the planning proposal to the next stage of the plan making process.</p>



**b. Does the proposal have Site-Specific Merit, having regard to?**

	<b>Comment</b>
<b><i>The natural environment (including known significant environmental values, resources or hazards),</i></b>	<p>No, the Proposal does not demonstrate site-specific merit having regard to the above matters.</p> <p>Additionally, the land in question is identified as comprising <i>high environmental value land</i> (North Coast Regional Plan &amp; Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036); <i>'Core Koala Habitat'</i> (SEPP 44); and <i>Bushfire Prone Land</i> (NSW RFS)</p> <p>Staff assessment of the proposal concludes that any development within the identified precincts will necessitate significant habitat modification to achieve compliance with NSW RFS requirements (up to 100% assumed vegetation removal) for urban lots.</p> <p>This impact is contrary to <i>State Environmental Planning Policy No 44 Koala Habitat Protection</i> aims and objectives, and the degree of habitat loss has been assessed as triggering the need for assessments under the <i>Biodiversity Conservation Act 2016</i> and <i>Coastal Management SEPP 2018</i>, as well as contributing to the current trend of the decline of the local koala population.</p> <p>In summary, the staff assessment is that the resulting ecological impact in this location is considered significant and unable to be satisfactorily mitigated. At issue is the potential loss of a strategically important habitat corridor for the Koala and other vulnerable species.</p>
<b><i>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal</i></b>	<p>Subdivision of the Innes Peninsular commenced in 1988. In the ensuing years there have been multiple modifications of relevant development consents and additional approvals, resulting in unanticipated impact on the un-subdivided residue, golf course and environmental offset areas. The cumulative effect of the modifications and additions needs to be considered by Council.</p>
<b><i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for</i></b>	<p>Agreement has not been reached into infrastructure arrangements or financial commitments to provision of necessary services.</p>

	Comment
infrastructure provision	

**Q4. Will the planning proposal give effect to Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

As noted above, the relevant strategy is *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036*.

The proposal is inconsistent with the Environmental Aims and Key Planning Principles for Growth, including to 'limit growth to existing zoned areas', 'concentrate urban development to areas of least biodiversity sensitivity', 'avoid impacts on areas of high environmental value', 'protect and manage native vegetation to promote landscape connectivity', to 'limit the impact of future urban development' and to 'improve local biodiversity and connectivity'.

Staff have consulted with the proponent over a number of years but have been unable to find a been unable to establish that residential development can be achieved without the loss of a strategically important habitat corridor for the Koala and other vulnerable species. The planning proposal request cannot be justified.

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

**SEPP No. 44 Koala Habitat Protection**

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

Consistent with the SEPP a Koala Plan of Management (KPoM) has been prepared and submitted by the proponent for staff consideration and Council endorsement.

The draft KPoM study notes that the Lake Innes-Thrumster population of Koala is considered to be of national and state significance (Biolink 2013) and confirms the presence of *Potential* and *Core Koala Habitat* on site:

*"This and other studies have determined that the site and the Ruins Way/Lake Innes residential area to Ascot Park areas contains Core Koala Habitat spread over both the northern reaches of Lake Innes Nature Reserve and adjacent forested rural land, supported by a matrix of remnants, roadside trees and an urban woodland".*

The stated aim of the proponent's KPoM is *"to ensure the study area retains its ability to support a Koala population, and also to enhance this by increasing potential carrying capacity and linkages within the broader Core Koala Habitat"*.

The proponent's draft KPoM has been based on the objectives of the SEPP. The staff assessment of the draft KPoM is summarised below:

KPOM Objectives:	Staff Assessment
“Retaining the majority of existing mature Koala food trees, and current activity areas”.	<p><u>Unattainable.</u> While the loss of koala food trees is approximated in the study, staff assessment is that the proposal will require up to 100% vegetation loss across all precincts to achieve compliance with Planning for Bushfire Protection 2006 and 2018 Pre-release (NSW RFS).</p> <p>Offset plantings and mitigation measures, while proposed, are not considered sufficient to enable the development to proceed. The constraints have been discussed in detail with the proponent and include the impact of clearing for bushfire, easements and infrastructure. The proposed mitigation and threat abatement measures including dog and traffic controls, have been found to be non-effective in developments in the Council area, including in subdivisions which have been developed by the proponent and Charley/Vilro Pty Ltd.</p>
“Increasing the net extent of primary browse species to increase carrying capacity and potentially allow population expansion”;	<p><u>Inconsistent:</u> Proposed offset areas are approximated only in the plan, located in National Park Estate, or otherwise compromised by existing commitments over the Ascot Park and Innes Lake un-subdivided residue land. Furthermore, the suitability, security, long term management of any offset land, and how this meets the commitments to increase koala habitat and reverse the current trend of the decline is missing in the KPOM.</p>
“Maintaining and enhancing linkages with other habitat known to be required by the local Koala population”;	<p><u>Unattainable.</u> The KPOM concedes that the development designs are ‘nominal at present’ and trees have not yet been surveyed against any final development layout. Also loss of koala food trees is approximated.</p> <p>Staff assessment is that the proposal will require up to 100% loss of habitat across the precinct/s for Bushfire Asset Protection Purposes, resulting in an unacceptable short and long term ecological impact on an important, functioning habitat link. The predicted impact on the koala population due to habitat loss, connectivity loss through barriers to movement and genetic dispersal, vehicle strike, risk of dog attack and disease is greater than acceptable.</p>
“Effectively mitigate threats to the viability of Koalas induced by the proposal”	<p><u>Inconsistent.</u> The extent of tree loss, including koala food trees, has been underestimated in the proposed Ecological Assessment and draft Koala Plan of Management.</p> <p>Proposed mitigation measures have been assessed as impractical and ineffective, as further fragmentation and</p>

KPOM Objectives:	Staff Assessment
	gradual attrition of habitat via residential development in this location, will contribute overtime to the decline of the broader local population.

From a policy perspective, a plan of management prepared by a person other than the council has no effect unless it is approved by the Council and by the Director.

Staff assessment of the KPOM concludes that the requested development is contrary to the fundamental notion of the SEPP which is to increase koala habitat and reverse the current trend of decline.

It is therefore recommended that Council not proceed with the draft Koala Plan of Management, as it poses an unacceptable risk to a strategically important habitat corridor, and to a nationally significant Koala population.

#### **Coastal Management SEPP 2018**

The Coastal Management SEPP aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone. As such, development consent for proposals such as this, which is mapped within the Coastal SEPP proximity mapping area must not have consent granted unless the consent authority is satisfied that the proposed development will not significantly impact on;

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The Ruins West area is identified as being partly within the “proximity area to coastal wetlands” (Coastal SEPP). Council staff have therefore requested information to address the impact of the proposal in relation to the SEPP.

The proponent has provided very little information to address the requirements of the SEPP. In relation to Clause 10 *Development on certain land within coastal wetlands*, the proponent claims that this can be addressed at the development application stage, utilising existing stormwater management facilities for existing development in the area.

A preliminary assessment of the proposal by Council staff shows that a number of existing stormwater facilities within the un-subdivided residue areas appear to encroach into delineated *Coastal Wetland* areas under the SEPP where works trigger the ‘designated development’ provisions under the SEPP.

Clause 11 of the SEPP obligates Council to be satisfied that any proposed development within the proximity area to coastal wetlands will not significantly impact on the integrity of the adjacent wetland, or the surface and ground water flows to and from the wetland. This matter is not addressed in the request.



**Biodiversity Conservation Act 2016**

The Biodiversity Conservation Act (Bio Con 2016) applies and is relevant to this proposal and any future development applications resulting from a rezoning of the subject land.

As part of the Act, lands are identified on a values map and threshold tool. This tool provides information that triggers the Biodiversity Offsets Scheme threshold and more relevant in this context it exemplifies areas of high biodiversity significance. On numerous occasions the proponent has been asked for more detailed information regarding the cumulative impact of the loss of Koala habitat as a result of the development. No definitive information has been forthcoming and no references have been made regarding the impact the proposed development would have on the sensitive area.

In addition, clearing of the Ruins West area for development will likely trigger the clearing thresholds in accordance with the Biodiversity Conservation Act 2016. This trigger is based on the predicted clearing for asset protection zones and residential blocks as well as easements and infrastructure. The clearing will generate the need for a biodiversity development report and the subsequent purchasing of stewardship credits to mitigate the impacts of the proposed development.

Within the report any areas that are designated as clearing for APZ will be deemed a full loss or 100% cleared area of trees leaving no habitat as per the conditions of the Biodiversity Conservation Act 2016. The predicted loss of vegetation on the West Ruins area (as required to mitigate bush fire risk due to the connectivity of bushland on the east to west corridor, provide residential lots, and area for easements) will likely - in the opinion of Council's NRM staff - result in the investigation of a species impact statement for loss of koala vegetation leading to large restrictions on the development site making it non-viable for development.

In addition to the clearing thresholds as per the Biodiversity Conservation Act 2016, a portion of each proposed development site, including both West Ruins and South Blackwood, will need to have active avoidance of impact on their sites in order to meet the requirements of the Act. This avoidance of impact will mean no clearing works, easements or management for bushfire will be able to occur on these lands. When this constraint is overlaid on the development sites it greatly limits the land in which a development footprint is appropriate.

**Conclusion**

In conclusion, the staff assessment is that the proposal cannot be supported due to the expected incremental and cumulative loss of key remnant habitat and a functioning habitat link, which supports the Koala and other vulnerable species.

The koala population in the Innes Lake area has been identified as nationally significant and the incremental loss of habitat is therefore significant in this area.

The Ruins Way East - Not supported.

This area comprises high environmental value vegetation. Up to 100% of the existing vegetation has been assessed as having to be removed or significantly modified to achieve the required Asset Protection Zones for a Special Fire Protection Purpose

('church' or 'place of worship') set by the NSW Rural Fire Service. The resultant loss will contribute to landscape scale contraction of a functioning urban woodland for species movement, and genetic dispersal, particularly the Koala.

The Ruins Way West - Not supported.

As above, the expected loss of existing vegetation to achieve the required Asset Protection Zones and infrastructure associated with the proposed residential development would have an unacceptable impact on vulnerable fauna including the koala, and would contribute to species decline.

South Blackwood - Not supported at this time.

Staff have maintained that approximately 3ha of land in the South Blackwood area may be suitable for future urban development subject to resolution of Council and OEH concerns regarding habitat connectivity and buffers to the Lake Innes nature Reserve.

It is open to the proponent to consider a future submission to Council, requesting preparation of a Planning Proposal for South Blackwood, subject to satisfactory resolution of the outstanding environmental matters detailed in this report.

### **Options**

Council's options are:

1. Do nothing. The subject land would remain rural zoned land.
2. Resolve not to prepare a Planning Proposal based on the information contained in this report. The applicant would be notified of Council's decision not to support preparation of the Planning Proposal, triggering an option for the proponent to seek a Rezoning Review.
3. Resolve to prepare a Planning Proposal supporting the applicant's request. There is a risk that any planning proposal submitted on the basis of current information may be refused by the State Government if planning and environmental issues are not satisfactorily addressed.
4. Notify the proponent that Council may consider a separate future proposal in relation to the South Blackwood part of the site. This should include a strategic review of the un-subdivided residue land at Ascot Park and Innes Lake. The priority of any such request should be considered as part of Council's overall strategic planning program.

Option 1 does not provide any scope for development of the subject sites.

Option 2 is recommended as there is no justification for preparation of a Planning Proposal having regard for environmental considerations and the statutory requirements for preparing and amending a local environmental plan.

Option 3 would necessitate submission of the full statutory requirements for preparing Planning Proposals and Local Environmental Plans. As discussed in this report, Council staff do not believe that the proposal can be justified to the government Gateway.

Option 4 allows the proponent to come back to Council with a new request for South Blackwood if outstanding environmental issues and concerns can be resolved, subject to a better understanding of the future of the un-subdivided rural and residential zoned Charley/Vilro land to identify and appropriately zone areas of high environmental value.

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

Community engagement in relation to any Planning Proposal for the land in question would normally occur later in the rezoning process. At this stage there have been conversations with representatives of the Point Church regarding The Ruins Way East site, and NSW Rural Fire Service regarding timing and implementation of new *Planning for Bushfire Protection Guidelines* and reference to the Draft Guidelines issued in August 2017.

Formal Engagement for any supported planning proposal request is regulated under Part 3 of the EP&A Act.

### **Planning & Policy Implications**

The Department of Planning Guidelines for planning proposals and local environmental plans emphasise the importance of strategic planning in determining whether the land is appropriate for the identified future use, providing certainty for future landowners and investors, and ensuring that future users are not exposed to unexpected or unreasonable development costs.

Under the Guidelines, Council has a responsibility to provide a level of certainty to the government Gateway. This means ensuring that the land is suitable and acceptable for the proposed use and that the identified land can be reasonably and practically developed for its intended purpose. It is not appropriate to defer assessment of relevant environmental, social, economic and other site specific merit considerations, or obligations to later development applications under Part 4 of the EP&A Act.

Formal Notification of any request for the preparation of a planning proposal that is not supported by the Council is regulated under the *Environmental Planning and Assessment Regulation 2000*. Council is required to notify a proponent in writing as soon as practicable after a decision not to proceed.

### **Financial & Economic Implications**

A Stage 1 rezoning fee of \$6,700 has been paid consistent with *2011/12 Council Fees and Charges*.

Resources expended in pre-lodgement discussions, review and reassessment of revised information, staff-proponent negotiations, and reporting requirements since 2011 has significantly exceeded the fee paid by the landowner.

A decision by Council in favour of Option 4 above would necessitate payment of new Stage 1 rezoning Fee in accordance with Council's Fees and Charges Schedule.

**Attachments**

- 1 [View](#). Planning Proposal PP2011.9.3 Attachment 1 - Chronology
- 2 [View](#). Planning Proposal 2011.9.3 - Attachment 2 Proponent request
- 3 [View](#). Planning proposal 2011.9.3 Attachment 3 - Proponent request March 2019
- 4 [View](#). Planning Proposal 2011.9.3 Attachment 4 - Council Ltrs to LPM August 2018



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Item: 13.07

Subject: POST EXHIBITION REPORT - HIGHWAY SERVICE CENTRE  
PLANNING PROPOSAL, DRAFT PLANNING AGREEMENT AND  
DRAFT HIGHWAYS GATEWAY DEVELOPMENT CONTROL PLAN

Presented by: Strategy and Growth, Holly McBride

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#### Alignment with Delivery Program

4.5.2 Plan for infrastructure that supports population growth.

#### RECOMMENDATION

That Council:

1. As delegate for the Minister for Planning, make the Local Environmental Plan to amend the provisions of the Port Macquarie-Hastings Local Environmental Plan 2011 to permit the following additional uses on Lot 11 DP 1029846, 1179 Oxley Highway, Sancrox:
  - a) Highway Service Centre, including ancillary hotel or motel accommodation for heavy vehicle drivers, and
  - b) Subdivision to excise the Highway Service Centre site from the balance of the land, despite the minimum lot size provisions, and
  - c) A dwelling house on the residue, following excision of the Highway Service Centre site, despite the minimum lot size provisions, and
  - d) Subdivision of the Highway Service Centre site following its construction, to create separate titles for individual tenancies despite the minimum lot size provisions.
2. Delegate authority to the General Manager to enter into and execute the 1179 Oxley Highway, Sancrox Planning Agreement in connection with the Highway Service Centre Planning Proposal, on behalf of Council.
3. Take the necessary steps under section 3.35 and 3.36 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan (Amendment No 53).
4. Adopt the exhibited draft Highways Gateway Development Control Plan provisions as an amendment to part 4 of the Port Macquarie-Hastings Development Control Plan 2013 incorporating the changes referred to in this report, to commence on notification of the Local Environmental Plan in 1 above, on the NSW Legislation website.
5. Within 28 days, publish a public notice of Council's decision to adopt the Highways Gateway Development Control Plan provisions in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
6. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal and draft Highways Gateway Development Control Plan provisions in finalising the matter.

**7. Notify all persons who lodged a submission of Council's decision.****Executive Summary**

The purpose of this report is to consider the submissions received in response to the public exhibition of the Highway Service Centre Planning Proposal, draft Planning Agreement and draft Highways Gateway Sites Development Control Plan.

In total, 34 submissions have been received addressing a range of issues including the following:

- The constructability of the proposed Oxley Highway intersection, its compatibility with the future local road network and the potential for cost shifting onto adjoining owners and Council
- Whether the 'Adjoining Land Access Land' referred to in the draft Planning Agreement is suitably located to provide appropriate public road access to future residential areas to the west
- Whether the acoustic assessment adequately addresses the potential for noise impact to existing/future residents particularly regarding noise generated by trucks entering and exiting the site
- Whether Council should accept on-site effluent disposal in this case and if so, how long the temporary on-site works are proposed to be in place
- Whether 'Sewerage Infrastructure Connection Works' referred to in the draft Planning Agreement will provide sufficient capacity to service the HSC site and adjoining future residential lands, and
- The reasonableness of the proposed DCP provisions and whether they strike the right balance between allowing the development to take place and creating a quality gateway entry to Port Macquarie/Wauchope.

These issues are addressed in the following report.

Key changes to the Planning Proposal and supporting documents since exhibition are:

- The Oxley Highway access is to be located at the intersection of Billabong Drive with the Oxley Highway, and
- The Development Control Plan has been amended in relation to signage, landscaping, access arrangements and documentation requirements, with the aim of ensuring that development can take place in a form that is suitable at the Gateway entry to Port Macquarie and Wauchope.

In conclusion, it is recommended that Council make the Local Environmental Plan as described in the Planning Proposal, and concurrently implement the Highways Gateway Sites Development Control Plan provisions, with amendments as a result of submissions, to guide future development assessment. It is also recommended that Council enter into the Planning Agreement to ensure satisfactory arrangements for infrastructure.

**Discussion****BACKGROUND**Council Meeting May 2018

On 16 May 2018, Council considered a proposal to amend the Port Macquarie-Hastings Local Environmental Plan 2011 to permit a Highway Service Centre (HSC) on the south western corner of the Pacific and Oxley Highways and resolved as follows:

**RESOLVED:** *Alley/Cusato*

*That Council:*

1. *Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 to permit development of Lot 11 DP 1029846, 1179 Oxley Highway, Sancrox:*
  - a) *To permit development for the purpose of a Highway Service Centre, including ancillary hotel or motel accommodation for heavy vehicle drivers, and*
  - b) *To permit subdivision to excise the Highway Service Centre from the balance of the site, despite the minimum lot size provisions.*
  - c) *To permit subdivision, following construction of the Highway Service Centre, without being subject to the minimum lot size shown in the lot size map.*
  - d) *To retain a dwelling entitlement on the residue lot.*
2. *Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979, upon:*
  - a) *Satisfactory arrangements being demonstrated by the Applicant for a coordinated access point from the proposed highway service centre to the Oxley Highway, which can service the southern and northern gateway sites and Billabong Drive, and*
  - b) *Written advice being received from the Roads and Maritime Services that the proposed highway service centre can be safely and efficiently integrated into the Pacific and Oxley Highways, and*
  - c) *Satisfactory arrangements being in place for the connection of the site to reticulated sewer.*
3. *Request the General Manager facilitate a meeting between the Applicant, their traffic consultants and Roads and Maritime Services, to discuss the resolution of transport planning issues associated with the Planning Proposal, including the location and design of access from the Highway Service Centre to the Oxley Highway.*
4. *Request that the Secretary of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 3.36 of the Act in respect of the Planning Proposal.*
5. *Delegate authority to the General Manager to prepare a planning proposal in accordance with this report and to make any minor amendments to the Planning Proposal as a result of the Section 3.34 Gateway Determination, prior to public exhibition of the proposal.*
6. *Undertake community consultation in accordance with the Gateway Determination.*
7. *Prepare a draft Development Control Plan, in respect to the land and the northern Gateway site, incorporating provisions described in this report*

*accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.*

8. *Receive a further report providing details of proposed amendments to the Development Control Plan for approval prior to the Planning Proposal and draft Development Control Plan being exhibited concurrently.*
9. *Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.*

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

Following Council's resolution, the RMS required the proponent to undertake additional traffic modelling to confirm the suitability of the proposed access arrangements. The proponent also offered to enter into a Planning Agreement with Council to ensure satisfactory arrangements for a co-ordinated access to the Oxley Highway, and for connection of the proposed HSC to reticulated sewer in the medium to long-term (as required by part 2 a. & c. of Council's May 2018 resolution).

#### Gateway Determination

After consideration of Council's initial Planning Proposal, the Department of Planning and Environment issued a Gateway Determination (29/8/18) to allow the Planning Proposal process to begin, and along with other matters, specify requirements for consultation with State agencies and the community.

Following receipt of the Gateway Determination, negotiations commenced to prepare a draft Planning Agreement (discussed later in this report).

#### Draft Highways Gateway Sites Development Control Plan provisions

In accordance with part 7 of Council's May 2018 resolution, Council commissioned Envisage Consulting Pty Ltd on 17 September 2018 to provide landscape architect/urban design advice to help inform the preparation of draft Development Control Plan (DCP) provisions for the Highways Gateway sites.

Based on visual analysis, the work by Envisage identified design principles and key viewpoints, and recommended development controls aimed at achieving good design and visual amenity outcomes. The resultant draft Highways Gateway Sites DCP included provisions for building setbacks, landscaping, landform modification, built form, signage and public art.

#### Council Meeting November 2018

On 21 November 2018, Council considered a report on the draft Highways Gateway Sites DCP provisions and resolved as follows:

**RESOLVED: Cusato/Hawkins**

*That Council:*

1. *Endorse the Draft Port Macquarie-Hastings Development Control Plan 2013 -*
1. *Highways Gateway Sites for public authority consultation and public exhibition*
2. *together with the Port Macquarie Highway Service Centre Planning Proposal.*



2. *Note that prior to the public exhibition, the Draft Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites will be updated to include details of vehicle ingress and egress, as noted in this report.*
3. *Proceed with public authority consultation with RMS, RFS, OEH & EPA in accordance with the DoP Gateway Determination letter dated 29 August 2018.*
4. *Request the General Manager to report to the March 2019 Council Meeting*
  4. *with an update on the Public Authority consultation with RMS, RFS, OEH &*
  5. *EPA.*

**CARRIED: 8/0**

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

**AGAINST: Nil**

Following Council's resolution, the ongoing negotiations to finalise the preparation of a draft Planning Agreement were prolonged due to the need to resolve a number of issues regarding the implementation and funding of sewerage infrastructure and road access with the proponent and landowner.

#### Council Meeting March 2019

On 20 March 2019, Council considered a report on the outcome of consultation with State government agencies about the Planning Proposal and resolved as follows:

**RESOLVED: Intemann/Cusato**

1. *That the information contained in the Highway Service Centre Planning Proposal – State Government Agency Consultation report, be noted;*
2. *Council proceed to exhibition as soon as the proposed Voluntary Planning Agreement (VPA) is signed by the proponent and landowner;*
3. *Noting, if the VPA proposed by the proponent is not signed to enable Council to proceed to community engagement, a further report will be prepared at that time so that Council can review the basis for the Planning Proposal and whether or not it should proceed.*
4. *That any intersection or road realignment of Billabong Drive be taken into account in the Sancrox / Fernbank Creek structure planning process.*

**CARRIED: 7/2**

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

**AGAINST: Griffiths and Hawkins**

At the March 2019 Meeting, Council also considered a confidential report on the status of negotiations regarding the draft Planning Agreement preparation.

#### Draft Voluntary Planning Agreement

Preparation of the draft Planning Agreement was finalised and signed by the proponent and the landowner at the start of April 2019. The draft agreement is an irrevocable offer to guarantee that the key infrastructure issues associated with a future HSC will be satisfactorily addressed if the Planning Agreement is signed by Council following exhibition. It provides for the following:

- Construction of an intersection and upgrading of the Oxley and Pacific Highways to serve the development to the requirements of the NSW Roads and Maritime Services (RMS).

- The dedication of land to provide for road access to the land adjoining the proposed HSC to ensure that future development of the land could be carried out. Note: Future development is subject to investigations proposed by Council's *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036* (UGMS).
- If the proposed HSC is serviced by an on-site sewage facility in the short-term there are requirements for payment of a Sewerage Infrastructure Contribution prior to release of a Construction Certificate, payment of a Sewerage Services Development Servicing Plan Contribution (to be determined and paid at the time of connection to reticulated sewer) and the construction of works to facilitate the future connection of reticulated sewer to the proposed HSC development.
- Repayment of a proportion of the costs to connect the facility to reticulated sewer if the developer carries out sewer works, including sewer pump station and rising main.

While the VPA does not strictly require the HSC to be connected to reticulated sewer in the short term, the provisions ensure the developer pays a reasonable share of the costs of future connection of reticulated sewer. These issues and the site access issues are discussed in more detail later in this report.

#### Public Exhibition

Following finalisation of the draft Planning Agreement, Council placed the Planning Proposal, draft Highways Gateway DCP provisions and the Planning Agreement signed by the proponent and landowner on public exhibition from 10 April to 13 May 2019. Copies of the exhibited draft documents are provided as **Attachments** 1-3 to this report.

As a result of the public exhibition, a total of 34 submissions were received. The key issues raised in the submissions relate to:

- The constructability of the proposed Oxley Highway intersection, its compatibility with the future local road network and the potential for cost shifting onto adjoining owners and Council
- Whether the 'Adjoining Land Access Land' referred to in the draft Planning Agreement is suitably located to provide appropriate public road access to future residential areas to the west
- Whether the acoustic assessment adequately addresses the potential for noise impact to existing/future residents particularly regarding noise generated by trucks entering and exiting the site
- Whether Council should accept on-site effluent disposal in this case and if so, how long the temporary on-site works are proposed to be in place
- Whether 'Sewerage Infrastructure Connection Works' referred to in the draft Planning Agreement will provide sufficient capacity to service the HSC site and adjoining future residential lands, and
- The reasonableness of the proposed DCP provisions and whether they strike the right balance between allowing the development to take place and creating a quality gateway entry to Port Macquarie/Wauchope.

A copy of all submissions is ENCLOSED under separate cover for the information of Councillors. A summary of the submissions and a planning response to the issues

raised is provided in the *Community Engagement & Internal Consultation* section of this report. Key issues are discussed below.

**KEY ISSUES**Oxley Highway access location

The majority of the submissions raise objections to the exhibited Oxley Highway roundabout location between the Pacific/Oxley Highways intersection and Billabong Drive to access the proposed HSC. In addition to traffic safety, specific concerns relate to the potential for cost shifting to the northern Gateway landowner and/or Council, as a result of the RMS's requirement for a fourth leg stub on the proposed roundabout to ensure a future connection to the north.

The submissions communicate a strong preference for the proposed roundabout to be relocated to align with the intersection of the Oxley Highway and Billabong Drive, as recommended by Council's Traffic Engineers when the Planning Proposal was reported to the May 2018 Council Meeting.

King and Campbell requests that before a final decision is made regarding access, the Planning Proposal be amended to include detailed comparative analysis of the feasibility of (from engineering & constructability perspectives) Billabong Drive intersection upgrade and the current proposed HSC Access and related realignment of Billabong Drive.

*Comments from Council's Strategy & Growth Division*

The exhibited draft Planning Agreement is silent on the actual location of the access point, requiring only that the access be to a design approved by the RMS.

Following the exhibition period and discussions with the proponent, an offer to enter into a further Planning Agreement has been received that proposes the location of the HSC access at the intersection of the Oxley Highway and Billabong Drive.

The new offer is subject to the cost of the roundabout works, and additional site access work costs south of the Oxley Highway, being subject to allocation of future development contributions to the proponent to cover the cost of the works.

As noted later in the report it is proposed that the draft DCP be amended to include a requirement to locate the HSC Oxley Highway access at Billabong Drive. In view of this provision, the ability of Council to require the new VPA offer to be a condition of consent for the HSC, and the provisions of the exhibited VPA, it is considered that there are sufficient safeguards to allow the finalisation of the new VPA offer to be independent of the finalisation of the Planning Proposal.

Council has entered into agreements to offset costs incurred by an initial developer in similar circumstances to that currently proposed. However, additional costs for site access work would not ordinarily be approved.

The *Draft Greater Sancrox Structure Plan 2015* identified that the Oxley Highway/Billabong Drive Intersection would require upgrading to a two lane rural

roundabout similar to that now proposed for the HSC. The extent of development for Greater Sancrox however, was largely based on rural residential development.

Council's current UGMS now proposes that a large portion of the Greater Sancrox area be investigated for urban purposes. Limited planning has been undertaken to determine the type of intersection facility that will be required should urban development occur, subject to the investigations now provided in the UGMS.

Accordingly, further discussions will need to be held with the developer to agree on an appropriate mechanism for any future payment of contributions to cover the cost of the intersection works. The mechanism will need to take into account an appropriate component for the HSC funding of the works, any grant funding received, the design of the intersection taking into account the likely ultimate development of the Greater Sancrox area, and the timing of any need for the upgrading to serve the long term development.

It is proposed that this further Planning Agreement be reported back to Council when negotiations on the content of the agreement are further advanced.

#### Adjoining Land Access

A number of submissions question whether the 'Adjoining Land Access Land' referred to in the draft Planning Agreement is suitably located to provide appropriate public road access to future residential areas to the west and whether or not this access will be able to be constructed given the landform.

#### *Comments from Council's Infrastructure Division*

The VPA provides for the location of the access to be amended to a location as agreed between the parties, however to ensure the access is constructed to an appropriate standard it is proposed that draft DCP be amended to include an additional provision.

Council's Transport & Stormwater Network team has undertaken a preliminary review of a potential public road access (western collector road) to future residential areas based on very high level concept designs for the access road into the Highway Service Centre (HSC) coming off a new roundabout situated at the existing Billabong Drive intersection.

Due to the topography of the site a significant volume of earthworks is required to facilitate a road of 'collector' standard to the west/south-west of the HSC site, however it appears constructible. The location, both vertical and horizontal, of the HSC access road influences the design of the western collector road therefore the two are linked meaning the design of one should not be done in isolation of the other.

To reduce the volume of earthworks there may be an opportunity to design the collector road such that it follows the contours, meaning the road may not be completely perpendicular to the HSC access road. The ultimate design of the western collector road, how it ties into the HSC access road, the amount of earthworks, the steepness of batters/retaining structures and whether it follows the contours will determine its location and required land dedication. It is realistic that with 1 in 4 batters the road reserve width to contain the batters and associated cut-off drainage could be in excess of 100 metres.



It should be noted that no consideration has been given to any potential lot layout on the adjoining land and the potential need to coordinate the collector road to optimise any future lot layout. In addition, at this early design stage it is too difficult to determine an appropriate location or footprint size for the 'Adjoining Land Access Land'.

It is recommended that the appropriate planning controls are put in place in the DCP and/or development consent conditions to ensure adequate design work is undertaken on the western collector road in conjunction with the HSC access road to determine the most feasible location for a collector road conforming to the current AUS SPEC standards and its associated footprint to demonstrate that the 'Adjoining Land Access Land' is appropriately sized and located.

It is recommended that the draft DCP be amended to include an additional provision requiring that detailed information be submitted prior to development of the proposed HSC, to demonstrate that the 'Adjoining Land Access Land' is appropriately located and can be constructed to current AUS SPEC standards.

#### Noise impact

A number of submissions from residents living in proximity to the site raise concerns about the potential for noise impacts as a result of HSC operations (24 hours 7 days a week), particularly regarding noise likely to be generated by trucks entering and exiting the site.

King and Campbell also requests that Council confirm that potential acoustic impacts associated with the proposed HSC have, or will be addressed in the Planning Proposal in relation to existing and future residential within the urban investigation area to the west.

#### *Comments from Council's Strategy & Growth Division*

Future development of a HSC has the potential to increase noise impacts on surrounding residents. An acoustic assessment report submitted with the Planning Proposal concluded that the proposed HSC is not considered likely to have a significant impact on noise levels to nearest residents based on the concept plan submitted with the proposal.

An updated acoustic assessment will be required at the Development Application stage to reflect the more detailed design and siting of the HSC development including highway access points, and may necessitate acoustic treatments to mitigate noise impacts from nearest residents.

#### Sewerage and effluent disposal

Some submissions question whether Council should accept on-site effluent disposal in this case and if so, how long the temporary on-site works are proposed to be in place.

King and Campbell also requests that Council confirm that the sewerage infrastructure connection works (referred to in the draft Planning Agreement) will provide sufficient capacity for the servicing of the subject site and adjoining lands,

given that the draft Agreement is likely to be finalised prior to a sewerage infrastructure strategy for the Sancrox investigations.

*Comments from Council's Strategy & Growth Division*

The provisions of the draft Planning Agreement ensure that the site will be connected to reticulated sewerage in the medium to long-term. The VPA requires the sewer reticulation works to be (inter alia) designed '*to cater for development within the Sewer Catchment as determined by Council....*'.

The timing for connection will depend on the timing of land release in the surrounding Fernbank Creek/Sancrox area which will be considered in an Outline Plan for that area in the short-term, in accordance with the UGMS.

The sewerage infrastructure capacity has been estimated based on potential dwelling yield using typical residential densities in the Thrumster area and having regard to environmental constraints. Until more detailed planning has been undertaken for the surrounding area, as proposed in the UGMS, a more accurate assessment cannot be completed.

Draft Highways Gateway DCP provisions

Submissions from the proponent and two potential HSC tenants (McDonalds & KFC) request amendments to a number of the draft DCP provisions. The proponent also requests that Council defer a decision on the draft DCP pending further consultation and a decision on the Planning Proposal at the June 2019 Council Meeting.

The requested amendments are summarised as follows:

**Signage** - increased height limit for pylon signs to ensure signage visibility from a further distance. The increase in height is argued to be essential for prospective tenants and to assist in road safety as motorists prepare to exit and make directional decisions in advance. McDonalds and KFC suggest a minimum 20m height limit.

The proponent's submission requests that Council not adopt the draft signage provisions, noting that following consultation on the draft DCP pre-exhibition, further design work has been undertaken to better respond to Council's Gateway aspirations.

Drawings attached to the submission show a 30m sign height adjacent to the Oxley Highway and 20m to the Pacific Highway. The submission notes that the drawings illustrate that proposed pylon signage will in the main, be unobtrusive and not a visible eyesore, based on a revised building pad level approx. 4m below the Oxley Highway and 1m below the Pacific Highway.

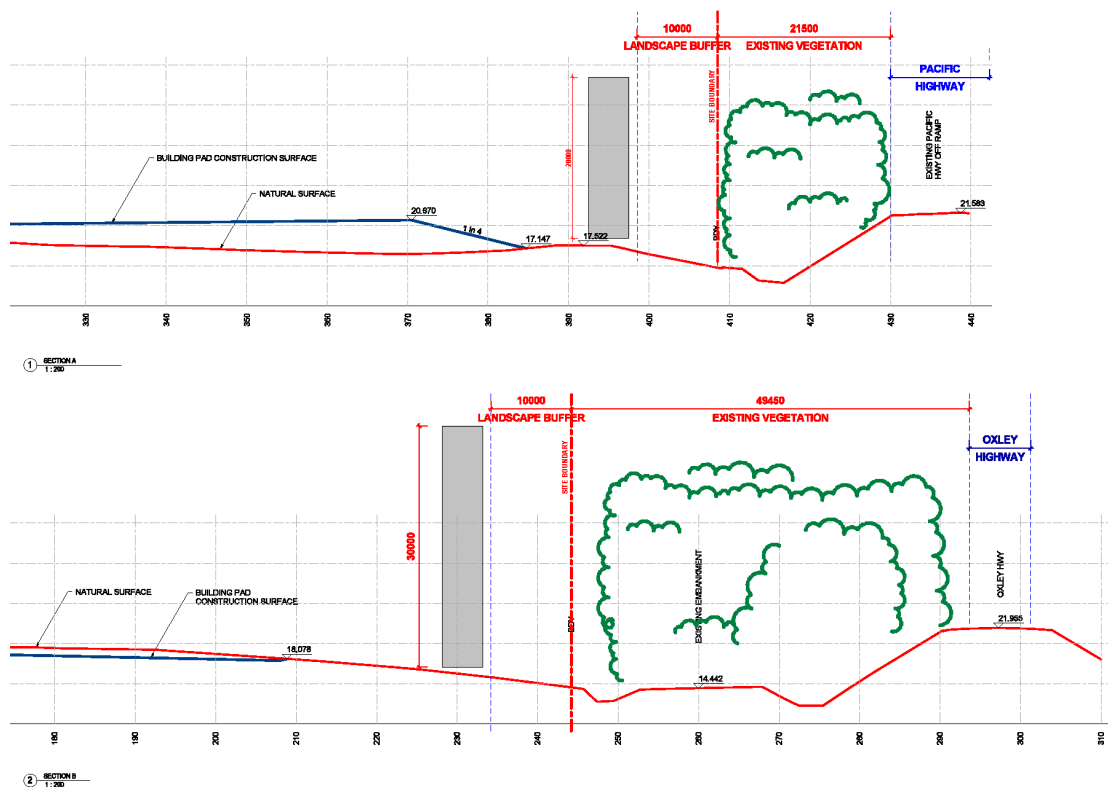


Figure 1: Section drawings - proposed HSC building pad level and sign heights

**Building setbacks** - KFC considers that the proposed building setbacks are excessive and McDonalds seeks a reduced setback of 20m to the Pacific Highway. The proponent's submission includes correspondence dated 23 October 2018 which included earlier objections to building setbacks raised during pre-exhibition consultation on the draft DCP. These concerns were considered and revisions made to the draft DCP prior to public exhibition.

**Built form controls** - McDonalds and KFC are of the view that the built form controls are too prescriptive and may limit future corporate branding requirements. McDonalds suggests that the draft DCP provisions be amended to be more outcomes based.

**Landscaping of front setbacks and parking areas** - KFC and McDonalds suggest that the draft provision for landscaped buffers to the highway frontages is excessive for exposure of the proposed HSC.

Acknowledging the importance of ensuring that future development of the site respects the visual prominence as a Gateway entry to Port Macquarie/Wauchope, McDonalds seeks consideration to the balance required between vegetation screening and the need for road uses to have clear visibility of the access arrangements for the site, as well as the available parking. It is requested that these controls be less prescriptive and redrafted to promote a more collaborative outcomes-based approach.

The proponent, KFC and McDonalds also consider that the draft provisions in relation to landscaping of hardstand car and truck parking areas are excessive. McDonalds



suggest that a rate of one tree per 10 spaces would be a more appropriate requirement in relation to landscaping car parking areas.

*Comments from Council's Strategy & Growth Division*

Following the exhibition period, further input was sought from Envisage consultants in consultation with staff of Council's Development Assessment team on the issues in the submissions. Recognising the need to take a pragmatic approach for businesses whilst ensuring that future development is sympathetic to the Gateway status of the southern and northern Gateway sites, the following is recommended:

**Signage** - The draft DCP signage provisions were intended to ensure that the signage does not protrude significantly above the skyline and therefore relate to the height of existing trees on the Highway road reserve, noting that the vegetation in the Highway road reserve is likely to be removed.

Following review of the submissions from the proponent, McDonalds and KFC it is considered reasonable that the draft signage provision be amended to allow an increase in the height of signs from 10m to a maximum 15m above the existing road level.

A 15m limit is considered to be satisfactory in the context of the site and is consistent with the height of pylons approved for the existing service centre to the east. Capacity remains for higher signs to be erected where the majority of vegetation in the highways corridors is to be retained in the long term, provided that the signs are not visible above the dominant existing tree line (i.e. mature trees in place along the highway boundaries - at DCP commencement) from key viewpoints.

Additionally, whilst it is outside the scope of Council's authority, signage on the highways leading to the proposed HSC development and identifying its location and the facilities within, will be an important aspect of encouraging drivers to stop. Recommendations for advance advisory signage is that they be erected at appropriate spacing (i.e. 5km, 2km, 1km) to announce the proposed HSC, so that drivers can make a timely and safe decision to stop.

The following images of HSC signage are provided for the information of Councillors.



Typical directional signage



15m pylon signage, twin Caltex HSC at Ourimbah





25m pylon signage, Nambucca HSC



pylon signage, Chinderah HSC

Figure 2: Examples of directional and HSC signage

**Building setbacks** - The exhibited draft DCP provides for a 40m minimum setback to all buildings from the Pacific Highway, and 20m from the Oxley Highway. Where it can be shown that the RMS can guarantee retention of the majority of large trees within the highway road reserves in the longer term (i.e. over 20 years) consideration can be given to a reduced setback of 20m to the Pacific Highway.

Based on the proponent's concept submitted with the Planning Proposal, the proposed building setbacks comply with the draft DCP setback provisions. The proponent's submission also noted that a revised building pad level has significantly increased building setbacks compared to the previous design. Therefore, no change is proposed to the draft exhibited provision.

**Built form controls** - The built form of the proposed HSC should be both functionally efficient and aesthetically pleasing so as to encourage drivers to stop. The draft DCP provides that the design of buildings and structures should have a complementary visual relationship and be of high-quality architecture, particularly as viewed from the highway frontages. This should include consideration to the roof form and building articulation.

It is considered reasonable that all buildings with the proposed HSC development should adopt a unified architectural approach. The draft DCP does not include prescriptive requirements that specify the design, finishes, colour and layout of buildings. However, these elements are important for this key Gateway entry to Port Macquarie/Wauchope and the draft DCP does encourage that they be addressed having regard to the local landscape character and visual context of the site. No change is proposed to the built form provisions.

**Landscaping of front setbacks and parking areas** - Within the front setback to the Pacific and Oxley Highways, the draft DCP requires a corridor of vegetation of at least 15m wide (at ground level) for the Pacific Highway frontage and 10m wide for the Oxley Highway frontage. The draft DCP proposed that the vegetated corridor

should apply to at least 75% of the length of the boundary, with coverage of at least one plant per m<sup>2</sup>, comprising a mix of canopy trees (20%), mid-storey shrubs/small trees (30%) and small shrubs/groundcovers (50%).

Following a review of submission, it is recommended that the DCP retain provisions to ensure that a landscaped buffer is provided between the proposed HSC and the highways. However, it is considered reasonable to reduce the extent of the buffer requirement from 75% to 60% in order to provide some additional opportunity to provide for access points and to increase visibility of the site. This maintains the importance of landscaping to create an attractive Gateway entry to Port Macquarie/Wauchope.

Similarly, in relation to landscaping of car and truck parking spaces, Council staff recommend that the planting requirements be reduced from one tree per six car parking spaces to one tree every eight car parking spaces. Also planting requirements be reduced from one tree for every truck parking space to one tree per three truck parking spaces. This is intended to balance the need for efficient parking areas and the need for landscaping to reduce the visual impact of large expansive hardstand areas at the Gateway entry to Port Macquarie/Wauchope.

**Highway Access** - In addition to the above, it is recommended that the draft DCP be amended to ensure that future Oxley Highway access to the proposed HSC site align with the intersection of Billabong Drive and designed to be compatible with longer term needs of development in the area.

A copy of the revised draft DCP provisions incorporating the proposed post-exhibition amendments as tracked changes, is at **Attachment 4** to this report.

It is important that Council establish DCP provisions for the Gateway sites at the time that any change in zone is made to ensure that there are guidelines for assessment of Development Applications.

### Options

Council's options are:

1. To accept the Planning Proposal and DCP as exhibited and resolve to make the Local Environmental Plan and enter into the Planning Agreement.
2. To accept the Planning Proposal and DCP with amendments as outlined in this report, and resolve to make the Local Environmental Plan and enter into the Planning Agreement.
3. Make further amendments to the Planning Proposal and or DCP and or Planning Agreement. Note: if any substantive change is made re-exhibition will be required.
4. Not support the Planning Proposal and DCP and Planning Agreement.

Option 2 is recommended.

**Community Engagement & Internal Consultation**

The Planning Proposal was exhibited in accordance with the Department of Planning and Environment's Gateway Determination up until 13 May 2019. The related draft Planning Agreement and draft Highways Gateway Sites DCP provisions were exhibited at the same time.

A total of 34 submissions were received. The key matters identified in these submissions have been considered in the Discussion section of this report. A summary of the submissions and a planning response to the matters raised is provided below.

Submission/request		Issue/comment
1.	Victorian Transport Association	Supports the proposal
	<b>Response/Comment:</b>	Noted.
2.	Queensland Trucking Association	Supports the proposal
	<b>Response/Comment:</b>	Noted.
3.	Australian Logistics Council	Supports the proposal
	<b>Response/Comment:</b>	Noted.
4.	Adam Roelands	Supports the proposal
	<b>Response/Comment:</b>	Noted.
5.	Brian Eyre	Supports the proposal. Hopefully the developer will do something about fixing the queuing problems at the donut.
	<b>Response/Comment:</b>	Noted.
6.	Adnar Pty Ltd	Request that Council support the proposal.
	<b>Response/Comment:</b>	Noted.
7.	ANR Investments Pty Ltd	Supports the proposal
	<b>Response/Comment:</b>	Noted.

Submission/request		Issue/comment
8.	Scott PDI No. 6 Pty Ltd	<p>Request Planning Proposal be approved at June 2019 Meeting but decision on draft DCP deferred. Concerns about DCP include:</p> <ul style="list-style-type: none"> <li>– Requirement to retain existing vegetation in RMS road reserve</li> <li>– Landscape buffers to highway frontages</li> <li>– Excessive building setbacks</li> <li>– Unreasonable retaining walls &amp; batter requirements</li> <li>– Requirement for additional plans, photomontages etc</li> <li>– Excessive requirements for landscaping in parking areas</li> <li>– Unacceptable limits on pylon signage.</li> </ul> <p>Request further consultation on finalising an acceptable DCP for the site following a decision on the Planning Proposal.</p>
	<b>Response/Comment:</b>	<p>Support to the Planning Proposal is noted. Proposed amendments to the draft DCP in relation to most of matters listed including the request to defer adoption of the DCP are addressed in the Discussion section of this report.</p> <p>With respect to the remaining matters:</p> <ul style="list-style-type: none"> <li>• The draft DCP strongly encourages retention of existing vegetation within the RMS corridor, however it is not a requirement.</li> <li>• Given the topography of the site and need for substantial earthworks to construct a level pad, the draft DCP retaining walls and batter provisions are considered reasonable and no change is proposed.</li> <li>• It is recommended that the draft DCP documentation provisions be reduced to delete requirements for submission of Concept Lighting Plan and photomontage showing the existing situation.</li> </ul>
9.	KFC Port Macquarie	<p>Supports the Planning Proposal but has the following concerns in relation to the Draft DCP:</p> <ul style="list-style-type: none"> <li>– Height of pylons (20m suggested)</li> <li>– Excessive building setbacks</li> <li>– Excessive landscaping to highway frontages</li> <li>– Prescriptive building design limiting corporate branding.</li> </ul>



Submission/request		Issue/comment
	<b>Response/Comment:</b>	Support to the Planning Proposal is noted. Proposed amendments to the draft DCP in relation to the matters listed are addressed in the Discussion section of this report.
10.	McDonald's Australia Limited	<p>Supports the Planning Proposal. Requests changes to the Draft DCP as follows:</p> <ul style="list-style-type: none"> <li>– Performance based landscaped buffers to highway frontages</li> <li>– Reduced Pacific Highway setback from 40m to 20m</li> <li>– Reduced carpark landscaping requirements</li> <li>– Outcomes based building design controls</li> <li>– Height of pylons (20m suggested)</li> <li>– Clarification on when public art is required, i.e. should not apply to individual tenancies.</li> </ul>
	<b>Response/Comment:</b>	<p>Support to the Planning Proposal is noted. Proposed amendments to the draft DCP in relation to the matters listed are addressed in the Discussion section of this report.</p> <p>The public art provisions are proposed to apply at the time of developing the proposed HSC and not to individual tenancies.</p>
11.	King & Campbell Pty Ltd for Mr & Mrs M & A Hazenveld	<ul style="list-style-type: none"> <li>• Objects to Oxley Highway access and potential for cost shifting to northern Gateway owner. Requests Council commit to Billabong Drive access.</li> <li>6. Lack of consultation with the northern gateway owner during the pre-exhibition Planning Proposal process has been disappointing.</li> <li>7. Requests that before a final decision is made regarding access, the Planning Proposal be amended to include detailed comparative analysis of the feasibility of (from engineering &amp; constructability perspectives) Billabong Drive Intersection upgrade and the currently proposed HSC Access and related realignment of Billabong Drive.</li> <li>• Requests Council confirm whether the submitted DA will be amended to include consideration of the ultimate access arrangements and DCP provisions prior to notification and assessment.</li> <li>• Requests confirmation that the implications for the dedication of land for either road widening or intersection works on the Oxley Highway does not involve the northern Gateway site.</li> <li>• Notes that the draft Planning Agreement: <ul style="list-style-type: none"> <li>– Excludes reference to RMS required fourth leg access and requests consideration of RMS</li> </ul> </li> </ul>

Submission/request		Issue/comment
		<p>requirements for the access, noting this may require a revised Planning Agreement that recognises the overall impacts with respect to the dedication of Land for Access.</p> <ul style="list-style-type: none"> <li>– Provides insufficient information to determine how the value of the Sewerage Contribution and Contribution Reduction have been determined. Given the HSC is being progressed prior to development of a broader Sancrox sewerage services strategy, it is important that other owners have the opportunity to review the methodology applied to the calculations.</li> <li>– Excludes a timeframe for implementation of sewer reticulation. Asks whether it is proposed to impose a timeframe for the connection of the HSC to reticulated sewer, or if it is intended that the temporary on-site Works are able to be in place for an indefinite period.</li> </ul>
	<b>Response/Comment:</b>	<ul style="list-style-type: none"> <li>• The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.</li> <li>• The submitted Development Application has since been withdrawn. A new DA will be required and is expected to include consideration of the ultimate access arrangements and DCP provisions prior to notification and assessment.</li> <li>• It is confirmed that in connection with the proposed HSC development, the implications for the dedication of land for either road widening or intersection works on the Oxley Highway does not involve the northern Gateway site.</li> <li>• The timeframe for implementation of sewer reticulation is considered in the Discussion section of this report.</li> <li>• The value of the Sewerage Contribution and Contribution Reduction were determined in consultation with Council's Water and Sewer section.</li> </ul>
12.	Lyne Fraser	Objects to the location of the proposed Oxley Highway access. Considers the proposed location unfairly shifts costs to northern landowner and/or ratepayers.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
13.	Berich Henderson	Considers access options 3 (Billabong Dv) or 1 (three-leg roundabout) make more sense.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.

Submission/request		Issue/comment
14.	Kylie vanderLay	Considers access option 2 (four-leg roundabout) unfairly shifts cost to northern landowner and or ratepayers. Requests Council require option 3 (Billabong Dv) which achieves the same objective with minimal impact to northern owner and ratepayers.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
15.	Robert Lyne	Requests Council require access option 3 (Billabong Dv) so Billabong zoo has use of it too.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
16.	Trudy Carlin	Considers access option 2 (four-leg roundabout) unfairly shifts cost to northern landowner and or ratepayers. Requests Council require option 3 (Billabong Dv) which achieves the same objective with minimal impact to northern owner and ratepayers.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
17.	John Mullaney	Requests Council confirm cost of upgrading Billabong Dv intersection vs cost of proposed four-leg HSC roundabout (\$est will do). Considers that it would be nice to know what approving the HSC is costing ratepayers.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
18.	Justin Poppleton	Considers access option 2 (four-leg roundabout) unfairly shifts costs to northern landowner and/or ratepayers. Suggests Council require option 3 (Billabong Dv) which achieves the same objective with minimal impact to northern owner and ratepayers.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
19.	Merche Benson	Does not support the proposed Oxley Highway access. Considers that agreement of the northern landowner is needed, or otherwise another access option identified.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
20.	V Holmgren	Objects to location of proposed Oxley Highway access. Unfairly shifts costs to northern landowner and/or ratepayers. Asks why these landowners weren't consulted? Considers a roundabout at Billabong Dv is the most logical position given that it uses existing

Submission/request		Issue/comment
		infrastructure and gives good access to the growing area of Sancrox.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
21.	Robbie Wither	Objects to location of proposed Oxley Highway access. Unfairly shifts costs to northern landowner and/or ratepayers. Considers a roundabout at Billabong Dv is the most logical position given that it uses existing infrastructure and gives good access to the growing area of Sancrox.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
22.	Anne Rhook	Objects to location of proposed Oxley Highway access. Unfairly shifts costs to northern landowner and/or ratepayers. Requests Council require option 3 (Billabong Dv) which achieves the same objective with minimal impact to northern owner and ratepayers.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
23.	Nicole Mitchell	Objects to the location of proposed Oxley Highway access. Unfairly shifts costs to northern landowner and/or ratepayers. In addition, the proposed access location is likely to result in increased congestion and traffic safety issues.  Requests Council require access option 3 (Billabong Dv) which is a more logical and potentially safer option which achieves the same objective with minimal impact to northern owner and ratepayers.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access is addressed in the Discussion section of this report.
24.	Grant Mitchell	Objects to the location of proposed Oxley Highway access. Unfairly shifts costs to northern landowner and/or ratepayers. Council should require access option 3 (Billabong Dv) which achieves the same objective with minimal impact to northern owner and ratepayers.  Considers that the HSC needs to be connected to sewer as based on predicted usage and experience, it is not believed that onsite sewer will be sufficient.
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access and on-site sewer to service the proposed HSC are considered in the Discussion section of this report.
25.	King & Campbell Pty Ltd for	<ul style="list-style-type: none"> <li>Requests Council require reticulated sewerage services to the HSC rather than agreeing to a</li> </ul>



Submission/request		Issue/comment
	Expressway Spares Pty Ltd	<p>temporary and potentially unsuitable on-site effluent management system.</p> <ul style="list-style-type: none"> <li>Supports Council's Traffic Engineers preferred option for Billabong Drive intersection access on the basis that it: <ul style="list-style-type: none"> <li>provides a safe and efficient intersection that will cater for future growth in the Bushland Drive, Sancrox Road and Rawdon Island Road areas</li> <li>preserves suitable access for future development on the northern gateway site</li> <li>provides a direct tie into the existing network without deferring future costs onto adjoining landowners or Council, and</li> <li>provides the maximum separation to the existing Pacific/Oxley Highway interchange.</li> </ul> </li> <li>Requests commitment from Council to completing planning for road infrastructure improvements required for the broader Precinct in consultation with the RMS, the HSC developer, the northern gateway owner and other affected stakeholders in the Sancrox/Fernbank urban investigation area, prior to the approval of the proposed HSC access.</li> <li>Requests Council complete a broader road infrastructure improvement strategy to inform the preferred location of the access to the proposed HSC. This approach is recommended in contrast to agreeing to the current proposed HSC Access which has been presented without assessing the costs and impacts of that intersection on the adjoining properties and the broader precinct.</li> </ul>
	<b>Response/Comment:</b>	The location of the proposed Oxley Highway access and installation of on-site sewer to service the proposed HSC are considered in the Discussion section of this report.
26.	Bruce Gibbs	Considers reticulated sewage should be required as the only option. On-site sewer is not acceptable.
	<b>Response/Comment:</b>	The issue of on-site sewer to service the proposed HSC is considered in the Discussion section of this report.
27.	King & Campbell Pty Ltd for Mr & Mrs D & T Hore and Mr & Mrs A & A Hudson	<ul style="list-style-type: none"> <li>Requests Council confirm Adjoining Land Access Land referred to in the draft Planning Agreement is suitably located to provide appropriate public road access to the future residential areas to the west.</li> <li>Requests Council confirm Sewerage Infrastructure Connection Works will provide sufficient capacity for</li> </ul>

Submission/request		Issue/comment
		<p>the servicing of the subject site and adjoining lands given that the draft Planning Agreement is likely to be finalised prior to a sewerage infrastructure strategy for the Sancrox investigations.</p> <ul style="list-style-type: none"> <li>Requests Council confirm potential acoustic impacts associated with the HSC have, or will be addressed in the Planning Proposal in relation to existing residential (in particular on Lot 1 DP 1175559) and future residential within the urban investigation area to the west.</li> </ul>
	<b>Response/Comment:</b>	These matters are addressed in the Discussion section of this report.
28.	Requested Confidentiality	<ul style="list-style-type: none"> <li>Considers traffic modelling does not take into account increase in local/regional traffic including: <ul style="list-style-type: none"> <li>Sancrox Employment Precinct</li> <li>Partridge Creek Industrial Precinct</li> <li>Sancrox Riverpark Rural Residential Estate</li> <li>Sovereign Hills town centre</li> <li>Hasting Regional Sports fields</li> <li>Future Greater Sancrox Area Structure Plan area</li> <li>Sovereign Hills Playing Fields</li> <li>Proposed Sovereign Hills Primary School</li> <li>Future residential on residue HSC site land</li> <li>Queuing to access the Donut off-ramp as a result of the Lake Innes Drive UIA</li> </ul> </li> <li>Requests HSC access be aligned with Billabong Dv intersection to also service the future Sancrox area.</li> <li>Concerns raised about the proposed location of the Pacific Highway ramp in an Environmental Conservation area and likely difficulty for Lake Innes Drive residents to access the ramp.</li> <li>Suggests the site be used for future housing rather than a HSC.</li> <li>Concerns that the Acoustic Assessment report does not address: <ul style="list-style-type: none"> <li>Compression Brake noise on the southern side of the donut, especially at the 100km, 80km &amp; 60km brake interval</li> </ul> </li> </ul>

Submission/request	Issue/comment
	<ul style="list-style-type: none"> <li>Noise impact on the future Lake Inness Drive urban investigation area</li> <li>Noise impact on the future Sovereign Hills Tavern and outdoor eateries from truck access to the off-ramp on the northern side of the Pacific Highway.</li> </ul> <p>8. Tweed Shire Council refused an expansion of the Chinderah HSC as the DA had failed to address ecological, traffic and noise impacts (article from 7/10/2016 Tweed Valley Weekly attached to submission).</p> <ul style="list-style-type: none"> <li>Notes that the Queensland Department of Transport and Main Roads guidelines were used instead of NSW RMS guidelines when accessing traffic conditions for the proposed Chinderah expansion. Asks if the Traffic and Noise assessments submitted in support of the HSC Planning Proposal accord with NSW requirements.</li> <li>Notes that this is a Gateway site and considers that a massive truck stop causing traffic chaos will turn people off coming to PMQ. Also notes that while every other town is getting environmentally friendly, PMQ is going in the opposite direction.</li> </ul>
<b>Response/ Comment:</b>	<ul style="list-style-type: none"> <li>The proponent's traffic modelling report was prepared in consultation with the RMS and since been endorsed by the RMS and does make allowance for future growth in traffic volumes in the surrounding area.</li> <li>The Pacific Highway is a State road and the RMS is the Road Authority responsible for the approval of any new access points. Any impact of the proposed exit ramp on biodiversity values and access by adjacent residents will need to be addressed as part of RMS's assessment.</li> <li>The site is identified as a key Gateway Site in the <i>Port Macquarie Hastings Urban Growth Management Strategy 2017-2036</i> for tourist uses. In addition, RMS policy has identified the site as a suitable location for a HSC.</li> <li>Consideration to the proposed Oxley Highway access location and noise impacts are addressed in the Discussion section of this report.</li> <li>The draft Highways Gateway Sites DCP provisions aim to ensure appropriate visual amenity outcomes for the site as a result of future development. These provisions are also considered in the Discussion section of this report.</li> </ul>

Submission/request		Issue/comment
29.	M Hore	<ul style="list-style-type: none"> <li>Requests Council confirm driveway access to the existing dwelling on the site will remain after HSC commencement.</li> <li>Requests that a statement in the Planning Proposal about providing co-ordinated Oxley Highway access to service the proposed HSC and lands to the north, be amended to also include reference to proposed future residential lands to the west of the HSC.</li> <li>Requests Council confirm that the Planning Proposal and draft DCP provisions only apply to the proposed HSC site and not to the residue lands.</li> <li>Considers master planning is required to ensure that the 'Access Dedication Land' referred to in the draft Planning Agreement is correctly positioned for proposed future residential to the west of the HSC.</li> </ul>
	<b>Response/Comment:</b>	<ul style="list-style-type: none"> <li>Based on previous advice from the RMS, it is understood that the current driveway access arrangements to service the existing dwelling on the residue land will remain after HSC commencement, unless development on the residue site is intensified (i.e. developed for urban purposes).</li> <li>The Planning Agreement makes provision for access to the adjoining land to the west. It is not appropriate to amend the Planning Proposal as request. The future of the investigation area to the west of the HSC site is to be the subject of planning investigations for the Fernbank Creek/Sancrox area. The outcomes of these investigations are not yet known.</li> <li>The Planning Proposal includes provisions to permit subdivision of the property and a dwelling entitlement for the residue lot. As such it is advised that the Planning Proposal applies to the residue lands. The draft DCP provisions only relate to the proposed HSC site.</li> <li>This matter is considered in the Discussion section of this report.</li> </ul>
30.	Patricia Lamont	Concerns raised about potential traffic noise. Requests Council ensure sound barriers or other measures to mitigate noise impacts.
	<b>Response/Comment:</b>	The potential for noise impacts to existing/future residents as a result of the proposed HSC operation is considered in the Discussion section of this report.
31.	John Blomfield (2 submissions)	Concerns raised about potential traffic noise. Requests Council ensure sound barriers or other measures to mitigate noise impacts.



Submission/request		Issue/comment
		Also requests that trees along Billabong Drive and both sides of the Oxley Highway be retained, noting that they provide a natural wind break, shade and sound barrier to the author's residence.
	<b>Response/ Comment:</b>	The potential for noise impacts to existing/future residents as a result of the proposed HSC operation is considered in the Discussion section of this report.  Council can't guarantee that existing trees along the Oxley Highway road reserve and Billabong Drive will be retained into the future.
32.	Mark Holbrook & Sara Mathieson	Objects to proposal due to potential increase in noise (i.e. 24/7 HSC operation) and traffic management issues re Oxley Highway access.  Requests that if approved, baseline data be collected to establish current noise levels and options considered and incorporated into any future DA approval to mitigate noise impact on residents.
	<b>Response/ Comment:</b>	The potential for noise impacts to existing/future residents as a result of the proposed HSC operation is considered in the Discussion section of this report.
33.	Elizabeth Keene	Requests appropriate sound barriers to mitigate likely noise impacts from trucks and traffic.  Also requests that trees along Billabong Drive and both sides of the Oxley Highway be retained, noting that they provide a natural wind break, shade and sound barrier to the author's residence.
	<b>Response/ Comment:</b>	The potential for noise impacts to existing/future residents as a result of the proposed HSC operation is considered in the Discussion section of this report.  Council can't guarantee that existing trees along the Oxley Highway road reserve and Billabong Drive will be retained into the future.
34.	Vana Ford	Concerns raised about potential truck noise, loss of trees, loss of rural amenity, and impact of truck noise on wildlife at Billabong Zoo.  Asks why the HSC can't be built in a more appropriate location, for e.g. near Expressway Spares close to other industrial land uses.
	<b>Response/ Comment:</b>	The potential for noise impacts to existing/future residents as a result of the proposed HSC operation is considered in the Discussion section of this report.  RMS policy has identified the site as a suitable location for a HSC.

**Planning & Policy Implications**

The Gateway Determination authorises Council to exercise delegation of the plan making function under section 3.36 of the Environmental Planning and Assessment Act 1979 for the Planning Proposal. Further work is required to finalise the proposed amendment to the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011, consistent with the delegation. Strategic land use planning staff will complete these technical requirements to finalise the LEP following a decision by Council.

The exhibited Planning Agreement and subsequent offer relating to the location of the Oxley Highway access are irrevocable offers to guarantee that the key infrastructure issues associated with a future HSC will be satisfactorily addressed if the agreements are entered into by Council.

The draft DCP provisions will guide developers and Council staff in the preparation and assessment of applications to develop the Highways Gateway Sites, with aim of ensuring appropriate visual amenity outcomes. If adopted by Council, the DCP will take effect on the date of publication of the LEP of the NSW Legislation website.

**Financial & Economic Implications**

Preparation of the Planning Proposal has been funded by the proponent in accordance with Council's Schedule of Fees and Charges for amendments to the Port Macquarie-Hastings LEP 2011. Council's Strategic Land Use Planning section funded the visual/urban design analysis by Envisage consultants and prepared the draft Highways Gateway Sites DCP provisions at no cost to the proponent.

The cost of preparing the draft Planning Agreement has been funded by the proponent.

**Attachments**

- 1 [View](#). Highway Service Centre Planning Proposal
- 2 [View](#). Draft Highways Gateway Sites Development Control Plan
- 3 [View](#). Draft Planning Agreement
- 4 [View](#). Highways Gateway DCP - Draft Development Control Plan - post exhibition version 20190607 (003)

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Item: 13.08

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

Report Author: Director Development and Environment, Melissa Watkins

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Applicant:	David Pensini
Owner:	Yogi Bear Holdings Pty Ltd
Estimated Cost:	\$14,733,000
Parcel no:	65374

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

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.

#### Executive Summary

This report considers a development application 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 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, eight (8) submissions have been received.

This report recommends that the development application be approved subject to conditions.

#### 1. BACKGROUND

##### Previous consideration of the application

In considering the matter, the Development Assessment Panel on 23 January 2019 was unable to reach consensus as follows:

Robert Hussey moved the following motion:

*“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 non-compliance 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 non-compliance with development standards and provide further car parking provision on site so as to avoid dependence on parking offsets.***

**CARRIED:** 6/1

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

**AGAINST:** Levado

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:*

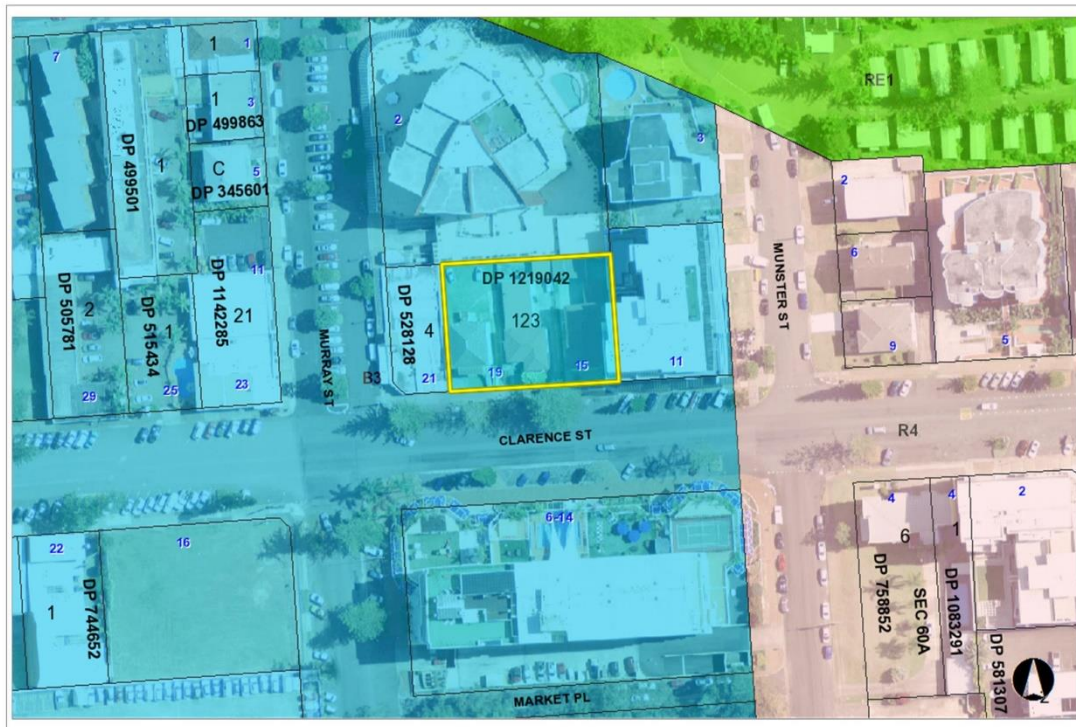
- 1. Insufficient car parking is provided on site. To vary the Development Control Plan (DCP) car parking provisions by 18% has significant implications on parking in the CBD, will lead to an undesirable precedent and undermine the DCP. Council should consider amending the DCP if such variations are to be considered acceptable."*

Given the Development Assessment Panel was unable to reach consensus at its meeting on 22 May 2019 the matter is being reported again to Council in accordance with the DAP charter. The extent of the Clause 4.6 variation also requires the application to be determined by Council.

### **Existing sites features and Surrounding development**

The site has an area of 1518m<sup>2</sup>.

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:



### Application Chronology

- 16 May 2018 – Application lodged.



- 22 May 2018 – Application placed on hold following applicant advice that revised plans are to be lodged.
- 25 June 2018 – Revised plans lodged.
- 5 July to 3 August 2018 – Public exhibition via neighbour notification and advertising.
- 3 July 2018 – Additional information request to applicant. Building height and off-street parking.
- 6 August 2018 – Additional information request to applicant. Traffic impact assessment required.
- 25 September 2018 – Additional information response from applicant addressing building height, parking and traffic requests.
- 23 January 2019 - Consideration by Development Assessment Panel.
- 20 February 2019 - Consideration by Council.
- 19 April 2019 - Revised plans lodged.

## **2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Construction of a seven (7) storey building comprising basement level parking.
- The building will comprise ground floor commercial and tourist accommodation over levels 1 to 6. Levels 1 to 6 will contain 47 apartments comprising 4 x 3 bed units (with dual key arrangement), 28 x 2 bed units (with dual key arrangement), 12 x 2 bed units and 3 x 1 bed units. With the combination of dual key arrangements, the proposal may provide for up to 79 leasable units.

Refer to attachments at the end of this report.

## **3. STATUTORY ASSESSMENT**

### **Section 4.15(1) Matters for Consideration**

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

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

#### **State Environmental Planning Policy 55 – Remediation of Land**

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

#### **State Environmental Planning Policy 62 - Sustainable Aquaculture**

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its' location, the proposal will be unlikely to have

any identifiable adverse impact on any existing aquaculture industries within the nearby Hastings River approximately 150m to the north-west from the site.

**State Environmental Planning Policy 64 - Advertising and Signage**

There is no signage proposed as part of the application. Suitable condition has been recommended advising of consent requirements for future signage.

**State Environmental Planning Policy 65 - Design Quality of Residential Flat Development**

In accordance with clause 4 the policy does not apply to serviced apartments.

**State Environmental Planning Policy (Coastal Management) 2018**

The site is located within the mapped coastal environment area.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 13 and 14 of the SEPP and clause 5.5 of the Port Macquarie-Hastings LEP 2011 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 impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;
- g) any adverse impacts the use of the surf zone;
- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funnelling and the loss of views from public places to foreshores;

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is cleared and located within an area zoned for commercial purposes.

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

In accordance with clause 7, the proposal is not a BASIX affected building. Specifically, the definition of a BASIX affected building is as follows:

*BASIX affected building means any building that contains one or more dwellings, but does not include a hotel or motel.*



**State Environmental Planning Policy (Infrastructure) 2007**

The proposal is not traffic generating development for the purpose of schedule 3 of this policy. No referral to Roads and Maritime Services was undertaken.

**State Environmental Planning Policy (State and Regional Development) 2011**

The proposal is not identified as regionally or state significant development. The capital investment value is \$14.7 million. The trigger for regionally significant development is \$30 million.

**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 B3 Commercial Core.
- Clause 2.3(1) and the B3 zone landuse table - The proposed development for commercial premises and tourist and visitor accommodation are permissible landuses with consent.
- Clause 2.3(2) - The consent authority must have regard to the objectives of a zone when determining a development application. The objectives of the B3 Commercial Core zone are as follows:
  - To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
  - To encourage appropriate employment opportunities in accessible locations.
  - To maximise public transport patronage and encourage walking and cycling.
  - To ensure that new residential accommodation and tourist and visitor accommodation within the zone does not conflict with the primary function of the centre for retail and business use.
  - To provide for the retention and creation of view corridors and pedestrian links throughout the Greater Port Macquarie city centre.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
  - The proposal is a permissible land use;
  - The development would provide additional ground floor retail and business use;
  - The development will provide suitable tourist and visitor accommodation;
  - The proposal is accessible and will provide employments opportunities.
- Clause 4.1 - It is noted that no subdivision is proposed as part of the application.

- Clause 4.3 - The maximum overall height of the proposal above ground level (existing) is 23.65m. The maximum building height standard applicable to the site is 19m. As a result, the applicant has submitted a Clause 4.6 variation to the standard. The variation represents a 24.5% departure from the standard.

In gaining an appreciation of the extent of building height variation sought it is important to note the site has been excavated under a prior development consent. The ground level on site is now below that which previously existed. Specifically, in the western central portion of the site ground levels are at least 700mm lower than historic natural ground levels. Also of due consideration is that in marrying in with Town Centre Master Plan works along the Clarence Street frontage the finished ground level adjacent to the southern elevation of the building will be approximately 800mm above the existing ground level along this frontage.

To this extent the roof of the proposed building comparative to the existing footpath level along Clarence Street level will vary between 17.8m in the south-eastern corner and 19.5m in the south-western corner. Whereas within the site, at the excavated ground level, the building height would be 20.55m in the south-eastern corner and up to 22.65m in the south-western corner. Along the northern elevation of the proposed building, at the excavated ground level, the building height varies from between 22.65m and 23.65m. The height plane plans provided as an attachment to this report illustrate the extent of the height variation proposed. The height plane plans also illustrate the height of the previously approved buildings on 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 based on the following reasons:

- The building design and height is consistent with the existing and future character of the locality in relation to height, bulk and scale.
- Existing building designs in the locality provide for lift overruns, roof top access and communal use rooftop areas in addition to the main building envelopes.
- There will be negligible impacts in relation to appearance, views, loss of privacy and loss of solar access.
- The proposal will have minimal impact on the heritage values of the site.
- The proposal will continue to provide for a transition in built form and land use intensity.

Having consideration to the above the applicant has demonstrated the proposal is consistent with the performance objectives of the height of building clause and will have limited impact on the environment. In addition, it is also considered that:

- The proposal is 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 6<sup>th</sup> floor is adequately setback from the perimeter of the main building, add minimal bulk and will articulate the built form.
- As per Planning Circular PS 18-003, Council can assume the Director-General's concurrence for variations to height limits. The height variation is more than a 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 proposal is 3.52:1. The maximum floor space ratio standard applicable to the site is 3.5:1. As a result, the applicant has submitted a Clause 4.6 variation to the standard. The variation represents a 0.57% variation from the standard. This equates to an additional floor area of 34.03m<sup>2</sup> above 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 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 consistent with the performance objectives of the floor space ratio clause. In addition, it is also considered that the proposal is unlikely to have any implications on State related issues or the broader public interest.

As per Planning Circulars PS 18-003, 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 could be determined by staff under delegation. However, noting the building height variation proposed the application will be determined by full council in any event.

- Clause 5.9 - No listed trees in Development Control Plan 2013 are proposed to be removed.
- Clause 5.10 the site is a listed archaeological site (A111). The applicant provided a preliminary archaeological assessment for a previous application being for the excavation of basement parking which was referred to the NSW Heritage Council. The prior consent contained conditions addressing heritage including a further requirement for a final archaeological report on findings during excavation. A final archaeological report prepared by I Vetta and J Baloh dated August 2018 supported this application. The application and final report were referred to the NSW Heritage Council. The heritage Council have reviewed the application and final report and concluded that no further investigation or approval under the *Heritage Act 1977* is needed. The NSW Heritage Council has recommended the following consent condition be applied to any consent granted. The condition forms part of the recommended consent conditions attached to this report:

*“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”.*

- Clause 7.3 - The land is above the flood planning area and no flood related building controls apply to the site.
- Clause 7.4 - The north-western portion of the site is partly mapped within the flood plain risk management area. The development provides for adequate emergency evacuation onto Clarence Street and no specific flood related measures are required.
- Clause 7.7 - The proposed development does not penetrate the Obstacle Limitation Surface (OLS) of the Port Macquarie Airport. In particular, the OLS for the site is approximately 60m. However, if a crane is to be utilised during construction, care will be required. A condition is recommended to ensure any crane used onsite does not penetrate the OLS and in the event that it does a controlled activity approval from the airport operator be obtained prior to works commencing.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development.

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

No draft instruments apply to the site.

**(iii) Any Development Control Plan in force:**

**Port Macquarie-Hastings Development Control Plan 2013**

Applicable general provisions

Requirements	Proposed	Complies
• Advertising & Signage	None proposed.	N/A
• Community Participation & Social Impact Assessment	Public exhibition undertaken in accordance with the requirements of this plan. Social Impact Assessment not considered necessary for the proposal.	Yes
• Crime Prevention	Adequate casual surveillance available and principles of crime prevention through environmental design achieved.	Yes
• Environmental Management	<ul style="list-style-type: none"> <li>• Site is mapped as potential archaeological site. Refer to comments earlier within report.</li> <li>• No tree removal proposed.</li> <li>• Stormwater management details to be provided.</li> </ul>	Yes  N/A Stormwater capable of being managed.



Requirements	Proposed	Complies
		Details to be provided with section 68 application.
<ul style="list-style-type: none"> <li>Off-street parking in accordance with Table 2.5.1:               <ul style="list-style-type: none"> <li>Motel accommodation requires 1.1 per unit + 1 per 2 employees (onsite at any one time) + 1 for on-site manager.</li> <li>Commercial premises require 1 per 30m<sup>2</sup> of Gross Leasable Floor Area (GLFA).</li> <li>Function room requires 1 per 30m<sup>2</sup> serviced floor area in commercial zones.</li> </ul> </li> </ul>	<p>Motel accommodation with dual key arrangement:</p> <ul style="list-style-type: none"> <li>79 units = 86.9</li> <li>No onsite manager = 0</li> <li>6 employees = 3</li> </ul> <p>Total for motel = 89.9 spaces.</p> <p>Commercial premises:</p> <ul style="list-style-type: none"> <li>195.3m<sup>2</sup> = 6.51 spaces.</li> </ul> <p>Function Room</p> <ul style="list-style-type: none"> <li>80.22m<sup>2</sup> = 2.674 spaces</li> </ul> <p>Total required parking for dual key arrangement = 99.084 spaces.</p> <p>Total parking proposed = 81 spaces.</p>	No*

The proposal seeks 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 99.084 (100) spaces are required to serve the development with 100% occupancy of all units inclusive of 32 dual key units. The proposal includes 81 spaces. Thus resulting in a parking shortfall of 18.084 spaces.

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:

- 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 application was supported by a traffic impact assessment that included a parking demand analysis. The assessment was prepared by TTM Consulting dated 9 August 2018. The assessment included a dual occupancy (i.e. dual key) parking sensitivity assessment. The assessment assumed an 80% occupancy rate and that 20% of guests would arrive via taxi, ride sharing or public transport. Based on these assumptions it was estimated that the parking demand for 79 units alone would be approximately 50-51 spaces. With the addition of the ground floor commercial parking demand of 6.51 spaces, employee parking demand of 3 spaces and function centre parking demand of 2.674 spaces the total peak parking demand equates to between 62.184 - 63.184 spaces. Under this scenario a parking surplus of 17.816 spaces would apply.

It is considered reasonable to assume a reduced occupancy rate for motel style accommodation. Data obtained from the Destination NSW website (source being Australian Bureau of Statistics (ABS), survey of Tourist Accommodation) suggests for the years ending 2014 and 2015 occupancy rates were 62% and 68% respectively for tourist style accommodation in Port Macquarie for establishments with 15 or more rooms. The adopted 80% occupancy rate is considered appropriate and probably on the conservative side having regard to these statistics.

However, assuming 20% of guests will not arrive via private vehicle is not substantiated within the parking study. No data, survey work or research has been provided that validates this assumption. In the absence of such evidence it is considered inappropriate to adopt this assumption. The traffic study acknowledges that during periods of high occupancy (peak holiday periods) that the car parking demand may be higher and recommend that a parking booking system be implemented to manage the available parking. However, this is considered inappropriate as there will likely be an increased reliance on on-street parking during these times. It is argued that the adopted parking demand rate within the DCP for motel style accommodation already accounts for a portion of guests arriving by alternate means. Council staff also consider that the assumption of an 80% occupancy ratio further accounts for a portion of persons arriving by alternate means during peak periods and that a further discount is not appropriate.

Council staff calculations of parking demand based on 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 units  $\times$  1.1 spaces per unit = 69.52 spaces.
- Employees: 6 at 1 per 2 employees ( $6/2$ ) = 3 spaces.
- Commercial premises:  $195.3\text{m}^2$  (1 per  $30\text{m}^2$ ) = 6.51 spaces.
- Function Room:  $80.22\text{m}^2$  (1 per  $30\text{m}^2$ ) = 2.674 spaces.
- Total parking demand required = 81.704 spaces.

Parking proposed is 81 spaces. Therefore, a parking shortfall of 0.704 space is a result (i.e. 81.704 spaces required – 81 spaces proposed).

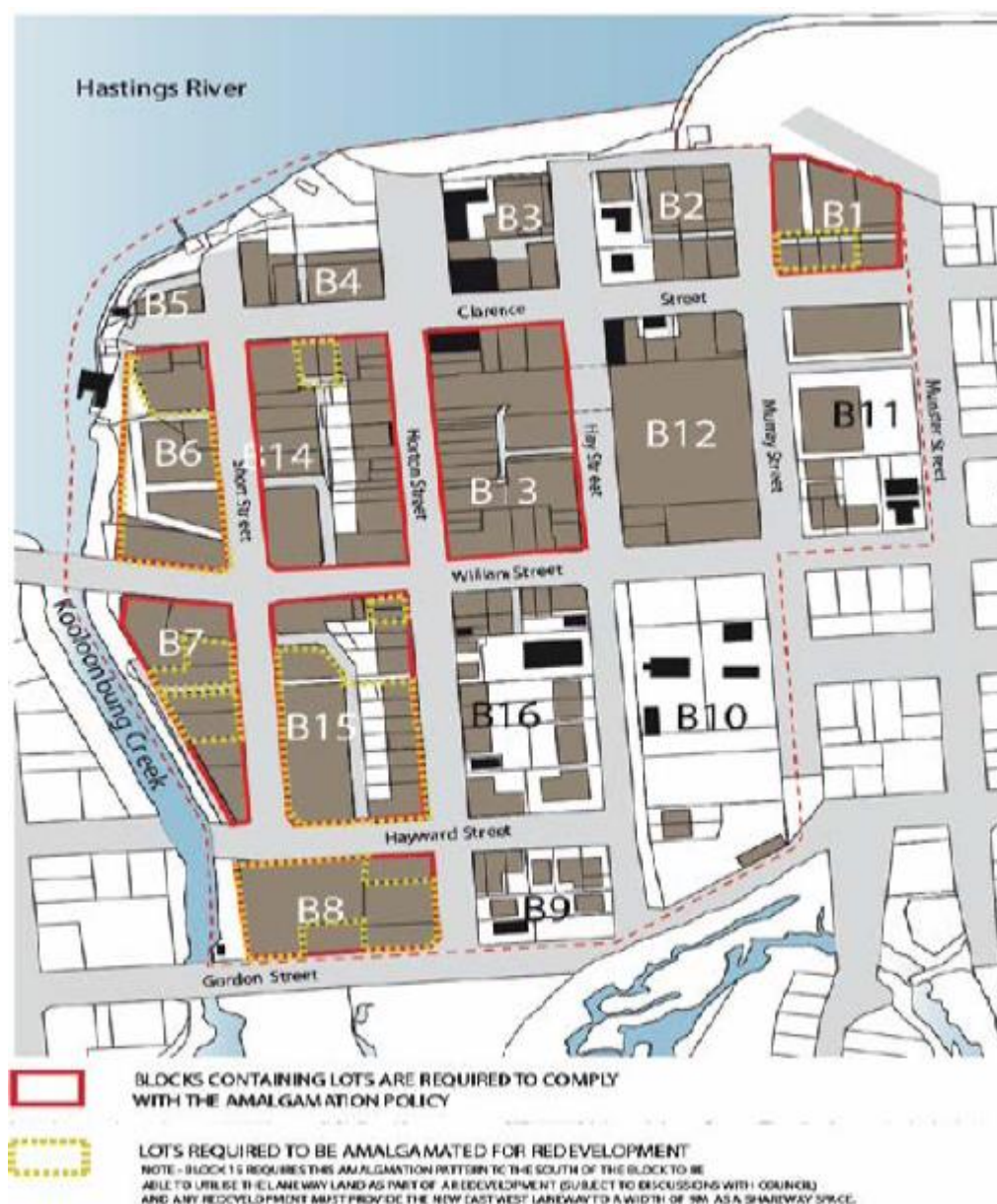
Having regard to the overall findings of the traffic impact assessment prepared by a suitably qualified professional, it is considered reasonable that proposal will not result in any significant adverse impacts to traffic, parking or road function. Nevertheless, the site is located within the Port Macquarie-Hastings Contributions Plan 1993 – Part C – Car Parking and it is considered appropriate that a development contribution be made under this plan for the identified parking shortfall of 0.704 of a parking space. A condition has been recommended surrounding the payment of the parking shortfall contribution.

#### Part 5 - Area based provisions - Port Macquarie Town Centre

Requirements/Objectives	Proposed	Complies
<b>Clarence Street precinct</b> The future heritage and leisure focus of the town for visitors and residents, Clarence Street will be a distinctive tree lined pedestrian	7 storey apartment style building with ground floor commercial.	Consistent with objectives.

Requirements/Objectives	Proposed	Complies
dominated area with hotels and holiday apartments above an active street frontage lined with restaurants, heritage buildings and sidewalk cafés. The new buildings should respond to the heritage buildings without mimicking them.	Ground floor commercial will provide active street frontage.  Building design considered to be in keeping with the character of existing flat buildings within the precinct.	
<b>Site amalgamation</b> - Amalgamations are desired on land identified in Figure 26. - If applicants propose a different amalgamation pattern then they must demonstrate that orderly development, high levels of connectivity and vehicle access will occur and that mid-block connections are provided appropriately.	Proposal inconsistent with desired amalgamation plan. Refer to figure below table.	Three lots (minus the corner lot) have been amalgamated. Considered to be a good outcome.
<b>Active Frontages and Shop Widths</b> - Maximum shop widths comply with Figure 27: Maximum shop widths.	The ground floor shop front width is less than 30m.	Yes.
<b>Façade Enclosure</b> Façade enclosure complies with the block controls. Block 1: - Ground 60% - First 50% - Second/Third 40% - Top floor 40%	Façade enclosure considered acceptable.	Yes.
<b>Roof Design</b> Break up roofs where possible with hips, gables and changes in materials.	Roof broken up with lift overrun and roof top terrace structures.	Yes





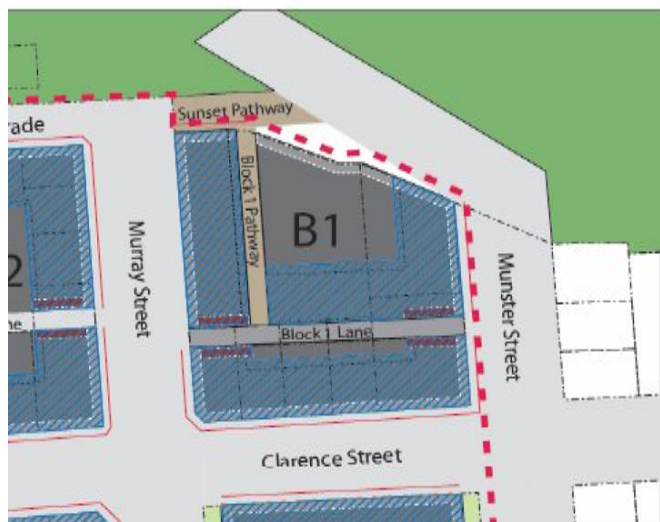


## PART 4 BLOCK CONTROLS

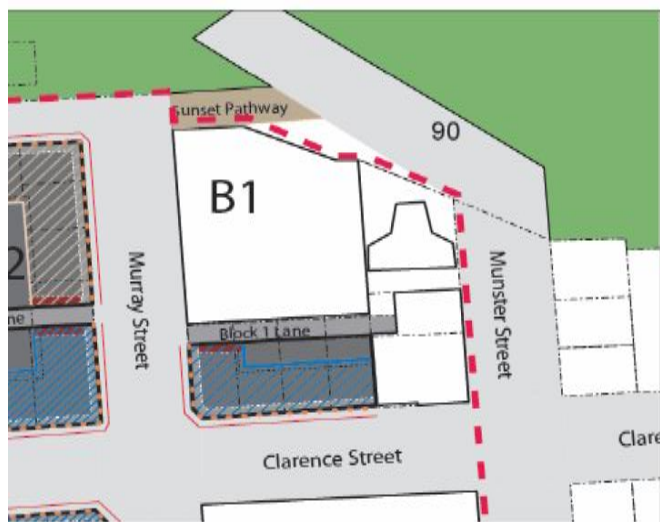
### Block 1



Location map



DIAGRAMMATIC BLOCK PLAN - LONG TERM



INTERIM BLOCK PLAN

Incorporating existing strata buildings and newly approved or constructed buildings and buildings significantly taller than current height controls.

#### KEY

##### Existing

- Study Area
- Existing lot boundaries
- Heritage building footprint
- Heritage area
- Existing strata or recently approved or constructed building footprint
- Existing Foreshore Reserve (subject to separate public domain plans)

##### New development

5. Maximum Building Depth
  - Ground Floor Building Footprint
  - Upper Floor Building Footprint
6. Front Boundary Setback
  - Build to line
8. Facade Articulation Zone
  - Front
  - Side/Rear
  - Upper Floor
9. Extent of Street Awning to be provided
12. New Streets, Laneways & Paths
  - Proposed New Street
  - Proposed New Laneway
  - Proposed New Path
14. Landscaping
  - Soft Landscaped with Deep Soil
  - Mix of Hard & Soft Landscaping

### Summary - Block 1 controls

**Maximum Building Depth.** Ground whole site less setbacks,  
First/Second/Third/Top = 20m.

- Building depth of approximately 22m considered appropriate.

**Front Setback (Clarence Street). Ground/First/Second/Third = 0m. Top Floor = 3m.**

- Front lobby on front boundary 0m consistent. <1m first/second/third/fourth/fifth with elements within articulation zone. Noting top floor setback 3m.

**Rear Setback. Minimum 0m to Block 1 Lane for Ground/First/Second/Third. Top Floor minimum 3m.**

- Proposed 8.7m to rear boundary. Further setback on top floor. Note future laneway not possible having regard to Macquarie Waters building.

**Side Setback. Minimum 0m to Block 1 Pathway for Ground/First/Second/Third. Top Floor minimum 3m.**

- Proposed 0m side boundary setback from ground to 5<sup>th</sup> level. The top floor setbacks range between 0m, (approximately 7.6m length of eastern aspect of building – stair shaft and portion of Unit 604), up to 13.695m (north-western aspect of building).
- The side setback variation to the 3m top floor in relation to portions of the top floor is considered acceptable due to the:
  - reasonably short wall lengths of the proposed building compared to the overall length of the site.
  - the relationship of the non-compliant length of external wall of the proposed building with the existing western external wall of the adjoining building to east.
  - the relationship of the proposed building to the bulk and scale of development to the east.
  - the significant open area of the proposed development.
  - the overall merits of the proposed development and the practical difficulties associated with compliance and achieving a viable project.
  - the lack of detrimental overshadowing of the adjoining properties due to the existing lots orientation to north and south.
  - the minimization of privacy impacts to the adjoining properties due to a lack of
  - regular windows in the proposed side
  - elevations,
  - the size and scale of existing adjoining development to the east, west and north.
  - the flow through ventilation for the proposed units which do not need to rely on side windows to provide ventilation.
  - the use of varying finishes on the side elevations to create additional interest and relief and to decrease the vertical emphasis on the building as a whole.
  - the non-compliance will result in no loss of primary views for residents of other buildings.

**Façade Enclosure. Ground 60%, First 50%, Second/Third 40%, Top Floor 40%.**

- Façade enclosure considered acceptable.

**Front articulation zone. Ground min 0m. First to fifth min 1.8m Max 4m. Top Floor N/a**

- Articulation provided to the street considered appropriate.

**Rear/Side Articulation 0m.**

- Wall finish treatment is proposed to the western elevation which will provide an appropriate interim measure until the corner block is developed.

**Vehicle entry from streets and paths. Off Block 1 Lane, Munster or Murray Streets**

- Access directly from Clarence Street.

**New Streets, Laneways and Paths. Block 1 Lane. Min 7m wide – two way vehicle movement and 1m footpath.**

- Proposed level basement car parking. No provision for laneway. Full width footpath across frontage required.

**Arcades**

- N/A.

**Car Parking Underground, on street, some on grade.**

- Proposed basement car parking and commercial spaces at grade.

**Landscaping**

- N/A.

**Residential Flat Development, Tourist and Visitor Accommodation, Mixed Use Development Provisions.**

Objectives/Provisions	Proposed	Complies
<b>Site Design &amp; Analysis</b> <ul style="list-style-type: none"> <li>- Attributes and constraints adequately considered in design.</li> <li>- Consideration to adjacent and adjoining sites in design.</li> </ul>	Site analysis provided.	Yes.
<b>Site Layout</b> <ul style="list-style-type: none"> <li>- Functional &amp; integrated with neighbourhood.</li> <li>- Energy efficient design.</li> </ul>	Detailed site plan provided with application demonstrating integration with potential	Yes.

Objectives/Provisions	Proposed	Complies
	integration with adjoining sites.	
<b>Height Limits &amp; FSR</b> <ul style="list-style-type: none"> <li>- Complies with LEP</li> <li>- Min floor to ceiling 2.7m.</li> <li>- FSR at least 1:1.</li> </ul>	Variation to height proposed. Ceiling heights comply. FSR 3.52:1.	No. Refer to LEP clause 4.6 comments. Yes. Yes.
<b>Streetscape &amp; Front Setback</b> <ul style="list-style-type: none"> <li>- Front setback with 20% of average setback of adjoining buildings.</li> <li>- Tourist accommodation 9m max setback for pool.</li> <li>- Balconies may encroach up to 600mm into setbacks.</li> <li>- Building aligned to street boundary.</li> <li>- Openings align with street or rear of site.</li> </ul>	Proposed 0m front setback.  Swimming pool proposed on roof top.  Balconies within setbacks.  Building aligns with street.  Openings face street.	Considered acceptable.  N/A  Yes.  Yes.  Yes.
<b>Side &amp; Rear Setbacks</b> <ul style="list-style-type: none"> <li>- Side setback min 1.5 for max 75% of building depth.</li> <li>- Windows in side walls setback 3m from side.</li> <li>- Adjoins existing strata building side set back min 3m.</li> <li>- Rear setback min 6m to building &amp; sub-basement.</li> <li>- Party wall development if site amalgamation not possible and higher density envisaged.</li> <li>- Corner sites consolidated with adjacent sites.</li> </ul>	0m side setbacks  No windows in side walls.  Adjoins strata title flat building to the east.  8.7m rear setback to building.  Site amalgamation as per DCP not achievable.  Not a corner site.	Considered acceptable.  N/A. Considered acceptable.  Yes.  Noted but considered best achievable outcome. N/A  N/A
<b>Building Depth</b> <ul style="list-style-type: none"> <li>- Max 18m</li> </ul>	Building depth of approximately 22m.	Building depth considered acceptable. The depth is reflective of existing similar sized buildings adjoining.
<b>Energy Conservation &amp; Solar Access</b> <ul style="list-style-type: none"> <li>- Adequate light and ventilation.</li> </ul>	North facing balconies. No adverse shadow impacts given lot orientation.	Yes. Ventilation and solar access considered appropriate having



Objectives/Provisions	Proposed	Complies
<ul style="list-style-type: none"> <li>- Overshadowing.</li> <li>- Energy efficiency.</li> </ul>		regard to the short term use proposed.
<b>Landscaping</b>	Landscaping proposed along Clarence Street frontage.	Yes
<b>Deep Soil</b> <ul style="list-style-type: none"> <li>- Buildings should be sited across frontage</li> <li>- Deep soil zones should extend width of the site and be minimum depth of 6m.</li> <li>- Deep soil zone should accommodate advanced plantings.</li> <li>- Integration with stormwater management system</li> </ul>	No deep soil zone proposed.	The site is zoned B3 Commercial and consistent with the area based provisions above no deep soil zone requirement has been envisaged for this site.
<b>Private Open Space</b> <ul style="list-style-type: none"> <li>- Ground floor dwelling min 35m2 with 4mx4m area.</li> <li>- Areas &lt;2m in width be excluded from area.</li> <li>- Balconies on or above first floor min 8m2 with min 2m width with direct living area access.</li> </ul>	No ground floor units proposed. The rooftop terrace area inclusive of BBQ, gym, pool and toilets facilities provides sufficient communal open space.	Yes. Each unit also contains access to external balconies of sufficient width and depth.
<b>Fences and Walls</b> <ul style="list-style-type: none"> <li>- None proposed</li> </ul>	None proposed	N/A
<b>Acoustic Privacy</b> <ul style="list-style-type: none"> <li>- Living areas to face street</li> <li>- Parking and driveways separation &gt;3m from bed windows</li> <li>- Openings of adjacent dwellings &gt;3m separation.</li> <li>- Building wall design minimise noise transition comply with AS.</li> </ul>	<p>Noted that some bedrooms at front of building face street. N/A no ground floor units.</p> <p>No side wall openings.</p> <p>Designed to comply with noise transmission requirements.</p>	<p>Noise impacts considered to be minimal having regard to the short term nature of use. Additional glazing to bedroom windows possible.</p> <p>N/A</p> <p>Yes</p>
<b>Visual Privacy</b> <ul style="list-style-type: none"> <li>- Direct views between adjacent living areas screened if with distances.</li> </ul>	No side wall openings.	Yes

Objectives/Provisions	Proposed	Complies
<ul style="list-style-type: none"> <li>- Screening or fence requirements.</li> <li>- Window privacy screen requirements</li> <li>- Balcony privacy screen requirements</li> </ul>	Privacy walls and screening proposed where necessary.	Yes
<b>Accessibility</b> <ul style="list-style-type: none"> <li>- In accordance with AS1428</li> <li>- Barrier free min 20% of dwellings</li> <li>- Layout for variety of groups</li> <li>- Building design capable of adaptation to whole of partial changes of use</li> </ul>	Capable of compliance with AS1428. Details to be provided with Construction Certificate. Ground flood at grade access with lift proposed.	Yes
<b>Social Dimensions &amp; Affordability</b> <ul style="list-style-type: none"> <li>- Located close to open space/recreation areas.</li> <li>- FSR not less than 1:1</li> <li>- Variety of apartment types, 1, 2, 3+ beds.</li> <li>- Consider Affordable Housing Strategy</li> </ul>	Close to Town Green open space and foreshore areas. FSR greater than 1:1. 1, 2 and 3 bedroom units.	Yes.  Yes. Yes.
<b>Roof Form</b> <ul style="list-style-type: none"> <li>- Variations in form &amp; materials to be provided</li> <li>- Lift overruns &amp; plant integrated within roof structure</li> </ul>	Roof top structures provided varied roof form. Overrun and plant incorporated into roof top structures.	Yes.
<b>Façade Composition &amp; Articulation</b> <ul style="list-style-type: none"> <li>- Well balanced</li> <li>- Consistent &amp; complimentary to elements &amp; materials of existing buildings</li> </ul>	Consistent with existing flat buildings within the locality.	Yes
<b>Entries &amp; Corridors</b> <ul style="list-style-type: none"> <li>- Clear line of transition</li> <li>- Sheltered &amp; lit</li> <li>- Adequate circulation space</li> <li>- Corridor width min 2.5m wide &amp; 3m high</li> </ul>	Building entry well defined, sheltered and adequate circulation space.	Yes
<b>Balconies</b> <ul style="list-style-type: none"> <li>- Min one balcony per apartment.</li> </ul>	Balcony per unit.	Yes

Objectives/Provisions	Proposed	Complies
<ul style="list-style-type: none"> <li>- Main balcony min 2m width a 8m2.</li> <li>- Directly accessible from living area.</li> <li>- Balconies recessed, balustrade.</li> </ul>	Complies.	Yes
	Off living area.	Yes
	Recessed and balustrade details provided.	Yes
<b>Emergency Services</b>	Capable of access from street hydrant.	Yes
- Accessible		
<b>Laundries &amp; Clothes Drying Facilities</b>	Rooftop communal laundry proposed.	Yes
<b>Mailboxes</b>	Not required.	N/A
<b>Safety &amp; Security</b>	Design meets principles of crime prevention through environmental design.	Yes
<b>Site Storage</b>	Adequate storage proposed.	Yes
<b>Waste Management</b>		
<ul style="list-style-type: none"> <li>- Communal bulk waste facilities to be provided.</li> <li>- Designated area at ground or basement</li> </ul>	Garbage storage on ground floor behind commercial tenancies.	Yes
<b>Utilities</b>	Services available.	Yes
<b>Strata Title Subdivision</b>	No subdivision proposed.	N/A

**Business and Commercial Development Provisions**

Requirements/Objectives	Proposed	Complies
<b>Building Heights:</b>	Proposed 23.65m.  19m LEP max height limit applies.	No. Refer to LEP clause 4.6 comments.
<b>Setbacks:</b> <ul style="list-style-type: none"> <li>• A zero metre setback to ground floor is preferred in all business zone developments.</li> </ul>	0m front setback.	Yes
<b>Roof Form:</b> <ul style="list-style-type: none"> <li>• Variations in roof form including the use of skillions, gables and hips are to be provided in the development.</li> </ul>	Variation with roof terrace proposed. Lift overrun and plant incorporated.	Yes.
<b>Building Facades, Materials &amp; Finishes:</b> <ul style="list-style-type: none"> <li>• Colours, construction materials and finishes</li> </ul>	Proposed colours appear acceptable and consistent with existing	Yes

Requirements/Objectives	Proposed	Complies
shall be predominately pale in colour and textured, tonal and subtle.	flat buildings within the street.	
<ul style="list-style-type: none"> <li>Shopfront widths are to be between 15 and 20metres.</li> </ul>	Shopfront widths acceptable.	Yes
<ul style="list-style-type: none"> <li>Architectural detailing is to be provided to promote articulation, character and visual interest in the streetscape.</li> </ul>	Architectural detailing provided within the articulation zone. Incorporates overhangs and recesses.	Yes
<b>Active Frontages:</b> <ul style="list-style-type: none"> <li>Ground floor levels shall not be used for residential purposes in B1, B2, B3 and B4 zones.</li> </ul>	Ground floor incorporates shop/retail.	Yes
<ul style="list-style-type: none"> <li>A minimum of 50% of the ground floor level front facade is to be clear glazed.</li> </ul>	Approx 50% of street frontage clear glazed.	Yes
<b>Arcades</b>	No arcade proposed.	N/A
<b>Awnings</b>	Awning structure provides coverage for the extent of the active street frontage.	Yes
<ul style="list-style-type: none"> <li>Skylights may be provided in the awning for a maximum depth of 1/3 of the total awning depth.</li> </ul>	None proposed.	N/A
<ul style="list-style-type: none"> <li>Under awning lighting shall comply with AS/NZS1158.</li> </ul>	Capable of compliance.	Yes.
<ul style="list-style-type: none"> <li>Awnings are designed and constructed to encourage pavement dining in areas identified for pavement dining, along the foreshore and in piazzas.</li> </ul>	Awnings designed to encourage outdoor dining opportunities.	Yes.
<b>Landscaping:</b> <ul style="list-style-type: none"> <li>A landscape plan shall be submitted with the development application</li> </ul>	Landscape plan provided.	Yes
<b>Gateways &amp; landmark Sites:</b>	N/A	N/A
<b>Waste management:</b> <ul style="list-style-type: none"> <li>A waste management plan for the construction</li> </ul>	Waste management plan provided.	Yes



Requirements/Objectives	Proposed	Complies
and/or occupation of the development is provided		
<b>Vehicular Access Location and Design:</b> <ul style="list-style-type: none"> <li>No direct vehicular access to at grade or basement car parking from the active street frontage will be permitted in B1 zones.</li> <li>The number of vehicular crossovers shall be kept to a minimum and appropriate sight lines provided to ensure safe integration of pedestrian and vehicular movement.</li> </ul>	<p>B3 Zone. Single crossover proposed. Access to basement car park from main entrance off Clarence Street.</p> <p>Single crossover proposed at grade.</p>	<p>Yes.</p> <p>Yes</p>
<b>Pedestrian Entries &amp; Access:</b> <ul style="list-style-type: none"> <li>The development complies with AS1428—Design for Access and Mobility.</li> </ul>	Designed to comply with standard.	Yes
<b>Outdoor Dining:</b>	None proposed.	N/A
<b>Commercial Development Adjoining Residential Land uses:</b> <ul style="list-style-type: none"> <li>The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.</li> </ul>	<p>Site adjoins residential units located to the east.</p> <p>Site does not adjoin residential zoned land.</p>	Yes
<ul style="list-style-type: none"> <li>Waste areas are located and managed to minimise pests, noise and odour.</li> </ul>	Garbage storage located on ground floor behind commercial tenancy and basement for residential units.	Yes

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

No planning agreement has been offered or entered into.

iv) Any matters prescribed by the Regulations:

**New South Wales Coastal Policy:**

The proposed development is consistent with the objectives and strategic actions of this policy. See SEPP (Coastal Management) 2018 comments for further detail.

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

The site was historically three single Torrens title lots with each containing old unit buildings. The old units have been demolished and the lots consolidated under a previous development consent. Site has also been subject to excavation under a previous development consent and slopes away from south to north approximately 2m. The site has a frontage of 45.25m to Clarence Street and an average depth of 33.53m.

Adjoining the site to the north is the North Point Apartments (9 storeys residential flat building). Adjoining the site to the east is the Macquarie Waters apartments (six storeys residential flat building). Adjoining the site to the south is Clarence Street and beyond is the Port Pacific Resort building. Adjoining the site to the west is a single storey commercial building fronting Murray Street.

The proposal is considered appropriate in terms of density and height and will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain. The proposal is considered to be consistent with other higher density developments in the locality.

The proposal will not compromise any important views or view corridors. Impact to views enjoyed from units of the Port Pacific building would be minimal given the change in grade on Clarence Street and the subject site, and the location of existing buildings adjacent to the site.

It is evident that the orientation of the block, units and subsequent balconies seek to maximise light and ventilation with the northern orientation. The building has been positioned in the southern portion of the block. This provides for adequate separation to the units in the North point apartment building. It is considered that sufficient spatial separation between the units will be provide for an acceptable level of privacy.

**Roads**

The site has road frontage to Clarence Street. Adjacent to the site, Clarence Street is a sealed public road under the care and control of Council. Clarence Street is local commercial road with a 22 metre carriageway within a 30 metre road reserve. The existing road includes SA kerb and gutter, footpath paving, and combination of parallel parking and angled parking.

**Access, Transport & Traffic**

The application was supported by a Traffic Impact Assessment prepared by TTM Consulting, dated 9 August 2018. The conclusions of the assessment are provided below:

*8 Summary and Conclusions**8.1 Development Summary*

*The access is proposed to be via a 6.0m wide Category 2 access crossover. The development access will provide an effective queue provision of 4 vehicles between the property boundary and the security access door.*

**8.2 Car Parking Arrangements**

*The car parking provision generally exceeds Council's Development Control Plan's minimum parking requirements.*

*The ground level and basement car park layouts, as a minimum, comply with the Australian Standard requirements. Overall, TTM considers the proposed car parking arrangements for this development are adequate.*

**8.3 Impact on Surrounding Road Network**

*Assessment of the proposed development indicates that the development will not have a significant impact on the future road network. As such, no further mitigating road works are required.*

**8.4 Service Vehicle Arrangements**

*Servicing for this development will be facilitated in the designated loading area on the ground level, accessed from Clarence Street. The largest design vehicle, a VAN, can enter, manoeuvre, service and exit the site in a forward gear. Overall, the proposed service vehicle arrangements are considered adequate to meet the needs of the proposed development.*

**8.5 Active Transport Facilities**

*The current public transport infrastructure and proposed site provisions for pedestrian/bicycle facilities is considered adequate for the development.*

**8.6 Conclusion**

*Based on the assessment contained within this report, TTM see no traffic engineering reason why the relevant approvals should not be granted.*

Key issues or recommendations to be addressed by conditions.

To protect existing road facilities, existing road conditions shall be evaluated and bond securities held prior to any earthworks Details shall be provided as part of a Roads Act (Section 138) application.

**Site Frontage & Access**

Vehicle access to the site is proposed through one access driveway to Clarence Street. 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 development, additional works are required to include:

- Reconstruction of kerb and gutter to the east of improvement works (new kern and pavement) to marry in with works already carried out by Council as part of the Town Centre Master Plan.
- Concrete footpath paving (full width) along the full frontage
- A condition is recommended requiring that 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 subject property. The applicant is advised that works include altering verge, carriageway and kerb levels to improve surface drainage conditions for the full frontage of the development.

**Parking and Manoeuvring**

Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements. Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements.

Refer to relevant conditions of consent.

**Pedestrians**

In accordance with the Port Macquarie Town Centre Master Plan, the proposed development will require full width concrete paving along the frontage of the site with specified materials and finishes. Suitable conditions recommended.

**Public Domain**

No adverse impacts on public spaces or access thereto.

**Utilities**

Telecommunication and electricity services are available to the site.

**Stormwater**

The proposed preliminary stormwater design prepared by David Johnson Consulting Engineer, dated May 2014 is acceptable in principle.

The site naturally grades towards the rear and is benefitted by an easement 1-metre-wide to drain water over SP65485, the development proposes to extinguish the easement and instead drain to the Council's pipe network in Clarence Street.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline in Clarence Street, which is consistent with the development proposal.

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

In accordance with Councils AUSPEC requirements, onsite detention facilities must be incorporated into the stormwater drainage plan. Preliminary plans incorporate onsite detention facilities.

The statement of environmental effects (SOEE) outlines measures to be implemented during construction to manage stormwater. Details from the SOEE are provided below:

- *"Appropriate controls will be installed to prevent soil erosion and sediment transport from the site during rainfall during the construction phase of the project. A variety of erosion and sediment controls will be used on the site. Strategies to be used on site will include:*
- *Hay bale retardation and sediment retention basin. The removal of stormwater from the excavated area will be via a temporary hay bale structure which will be provided on site. The size of the structure to be determined via the volume of water to be treated. In this regard the*



- operation of the structure is to be inspected on a daily basis and the quality of discharge water monitored.*
- Where necessary the size of the structure will be increased so as to ensure that acceptable discharge standards are met.*
  - All stormwater is to be collected and conveyed to the structure using suitable sized pumps. The foot valve of the pump is to be fitted with a silt sock. The hay bale structure will act as a two-stage sedimentation basin. Pumped water will be discharged into the larger section of the structure where it will be allowed to settle and seep through the straw bales into the final section where it will be allowed to settle before draining through the overflow to discharge into the stormwater drain servicing the site.*
  - The pond shall be regularly inspected, and excess sediment removed on a daily or more frequent basis as required.*
  - Sediment filter fencing, or gravel groynes/sausages will be used downstream of the discharge from the hay bale structure to provide additional treatment.*
  - Gravel groynes/sausages for sediment retention will be utilized around stormwater drains, inlets and pits once constructed.*
  - Tracking of sediment from the site by tucks entering and leaving will be controlled by the provision of a 'shaker grid' at the site entry together with the placing of a gravel driveway at the entry site.*
  - Discharges from dewatering operations shall be treated to remove excess suspended matter prior to discharge from the site. Discharges shall be free of pollutants, shall be within a pH range of 6.5-8.5 and shall have a maximum non-filterable residue (NFR) concentration of 50 mg/L to allow for discharge to the stormwater system within Environment Protection Authority requirements.*
  - Removal of suspended matter from dewatering discharges shall be achieved by treatment of discharges through the hay bale filtration/sedimentation pond detailed in 6.1 above."*

Detailed plans for the management of stormwater will be required to be submitted for assessment with the infrastructure construction certificate and S.68 applications.

### **Water**

Records indicate that the current development site has an existing 20mm metered water service from the 150mm PVC water main on the same side of Clarence Street.

Each residential and commercial unit will require individual water metering with the meters either located on the road frontage or at the unit with remote reading facility located adjacent to the road frontage or in an easily accessible area such as a foyer.

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. The existing 20mm metered water service is to be disconnected. There is no charge for this disconnection service.

Detailed plans will be required to be submitted for assessment with the infrastructure construction certificate and S.68 applications.

**Sewer**

Council records indicate that the development site is connected to sewer via junction to the existing sewer line that runs along the northern property boundary. A sewer reticulation strategy is to be provided. A manhole will be required at the high end of the line as it will be more than 40m long. If the main is subject to future extension an end of line terminal shaft (poo pit) will be required.

As the development will exceed 2ET discharge, sewer connection is to be made from a manhole. 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 infrastructure construction certificate application and S.68 applications.

**Soils**

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

**Air & Micro-climate**

The operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

**Flora & Fauna**

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

**Waste**

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

**Energy**

The proposal is not BASIX affected building. The proposal will include measures to address energy efficiency in order to comply with the requirements of section J of the Building Code of Australia (BCA). No adverse impacts anticipated.

**Noise & Vibration**

Having regard to the location of the site and nature of the development, there will be anticipated short term noise impacts during construction activities. Consent condition has been recommended to restrict construction to standard construction hours and a condition requiring a construction management plan which includes a schedule of works and approximate timing, contact number of site supervisor and mechanism for providing notice to adjoining owners for schedule noisy works.

In terms of vibration impacts and proximity of adjoining sites which are built to boundary a condition has been recommended to require dilapidation reports prior to work and upon completion of works to adjoining properties.

In terms of the visitor accommodation use, it is noted that no onsite manager is proposed. A condition of consent has been recommended to require a complaints register to be established by management and this be made available upon request

to Council. The condition also requires that a telephone number be provided on the front of the building for any complaints.

Having regard to the short term nature of stays proposed and use of the communal roof top terrace facilities which includes a BBQ area, swimming pool and outdoor terrace the potential exists for noise during high activity times. It is noted that these roof top areas have been located in the north western part of the top floor which will provide adequate separation between adjoining flat buildings to the north and east of the site. It still considered that some type of management regarding the use of this rooftop area is required. A condition has been recommended requiring a rooftop management plan be developed and approved by Council prior to issue of any occupation certificate. A further condition has been applied requiring the approved plan to be displayed in a prominent position on the rooftop area so guests are duly informed.

**Natural Hazards**

The site is not mapped as bushfire prone land. Refer to comments under clause 7.4 of LEP comments for flood considerations.

**Safety, Security & Crime Prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in a loss of safety or security in the area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

**Social Impact in the Locality**

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

**Economic Impact in the Locality**

No adverse impacts. Likely positive impacts can be attributed to the construction of the development.

**Site Design and Internal Design**

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

**Construction**

Having regard to the location of the site and nature of the development, there will be anticipated short term inconveniences during construction activities. No significant adverse construction impacts are identified to neighbouring properties that would warrant refusal of this application.

**Cumulative Impacts**

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

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

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

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

Eight (8) written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The proposal provides no detail on overshadowing impacts. Private open space on the adjoining Macquarie Waters building is orientated north-west. Shadow diagrams should be provided to determine the extent of shadow impacts.	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.
Based on the information lodged it is difficult to ascertain whether the building height proposed is being taken off pre-excavated site levels or existing level as excavated.	The applicant provided revised plans and clause 4.6 variation confirming building height proposed form existing ground level as excavated onsite.
The proposal bases its car parking demand on 47 units and 6 staff. The proposal however contains 79 separately lettable units. The DCP currently provides no mechanism for reduced parking for a dual key system. A shortfall of 36 parking spaces is not appropriate for the locality having regard to existing parking demand experienced.	Refer to DCP assessment table within this report.
The proposal does not propose a 6m wide deep soil zone as per DCP 2013, specifically provisions 3.3.2.6, 3.3.2.11 and 3.3.2.16.	Provision 3.3.2.6 refers to side and rear setbacks. The rear setback complies. Provision 3.3.2.11 refers to deep soil zone width and depth. The lack of deep soil is consistent with the area based provisions and commercial zoning of this site. Provision 3.3.2.16 refers to landscaping requirements. Having regard to the commercial zoning the minimal landscaping proposed along the street frontage is considered acceptable.
The current condition of the site is not acceptable. Currently stormwater collects and pools in the north-western corner and leaches into the basement of the north point building. It is requested that Council instruct the landowner to fix this stormwater problem immediately.	Noted Council staff are aware of the existing stormwater issue and will continue to monitor to ensure that stormwater is managed accordingly. Stormwater for the proposed development can be adequately managed.
The building is excessive in size and	Refer to building height comments under



Submission Issue/Summary	Planning Comment/Response
height. There is no good reason for the height variation.	LEP 2011 of the report. The proposed building is considered to be consistent with other buildings in the locality. The majority of the built form is contained within the height controls. The elements on the roof add further articulation to this form and are consistent with similar roof top elements on flat buildings in the locality.
There is insufficient parking proposed to accommodate the proposed development.	Refer to parking assessment comments under the table to DCP 2013 of the report.
The northern setback is insufficient to the north point building.	Refer to DCP 2013 assessment table within this report. Rear setback complies.
No details of expected building construction start and finish times. Potential noise impact to adjoining residents. Temporary noise blocking panels should be installed to existing adjoining units.	Standard building construction times will apply as per recommended consent conditions. No significant adverse building construction noise impacts are anticipated that would warrant refusal of this application.
No details of cranes have been provided. Safety hazard to existing adjoining units and traffic blocks likely. During construction items may fall onto my residence at 2 Murray Street.	The placement and management of cranes and any machinery during construction will be undertaken by construction site managers and subject to workplace safety measures.
Service disruptions would occur during construction. How will I be informed? Is there sufficient services to meet the demand of the proposed development?	Anticipated service disruptions during construction will be managed by the relevant service provider. Upgrading of services will be required as deemed appropriate by the relevant service provider.
Ongoing noise impacts from occupants utilising the open style communal roof top space with swimming pool.	A rooftop management has been provided for this space and will form part of the consent conditions. No significant adverse noise impacts are anticipated that would warrant refusal of this application.
Ongoing noise impacts from air-conditioning plant.	Standard noise control regulations apply to management of noise from such sources. No significant adverse noise impacts are anticipated that would warrant refusal of this application.
Open car parking is proposed at ground level with driveways at same level as North Point level 2 apartments. This will result in adverse noise and security impact.	Adequate building separation is proposed between the ground level parking and North Point building. The north point building is setback approximately 13m from the site boundary. No significant adverse noise impacts are anticipated that would warrant refusal of this application.
The proposed units will be only 20m from my bedroom and living space in North Point apartments. This will	The orientation of the block, building and subsequent balconies seek to maximise light and ventilation with the northern

Submission Issue/Summary	Planning Comment/Response
result in a significant loss of privacy.	orientation. The building has been positioned in the southern portion of the block with the rear balconies setback approximately 8.7m from the rear boundary. This provides for approximately 20m separation to the units in the north point building. It is considered that sufficient spatial separation exists between the units.
The northern side of the building contains a large amount of glazing which will direct light and heat into the units of north point.	Adequate building separation is proposed. No adverse reflection or heat impact will result from the glazing proposed.
There is no discussion about potential liquid trade wastes that may be generated from the ground floor shop.	The proposal is for a ground floor commercial tenancy only. The use proposed is unknown and likely require further development consent under which waste management will be considered.
No details of solar panels or rainwater use provided. Council should require this as part of all new developments.	The proposal is not a BASIX affected building therefore such measures are optional.
Having regard to previous failures will Council require the building to start within a certain timeframe?	Planning legislation provides that should development consent be granted a proponent has 5 years to physically commence work. Once commenced there is no legal obligation to complete the development within a set time frame.
The units in north point will be greatly devalued if approved.	Impact upon property values is not a relevant planning consideration.
How will dust and debris be managed during construction noting location of clothes drying facilities adjoining in the north point building?	Standard site management conditions will apply including dust control.
The owner is extremely difficult to deal with and has ignored previous consent conditions and instruction by Council for stormwater management.	Noted.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.

- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, car parking, open space, community cultural services, emergency services and administration buildings.

**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 [View](#). DA2018 - 353.1 Recommended Conditions
- 2 [View](#). DA2018 - 353.1 Clause 4.6 Report (FSR)
- 3 [View](#). DA2018 - 353.1 Clause 4.6 Report (Height)
- 4 [View](#). DA2018 - 353.1 Additional Information Letter - September 2018
- 5 [View](#). DA2018 - 353.1 Heritage Office Response Letter
- 6 [View](#). DA2018 - 353.1 Archaeological Report
- 7 [View](#). DA2018 - 353.1 Groundwater Assessment
- 8 [View](#). DA2018 - 353.1 Traffic Impact Assessment Report
- 9 [View](#). DA2018 - 353.1 SOEE
- 10 [View](#). DA2018 - 353.1 Contributions Estimate
- 11 [View](#). DA2018 - 353.1 Plans

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**Item: 13.09**

**Subject: KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN**

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

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

4.8.2 Increase community awareness and enable access to the natural environment.

#### **RECOMMENDATION**

**That Council:**

- 1. Adopt the Kooloonbung Creek Flying-fox Camp Management Plan (Attachment 1).**
- 2. Acknowledge the submissions made during the exhibition period and advise people who made submissions of the outcome of Council consideration of this matter.**
- 3. Acknowledge the contribution of the Kooloonbung Creek Flying-fox Camp Management Plan Consultative Committee in the development of the Management Plan and thank the members of the committee for their input.**

#### **Executive Summary**

The development of a new Camp Management Plan (CMP) for the flying fox colony at Kooloonbung Creek has now been completed. This process has included engaging an external consultant to research and develop a CMP with the community, extensive community consultation in the form of community consultative meetings, public notification and an online survey.

The final draft CMP is now completed and Council's endorsement is now being sort to adopt the Plan. The CMP follows the Office of Environment and Heritage (OEH) and state legislative guidelines and contains recommendations, specific to Kooloonbung Creek, for action based on feedback from the community and in particular local residents. Actions in the plan will begin immediately upon adoption once endorsed by the OEH.

This report provides a final overview of the process including a review of the feedback received and one final submission that was received after conclusion of the exhibition period and seeks endorsement for the final plan as shown in **Attachment 1**.



## Discussion

### Background

The Kooloonbung Creek Nature Park (R97763) was notified as a Crown land Reserve on 19 April 1985, after a long public campaign to protect and rehabilitate the land. The Nature Park contains a high proportion of Threatened Ecological Communities, and a wide range of threatened flora and fauna species. The reserve was dedicated for the purpose of "Promotion of the study of native flora and fauna". In the mid-1990s, a flying-fox colony established in the Park. The colony population fluctuates seasonally and inter-annually depending on regional climatic conditions and seasonal food resources across the coast.

Flying-fox numbers have been shown to vary from 5-10,000 in winter to up to 165,000 during peak summer seasons. Seasonal fluctuations are typical of all Flying-fox colonies in Australia, representing migration patterns across a network of habitat and foraging grounds along the eastern seaboard of Australia.

Recent summers have seen an increase in the abundance of the flying-fox colony within the Kooloonbung Creek Nature Reserve with the seasonal influx of little red flying-foxes. This seasonal influx in summer is a primary concern of some neighbouring residents. The Flying-fox colony has also remained at high numbers for longer this year into autumn and winter than previous years. This is most likely as a result of the scarcity of feeding opportunities in inland areas, which have been experiencing drought and hot weather.

Grey-headed flying-foxes make up the majority of the permanent resident population of the colony in Kooloonbung Creek Nature Park. Despite a possible perception about the 'abundance' of this species, the population is actually in decline, such that the species was listed as Vulnerable by the NSW government through the *Threatened Species Conservation Act* in 2001. This listing was transferred to the *Biodiversity Conservation Act, 2016* when it came into force on 25 August 2017. The Kooloonbung Creek camp is also identified by the Federal Government to be of 'national significance' and is an important maternal camp for Grey-headed Flying-foxes.

### Legislative Context of Flying-Fox Management in the Park

In 2010, Council embarked on engaging the community on the management of flying-foxes in the reserve, and subsequently prepared a Plan of Management for the Kooloonbung Creek Nature Park pursuant to the Crown Lands Act, 1989 to address amongst other things, community concerns around noise, disease and odour from the flying-foxes within the limits of state and federal legislation. A series of community fact sheets were also produced to assist with community engagement.

Following a period of public exhibition in May-June 2012, Council adopted the Plan of Management at the June 2012 Council meeting with the following resolutions;

1. *Adopt the amended Kooloonbung Creek Nature Park Plan of Management 2012.*
2. *Commit \$50,000 from the 2012-2013 Environmental Levy Reserve to assist in the cost of the removal of vegetation to provide a buffer to the flying-fox Colony.*

3. *Continue to look at the option of relocating the flying-foxes from Kooloonbung Creek and a further report to be brought back to Council by June 2013.*

The Plan of Management was subsequently formerly adopted by the Crown under the Crown Lands Act, 1989 by way notification in the NSW Government Gazette on 9 November 2012.

In response to the June 2012 Council meeting, a subsequent report was tabled at the February 2013 Council meeting detailing the progress of implementing the actions in the Plan of Management and an assessment of relocating the flying-foxes from Kooloonbung Creek.

Based on extensive review of past flying-fox relocation attempts around Australia and peer reviewed expert reports, the Council report recommended not to attempt to relocate the flying-fox colony on the basis that:

- Relocation would require multiple attempts over many years and is unlikely to succeed, and may result in unintentional dispersal of the colony to other residential areas such as public reserves in Lighthouse Beach locality.
- State and Federal Government is unlikely to support the proposal as the action would create a significant impact on a nationally significant population.
- Cost of relocation and implementation of associated mitigation measures was estimated at the time to be in the order of \$3.9M
- Multiple relocation attempts are highly likely to increase a stress-related disease in the population, increasing the risk of disease transfer, such as Hendra virus to the local horse industry and the local community.

On this basis, Council resolved at its February 2013 meeting to:

1. *Note the progress on the implementation of the Kooloonbung Creek Plan of Management 2012.*
2. *Continue to focus primarily on the in-situ management of flying-foxes.*

Council staff then completed the in-situ management actions listed in the Plan of Management and continued to monitor the population quarterly as part of the CSIRO National Flying-fox census.

In-situ management actions completed in accordance with the previous Plan of Management included:

- Population monitoring
- Signage and community education
- Removal of vegetation on the western margin
- A desktop feasibility assessment for the provision of additional roosting site(s)

In 2015, the NSW Office of Environment and Heritage published its Flying-fox Camp Management Policy. The stated role of the policy is to: *“empower land managers, primarily local Councils, to work with their communities to manage flying-fox camps effectively. It provides the framework within which the OEH will make regulatory decisions”*.

In 2018 further concerns were raised by the community to which Council resolved as follows on the 15 August 2018:

*RESOLVED: Intemann/Pinson*

*That Council:*

1. *Note the information contained in the Management of the Flying-fox Colony in Kooloonbung Creek Nature Reserve report;*
2. *Establish a Consultative Committee for Flying-fox Management in Kooloonbung Creek;*
3. *Invite nominations for membership on the Committee from the following:*
  - *Affected residents;*
  - *Representatives from the Office of Environment and Heritage (OEH);*
  - *Representatives of the Friends of Kooloonbung;*
  - *Expert ecologists; and*
  - *Other interested community representatives.*
4. *Prepare a Project Plan for delivery of a Camp Management Plan and associated community consultation/engagement/education program;*
5. *Formally seek OEH and Local Government NSW funding for the development of a Camp Management Plan and future implementation of the Camp Management Plan;*
6. *Engage a suitably qualified consultant to assist in the preparation of a new Flying-fox Camp Management Plan for Kooloonbung Creek, which takes account of new camp management options and legislation and to undertake associated community consultation (including formalised attitudinal surveys, etc.).*
7. *Ensure that the Kooloonbung Creek Management Plan fully explores all other options and outlines the legislative obligations, pros, cons, and costs for management options including but not limited to:*
  - a) *Noise barriers (e.g. Perspex sheeting);*
  - b) *Buffer landscaping using non-roost trees;*
  - c) *Specific rebates to residents to assist with air-conditioning etc.;*
  - d) *(Voluntary) acquisition of properties for affected residents with these residences leased back by Council with agreements in place;*
  - e) *Other novel options.*
8. *Further considers the draft Camp Management Plan and the options outlined therein at a future meeting of Council, with further Actions to be based on this work.*
9. *Request the General Manager provide quarterly reports to Council on progress in these matters.*

*CARRIED: 8/0*

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

*AGAINST: Nil*

Following Council resolution, a community meeting was held at Council on 4 September 2018. The meeting was a mix of community members, OEH state representatives, as well as Council staff. The outcome of the meeting was to form a community consultative committee that would assist in drafting a Camp Management Plan for flying-fox in the Kooloonbung Creek area.

Quotations were sought for assistance from a specialist external consultant in October 2018. Four companies were approached resulting in two proposals

submitted to Council. *Ecosure* were chosen as the consultant of choice based on their experience, price and understanding of the project brief.

Ecosure commenced working with Council in early November 2018. The timeline for the project and the overall tasks completed to date are as follows:

Project Action	Description	Due Date
1	Councils General Manager, Mayor & Director Development & Environment & Natural Resource Management staff met impacted residents on site	COMPLETED – July 2018
2	Minister of Environment Gabrielle Upton and the Local Member Leslie Williams met with at Kooloonbung Creek with Council's General Manager, Mayor and Director Development & Environment and a number of the nearby residents	COMPLETED – July 2018
3	Initial community meeting at Council and formation of Community Consultative Committee	COMPLETED – September 2018
4	Procurement of external consultant to undertake Kooloonbung Creek Flying-fox Camp Management Plan	COMPLETED - October 2018
5	Project inception meeting with Ecosure	COMPLETED – October 2018
6	Second Community Consultative Committee meeting	COMPLETED - November 2018
7	Media release regarding Camp Management Plan	COMPLETED - November 2018
8	Online public survey – “Have your Say” to assess wider community opinions on flying-foxes	COMPLETED - November 2018
9	First Draft of the Kooloonbung Creek Flying-fox Camp Management Plan – provided to Council staff and Community Consultative Committee for comment	COMPLETED - December 2018
10	Draft Kooloonbung Creek Flying-fox Camp Management Plan – provided to OEH for comment	COMPLETED - December 2018
11	2 <sup>nd</sup> Draft Kooloonbung Creek Flying-fox Camp Management Plan submitted to Council staff and Community Consultative Committee for comment	COMPLETED - January 2019
12	3 <sup>rd</sup> Community Consultative Committee meeting	COMPLETED - February 2019
13	Final Plan produced & agreed by Council staff and OEH	COMPLETED - APRIL 2019
15	Public exhibition of the Draft Kooloonbung Creek Flying-fox Camp Management Plan	COMPLETED March-April 2019
17	Results of public consultation and final Kooloonbung Creek Flying-fox Camp	June 2019



Project Action	Description	Due Date
	Management Plan submitted to Council for endorsement/adoption	

**Community Engagement**

Extensive engagement has been undertaken during the development of this Plan as follows:

		Outcomes
1.	Community Consultative meeting 4 September 2018	<ul style="list-style-type: none"> <li>• Reduce red tape to allow residents and Council to take action</li> <li>• Scoping of alternative roosting sites</li> <li>• Disperse the bat colony</li> <li>• Continue to achieve the ecological outcomes of Kooloonbung creek</li> </ul>
	<b>Response/Comment:</b>	<p>Council has encouraged community residents to be part of the discussion and development of the Kooloonbung Camp Management Plan. PMHC staff explained the process of developing a CMP at the meeting and have subsequently published a new website dedicated to Flying Foxes on the Council website to explain the environmental and legislative constraints that need to be adhered to.</p> <p>Within the report community concerns such as alternative roosting sites, options to disperse the colony and how to effectively maintain the ecological outcomes of the colony are addressed.</p>
2.	Community Consultative meeting 14 November 2018	<p>The purpose of this committee meeting was to identify what is to be included in a Camp Management Plan, including the hierarchy of actions that can be proposed and the order in which they can be carried out. It was also to seek feedback from affected and interested residents regarding priorities which may be included as actions in the Camp Management Plan, to be written and produced by external consultants Ecosure.</p>
	<b>Response/Comment:</b>	<p>Residents had the opportunity to identify and prioritise actions that may be included in the Camp Management Plan. These submissions have been given to Ecosure for consideration and will be reflected in the draft Camp Management Plan.</p> <p>The results from the community online survey were integrated into the second draft Camp Management Plan.</p>

		Outcomes
3	Community Consultative meeting 12 December 2019	The purpose of this committee meeting was to discuss the first draft of the Camp Management Plan.
	<b>Response/Comment:</b>	Open discussion was had regarding what was to be included in the draft management plan. This included a lengthy discussion on the viability of undertaking a dispersal of the colony. It was strongly suggested by the external consultant that dispersal was not only costly but was also fraught with high failure rates.  Community members were asked to submit their edits in writing to EcoSure for integration into the draft plan. This feedback has been incorporated.
4.	Community Survey – Have your say – Public Exhibition	A community survey was published on the Have Your Say platform of the PMHC website. 39 submissions were received. The submissions were integrated into the draft Management Plan.
5.	Draft management plan - Have your say – Public Exhibition	Version 1 of the draft Camp Management Plan was put on public exhibition on the Have Your Say platform of the PMHC website between December and February 2019. Four submissions were received. Information received from these submissions was also integrated into the draft Camp Management Plan.
6.	Community Consultative meeting 27 February 2019	The purpose of this committee meeting was to discuss the proposed actions that are to be implemented as per the Camp Management Plan.
	<b>Response/Comment:</b>	Residents had the opportunity to discuss each action in detail including timing, cost and complexity to implementation. The outcome of the meeting was that the final actions agreed to at the meeting would be included into Table 8 of the draft Plan.
7.	Have your Say submission - March 2019	During this consultative period 1 online submission was received. The issues raised were as follows:  1. Unclear on short term actions. 2. Require more succinct action plan. 3. Desires an executive statement in the management plan.
	<b>Response/Comment</b>	The planned actions in the short, medium and long term are detailed in Section 5 of the Camp Management Plan

	Outcomes
	<p>along with a table version included as Table 8. This table contains both time frames and clear descriptions of actions to be taken.</p> <p>As part of the future and ongoing communications strategy Council staff will publish the Table 8 on the PMHC website and use social media and other avenues to explain the short, medium and long term actions that accompany the plan.</p> <p>An introduction section as well as objective section at the start of the document outline the aim and purpose of the plan. A table of contents also provides context as to the information contained in the plan.</p> <p>Council acknowledges that the plan is lengthy because of the requirements to map the camp location, provide context to the legislation and explain opportunities and constraints placed on PMHC to undertake actions.</p>

### Options

Council has the following options available:

- adopt the Plan; or
- request amendments to the Plan; or
- not adopt the Plan.

### Where to from here?

Upon endorsement of the final Camp Management Plan Council will submit the plan to OEH for their final endorsement. Upon this endorsement Council will begin to implement the actions outlined in Table 8 of the attached plan.

The Kooloonbung Creek Flying Fox Management has been prepared in accordance with the NSW Flying-fox Camp Management Policy (2015) framework, administered by the Office of Environment and Heritage (OEH).

The objectives of this Plan are to:

- manage community impacts and concerns associated with the camp, whilst conserving flying-foxes and their habitat
- improve community understanding and appreciation of flying-foxes, including their critical ecological role
- enable land managers and other stakeholders to use a range of suitable management responses to sustainably manage flying-foxes
- effectively communicate with stakeholders during planning and implementation of management activities

- clearly outline the camp management actions that have been approved and will be utilised at the camp
- ensure camp management does not contribute to loss of biodiversity or increase threats to threatened species/communities
- ensure management actions are consistent with legislative responsibilities
- ensure flying-fox welfare is a priority during works
- ensure long-term conservation of flying-foxes in appropriate locations.

The Plan (**Attachment 1**) has outlined 9 actions into short (within 12 months), medium (within 2 years) and long term (within 3-5 years) action timeframes. These actions are detailed in Table 8 pg. 48. The management actions are based around a risk approach to management based on:

- potential health, safety, wellbeing and economic implications for the community
- likelihood of management success
- potential flying-fox welfare and conservation impacts
- cost of management, and who would contribute to these costs

The options provided are intended primarily to provide relief for residents living in close proximity to the camp. Management options have been staged to prevent exacerbating issues associated with the camp whilst ensuring the welfare of flying-foxes.

PMHC staff will begin to implement the actions outlined in the Camp Management plan and included in the 2019/20 Operational Plan once the Plan is formally endorsed by the OEH. Specifically, this will include a comprehensive education and awareness campaign, investigating a subsidy program to offset the costs of water and power usage and dependent on licencing requirements, the installation of canopy-mounted sprinklers to deter the Flying-Fox from the edges of vegetation closest to houses.

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

Funding for the implementation of the Flying Fox Camp Management Plan (detailed action plan is in Table 8) has been incorporated into the draft 2019/20 Operational Plan. PMHC have also sought out additional funding from the Local Government NSW 2019 Flying-fox Grant Program (FFGP).

Specific actions to be delivered under the 2019/20 Operational Plan will include a comprehensive education and awareness campaign, investigating a subsidy program to offset the costs of water and power usage and dependent on licencing requirements, the installation of canopy-mounted sprinklers to deter the Flying-Fox from the edges of vegetation closest to houses.



**Attachments**

1 [View](#). Draft Kooloonbung Creek Flying-fox Camp Management Plan

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Item: 13.10

Subject: BIODIVERSITY STRATEGY: REPORT FOLLOWING CLOSE OF  
PUBLIC EXHIBITION PHASE

Presented by: Development and Environment, Melissa Watkins

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That Council:

1. Adopt the revised Biodiversity Management Strategy and mapping (Attachment 1) as detailed in this report for the purpose of further public consultation for a period of not less than 28 days commencing 27 June 2019.
2. Provide a further report to Council following the conclusion of the public exhibition.

#### Executive Summary

The purpose of this Report is to inform Council about the Draft Biodiversity Strategy and the submissions received during the public consultation phase. Council staff have reviewed all submissions and have subsequently made changes to the Strategy where required. Following exhibition of the Strategy the role of the Strategy and associated mapping was reviewed and updated. This review has resulted in, amongst other things, a change to the title of the Strategy from Biodiversity Strategy to Biodiversity Management Strategy to better reflect the role of the Strategy.

The draft Biodiversity Strategy was developed with extensive consultation with Councillors, an Expert Panel, a Community Panel and staff. The purpose of the Strategy is to identify the most important biological assets and areas within Councils' Local Government Area (LGA). The Strategy outlines key risks to those assets and a series of practical actions to mitigate those risks. As such, the Strategy provides critical ecological information to aid strategic planning and operational decision-making. It has also been designed to be an educational resource for the community and Council.

The Draft Biodiversity Strategy (**Attachment 2**) was placed on public exhibition during January 2018 for six weeks until 28 February 2018 with community engagement and extensive media promotion undertaken over this exhibition period.

On 13 Dec 2017, Council resolved to publicly exhibit the draft *Biodiversity Strategy* (**Attachment 2**) for seven weeks. 99 submissions were received during the exhibition period, with 98% in support of the Strategy. Issues raised included:

- Individual land holders should not be compelled to verify data at the site level prior to any decision making processes being completed
- Mapping inaccuracies and dissatisfaction with models used in this report
- Inconvenience of having to access maps on a separate online portal than the strategy
- Strategy to be used as a strategic planning document to rezone land
- Misinterpretation of definitions
- Lack of community consultation through the community panel

One submission was received from the Office of Environment and Heritage (OEH). Issues raised from OEH included:

- Strengthening the links between the outputs of the Strategy and strategic planning, including incorporating it with Urban Growth Strategies, and environmental impact assessment processes.
- Develop actions as part of the Strategy that strengthen the DCP and also incentivise rezoning of land
- Mapping inaccuracies
- Align the objectives of the Strategy to the priorities of the OEH Save our Species program.

All submissions and responses are discussed later in this report.

In response to the public submissions, some changes have been made to the Strategy. These changes include a refinement of the original mapping produced by the scientific modelling to ensure their accuracy and removal of the action plan from the strategy. Actions derived from the Biodiversity Management Strategy will instead be presented annually to Council as part of the annual Operational Plan giving these actions a higher order focus in Council's Integrated Planning Framework.

Both these changes and others are addressed further in the Discussion section of this Report and the revisions to the exhibited draft *Biodiversity Strategy* are also detailed.

Due to the extent of changes and the lapse of time since the previous exhibition it is recommended that Council proceed to endorse the revised Biodiversity Management Strategy (**Attachment 1**), for the purpose of one final period of public exhibition and consultation.

## Discussion

The Biodiversity Management Strategy has been under preparation since 2014 with an action within Councils' Operational Plan to "Prepare a Draft Biodiversity Management Strategy" for the past five years. The Strategy has been prepared in close consultation with Councillors, an Expert Panel; a Community Panel; and staff comprised of a diverse range of interest groups (development industry, environmental interest groups and specialist groups). Regular briefings with Council were held during this period. At the December 2018 Council meeting, Council resolved as follows:

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12.06 BIODIVERSITY STRATEGY

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RESOLVED: Alley/Turner

That Council:

1. Place on public exhibition the draft Biodiversity Strategy commencing from 20 December 2017, for a minimum of 70 days.
2. Note that a further report is planned to be tabled at the April 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

The Biodiversity Management Strategy seeks to provide Council with knowledge to facilitate development while simultaneously protecting the area's most important biological assets. Scientific models ('Zonation' and 'Gap ClosR') were used to identify the most important areas for biodiversity conservation and connectivity in the Local Government Area (LGA).

The identified areas produced by the modelling will assist Council with strategic planning and enable the identification of lands suitable as 'offsets' under the new Biodiversity Conservation Act. The purpose of this Act is to maintain a healthy, productive and resilient environment for the well-being of the community, consistent with the principles of ecologically sustainable development. This new legislation legally enshrines the principles of "Avoid, Minimise and Offset" to conserve and protect biological diversity.

For example, to *avoid* biodiversity impacts a proponent may change the layout of their proposed development so that less native vegetation needs to be cleared. To *minimise* biodiversity impacts a proponent may propose limiting certain operations during the breeding season of local threatened species, or reducing use of lighting at night to minimise impacts on nocturnal threatened species. Any residual impacts will need to be *offset* under the Biodiversity Conservation Act.

Identification of local offsets is important as it conserves local biodiversity, stimulates local investment (particularly for rural landholders, the development industry and Council itself) by providing increased certainty about potential offset liabilities and opportunities ahead of development acquisitions or applications.

### Community Engagement & Internal Consultation

The Biodiversity Strategy was placed on public exhibition for seven weeks, closing on the 28 February 2018. Throughout the exhibition phase, Council staff undertook community information sessions at Bonny Hills, Comboyne, Wauchope and to specific interest groups (e.g. the Council Sustainability Working Group and the Construction Industry Action Group). The Biodiversity Strategy Exhibition Phase was also widely communicated in the media (newspaper and radio interviews) with community feedback welcomed.



In total, the Strategy received 99 submissions from a diverse cross-section of the community. All submissions received an automatic reply acknowledging their submission through Councils 'Have Your Say' website. All submissions and Council responses are summarised in Table 1 and have been provided to Councillors under separate cover. The majority of the submissions strongly supported the Strategy and/or Council funding for the Strategy.

Many submissions highlighted the desire of the community for biodiversity offsets to 'stay local' and for Council to participate in this market to ensure this occurs appropriately. This point was also highlighted through the development of the Strategy by the Expert Panel and Community Panel.

Only one submission was negative about the Biodiversity Strategy (primarily about the scientific modelling used and the biodiversity mapping produced). Comments on all submissions are contained in Table 1 below.

**Table 1** Broad Themes Arising from Submissions, % of submissions with this theme, Issues raised in the submission & Councils response to the issues raised. A submission was also received from OEH and is summarised in the grey shaded area.

Theme	%	Issues raised	Council response
General support for biodiversity conservation and works	71	Protect biodiversity	Reflected sentiment in the Biodiversity Management Strategy
		Natural environment is greatest asset of this area	Reflected sentiment in the Biodiversity Management Strategy
		Council are custodians to maintain biodiversity into future	Reflected sentiment in the Biodiversity Management Strategy
		Concerns about development or rate of development, therefore need to identify high biodiversity areas and connecting corridors	Reflected sentiment in the Biodiversity Management Strategy and concerns are reflected in planning documents including the PMHC Urban Growth Strategy.
Support for Strategy	81	Congratulations to Council for comprehensive body of work and strategic environmental approach	Noted
		Strategy will guide future policy& decision-making	Reflected sentiment in the Biodiversity Management Strategy and concerns are reflected in planning documents including the PMHC Urban Growth Strategy.
		Strategy will ensure biodiversity is considered with development	Reflected sentiment in the Biodiversity Management Strategy and concerns are reflected in planning documents including the PMHC Urban Growth Strategy.
		Strategy identifies lands suitable for development and lands suitable for conservation	Reflected sentiment in the Biodiversity Management Strategy and concerns are reflected in planning documents including the PMHC Urban Growth Strategy.

Theme	%	Issues raised	Council response
		Sound strategy modelling gives scientific credibility and confidence	Noted
Funding and Implementation	49	Council should supply funding and support Strategy	Council will allocate funds on an annual basis in the annual Council Operational Plan which will be derived directly from the strategy.
		Please approve funding for implementation of Strategy	Council will allocate funds on an annual basis in the annual Council Operational Plan which will be derived directly from the strategy.
		Initiate project to generate funding for Strategy	Council will allocate funds on an annual basis in the annual Council Operational Plan which will be derived directly from the strategy.
		Identify relevant groups in the community with whom collaborative activities may be built	Council currently actively seeks partnerships in the community to deliver programs benefiting our community. We will continue to do so in the future.
		Fund the actions of the Strategy	Council will allocate funds on an annual basis in the annual Council Operational Plan which will be derived directly from the strategy.
		Councillors should note the priority of biodiversity to the wellbeing of our community	Adoption and implementation of various strategies including the Biodiversity Management Strategy, Urban Growth Management Strategy, and Koala Recovery Strategy provide evidence of Councils ongoing support of biodiversity programming.
Increased Support for Landcare / Community Engagement / Education	11	Landcare requires funding	Council will allocate funds on an annual basis in the annual Council Operational Plan which will be derived directly from the strategy. At that time Council will consider all funding opportunities each year.
		Council should help in increasing Landcare volunteers	Council currently actively seeks partnerships in the community to deliver programs benefiting our community. We will continue to do so in the future.
		Community education on Biodiversity and environment needed	Council will allocate funds on an annual basis in the annual Council Operational Plan which will be derived directly from the strategy. At that time Council will consider all funding opportunities each year.
		Funding needed for control of pest species and weeds damaging biodiversity	Council will allocate funds on an annual basis in the annual Council Operational Plan which will be derived directly from the strategy. At that time Council will consider all funding opportunities each year.

Theme	%	Issues raised	Council response
		Council should support and assist volunteers and volunteer groups and their projects	Council currently actively seeks partnerships in the community to deliver programs benefiting our community. We will continue to do so in the future.
The Importance of Local / Suitable Offsets	16	Retain offsets for local development within the LGA	Reflected sentiment in the Biodiversity Management Strategy
		Concern that offsets do not work /do not conserve biodiversity / do not compensate for biodiversity	Council continues to seek opportunities for improvement in the delivery of ecosystem health programs. We are currently and will continue in future, to monitor the efficacy of our programs.
		Concern that offsets will go to other areas outside our LGA	Reflected sentiment in the Biodiversity Management Strategy
		Incentive options for relocation of other LGA offsets to relocate to PMHC LGA	Reflected sentiment in the Biodiversity Management Strategy
		Governance and registration of offsets by Council suggested to secure future management	Reflected sentiment in the Biodiversity Management Strategy
		Council should find offset or link developer with the potential offset	Reflected sentiment in the Biodiversity Management Strategy
Increase density of housing in existing urban areas rather than the current 'urban sprawl' / better sustainable development / improved strategic planning	25	Protect biodiversity and environmentally sensitive land and increase urban density in CBD areas	Reflected sentiment in the Biodiversity Management Strategy and concerns are reflected in planning documents including the PMHC Urban Growth Strategy.
		Concern about urban sprawl and development pace	Reflected sentiment in the Biodiversity Management Strategy and concerns are reflected in planning documents including the PMHC Urban Growth Strategy.
		Council should implement more effective control of developers and protect flora and fauna habitat	Reflected sentiment in the Biodiversity Management Strategy and concerns are reflected in planning documents including the PMHC Urban Growth Strategy.
		Plan for more open spaces, natural environment, animal corridors, preservation of waterways to improve tourism, create jobs and protect natural assets	Reflected sentiment in the Biodiversity Management Strategy and concerns are reflected in planning documents including the PMHC Urban Growth Strategy.
		Balanced planning and development is needed to protect our natural environment for future generations	Reflected sentiment in the Biodiversity Management Strategy and concerns are reflected in planning documents including the PMHC Urban Growth Strategy.
		Support for Strategy's proposals "should have been in place 30 years ago."	Noted

Theme	%	Issues raised	Council response
Funding is Insufficient	5	Concern about lack of funding or inadequacy of resources to produce effective actions	Council will allocate funds on an annual basis in the annual Council Operational Plan which will be derived directly from the strategy. At that time Council will consider all funding opportunities each year.
		Concern about capacity of Council to administer strategy	Noted
		Funding and resource requirements are seriously underestimated	Council will allocate funds on an annual basis in the annual Council Operational Plan which will be derived directly from the strategy. At that time Council will consider all funding opportunities each year.
		PMHC should lobby NSW and Federal Governments	Noted
The Biodiversity Management Strategy does not do enough to prevent biodiversity loss	5	Concerns that Biodiversity Management Strategy values place more importance on preserving private property rights and land development interests than environmental protection	The Biodiversity Management strategy aims to balance the needs of both a growing area and also PMHC's ecological needs. Council have noted the submission but feel that the strategy creates balance of the needs of our community. It is also acknowledged that Council continues to seek opportunities for improvement in the delivery of ecosystem health programs. We are currently and will continue in future, to monitor the efficacy of our programs.
		The Actions may not be sufficient	It is also acknowledged that Council continues to seek opportunities for improvement in the delivery of ecosystem health programs. We are currently and will continue in future, to monitor the efficacy of our programs.
		No legislative teeth	The Strategy will be used as a guiding document only not for legislative purposes.
		Strengthen links between the outputs of the Biodiversity Management Strategy and strategic planning, including Urban Growth Strategies, and environmental impact assessment processes (eg. include a clause and associated mapping for high environmental value/conservation lands in the LEP)	The Strategy will be used as a guiding document only. The role is to provide context and guidance to future strategic decisions.



Theme	%	Issues raised	Council response
		Develop actions to encourage and/or incentivise the rezoning of high) environmental value/conservation priority lands to Environment Protection, either E2 or E3, depending on the attributes present	The Strategy will be used as a guiding document only. The role of the plan is to inform future actions which will be identified in the annual operational plan.
		Include Actions that require consideration of the Biodiversity Management Strategy Priorities and map outputs in the council's DCP to address biodiversity impacts and encourage restoration and rehabilitation, retention of hollow-bearing trees.. etc	The Strategy will be used as a guiding document which may in future provide information to guide changes in the DCP.
		Include Actions that require mapping of corridor linkages and specific actions to retain and restore corridor linkages in policy documents and the DCP	The Strategy will be used as a guiding document only. The role of the plan is to inform future actions which will be identified in the annual operational plan..
		Align the maps with other mapped conservation priorities such as the OEH High Environmental Value (HEV) lands mapping, and providing further interpretative information to assist in understanding the applications and limitations of the Biodiversity Management Strategy Maps	The maps are aligned with OEH mapping where appropriate. Due to the specific and detailed nature of information on applications and limitations of environmental constraints to land- use Council staff have not included this detail in the strategy. If specific questions arise on a particular area Council staff will assist on a case by case basis when appropriate and necessary.
Dissatisfaction with Models Used in This Report	1	Concerns that mapping and strategy are intended only as a broad guide for individual sites with data at the site level needed prior to decision-making process.	Agree - Site specific data will be needed to confirm the Biodiversity Management Strategy model results. The onus will be placed on the landholder, as is common practice when impacting land use.
		Council should correct mapping before overlaying on private lands	Agree. Additional aerial photography has been overlaid on the maps to ensure corrections have been made for accuracy. This includes improvements in alignment with property boundaries.

Amendments to the Strategy

Upon receiving feedback from various stakeholders and further review and refinement of the Strategy, the following major changes have been made to the document:

Issue	Change	Reason
Title - Biodiversity Management Strategy	Title - Biodiversity Management Strategy	Improved title to better reflect content and intent and role of the strategy.
Map inaccuracies	<p>Revised Mapping of Priority Action Areas and as a consequence the reprioritization of the Priority Investment Areas.</p> <p>This was completed by:</p> <ul style="list-style-type: none"> <li>- Removing all areas which were cleared since publication of the aerial imagery (2010-2012) which underpinned the Zonation model. This was performed using the latest Near Map imagery for any area as shown in the figure below.</li> <li>- Worked with the modelling software to identify natural features as accurately as possible.</li> </ul>	To ensure better accuracy.
Changes to mapping and PNF licensing.	Areas with a Private Native Forestry Licences over them were clipped from the initial display of Priority Action Areas (as seen during the Public Exhibition phase), but this was not done for the revised mapping.	<p>The map of 2016 licences is now outdated and many other areas have subsequently gained Private Native Forestry Licences.</p> <p>Changes to the legislation mean that Private Native Forestry (PNF) does not require a licence- and many additional areas are now undergoing PNF than indicated on the initial map.</p>
Changes to Section 3 - analysis	Analysis 3 section has been rewritten to reflect the above changes.	<p>Additional information in Section 3 provides more context to why areas are included in the Priority Investment Areas.</p> <p>Many mapped areas have already been captured as areas of high biological values through other NSW Regulatory maps, such as</p>

Issue	Change	Reason
		the Coastal Wetlands maps, Sensitive and Vulnerable and Lands layer and the Biodiversity Values mapping associated with the Biodiversity Conservation Act.
Removal of action plans from the strategy.	Identified actions will be included in councils' future Operational Plans and Delivery Program which will be considered and approved by Council annually.	To allow efficiencies and adaptability to changing circumstances the action plan has been removed from the Strategy. It will be an ongoing commitment from Council to ensure each annual Operational Plan contains actions that are informed by the Strategy but does not limit Councils ability to be flexible in delivering to the needs of the community and for the environment.  This approach also provides for deter alignment within Council's higher order Integrated Planning and Reporting Framework.
Monitoring and Review	The Strategy will be the subject of review every 5 years including an assessment of key performance measures.	To ensure maps and models provide accurate data.
Performance indicators	Performance indicators have been included to measure progress.	To measure progress and effectiveness.

The final draft Biodiversity Management Strategy is in **Attachment 1**. **Attachment 2** contains the Draft Strategy with the mark-ups of changes, a copy of the submissions have been provided to Council for consideration separately.

### Planning & Policy Implications

The Planning and Policy implications of this Biodiversity Management Strategy are outlined and addressed in the "Biodiversity Guidance/Standards" Program section of the Strategy. This has been further reviewed since the Draft Biodiversity Management Strategy to account for comments by OEH in their submission, particularly those that OEH determine required consideration by Council (see Table 1 for specifics). It is proposed that these issues be worked through by staff to formulate a Council response and decision with regards to issues such as local offsetting, DCP revision, zoning, inclusion of the mapping associated with the Biodiversity Management Strategy within the High Environmental Value lands layer (referenced by the NSW Biodiversity Conservation Act).

The adoption of this Biodiversity Management Strategy does not in itself have planning and policy implications, however it aims to provide guidance for planning decisions and policy implications associated with the Biodiversity Conservation Act, and will support Council in meeting its legal obligations in decision making.

**Financial & Economic Implications**

The Biodiversity Management Strategy seeks to provide Council with knowledge to facilitate development while simultaneously protecting the area's most important biological assets. To do this the Strategy outlines a series of strategies to reduce the threats to the biological assets of the area. These strategies have been split into themed programs which are outlined in Section 6 of the strategy. Actions, generated out of each theme, will be costed and included annually in the annual draft Operational Plan which will be subject to consideration and endorsement by Council.

Funding for actions derived from the Biodiversity Management Strategy will be outlined in each annual draft Operational Plan. These actions will be brought to the community's and Councils attention for consideration and ultimately endorsement by Council each financial year as part of the Integrated Planning and budget process.

**Attachments**

1 [View](#). Final Draft - Biodiversity Management Strategy

2 [View](#). Amended - Biodiversity Strategy - Final Edits



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**Subject: CONFIDENTIAL COMMITTEE OF THE WHOLE**

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**RECOMMENDATION**

1. That Council move into Confidential Committee of the Whole to receive and consider the following items:

- Item 15.01 Request for Bad Debt Write-Off**  
This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).
- Item 15.02 Workers Compensation Insurance Premiums**  
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.03 Purchase by Property Reserve**  
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.04 T-19-09 Supply and Delivery of Ready Mix Concrete**  
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.05 T-19-10 Supply and Delivery of Road Construction Materials**  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 15.06 T-19-18 Provision of Insurance, Brokerage and Risk Management Services**  
This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- Item 15.07 T-19-22 Cash Collection Services**  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

- Item 15.08**    **T-19-02 Lease of the Cafe and Retail Lease Areas and Other Commercial Opportunities at the Port Macquarie Airport**  
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.09**    **T-19-19 Request for Proposal - Innes Gardens Memorial Park Crematorium and Lawn Cemetery**  
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.10**    **T-14-06 Operation & Routine Maintenance of PMHC Vehicular Ferries – Settlement Point & Hibbard Crossings.**  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 15.11**    **T-19-20 Provision of Line Marking Services**  
This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- Item 15.12**    **T-19-39 Dunbogan Bridge Rehabilitation - Construction Stage Support**  
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 15.13**    **Legal Advice on Water Fluoridation**  
This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 2.**    That pursuant to Section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole on the basis that the items to be considered are of a confidential nature.
- 3.**    That the recommendations made in Confidential Committee of the Whole be made public as soon as practicable.

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

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**RECOMMENDATION**

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

**Item 15.01 Request for Bad Debt Write-Off**

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

**RECOMMENDATION**

**Item 15.02 Workers Compensation Insurance Premiums**

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

**RECOMMENDATION**

**Item 15.03 Purchase by Property Reserve**

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**RECOMMENDATION**

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**RECOMMENDATION**

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**RECOMMENDATION**

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**RECOMMENDATION****Item 15.13 Legal Advice on Water Fluoridation**

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from



**production in legal proceedings on the ground of legal professional privilege.**

**RECOMMENDATION**