



# Ordinary Council

## Business Paper

**date of meeting:** Wednesday 17 July 2019

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

**time:** 5.30pm

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

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

**Community Themes**

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

# Ordinary Council Meeting

Wednesday 17 July 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 19 June 2019 be confirmed.

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## **PRESENT**

### ***Members:***

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

### ***Other Attendees:***

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

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The meeting opened at 5:30pm.

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## **LIVE STREAMING ANNOUNCEMENT**

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The Mayor advised the following:

That this open meeting of Council is being streamed live to other areas of this Council building, being the Customer Service area and the Committee Room. The purpose of this streaming is to allow people who were unable to be seated in the Council Chamber to see what is taking place at the Council meeting. Please note that whilst this meeting is being streamed live to these areas, it is not being streamed live to the internet. All care will be taken to maintain your privacy; however if you are in attendance in the public gallery, you should be aware that your presence may be streamed live and recorded. It is suggested that any persons being recorded should refrain from making any defamatory statements.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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**

Reverend Scott Donnellan from the Presbyterian Church delivered the Local Government Prayer.

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## **03 APOLOGIES**

Nil.

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## **SUSPENSION OF STANDING ORDERS**

*RESOLVED:: Pinson/Cusato*

That Standing Orders be suspended to allow Item 10.01 to be brought forward and considered next.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **10.01 CODE OF MEETING PRACTICE**

*RESOLVED: Griffiths/Alley*

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.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Intemann/Hawkins*

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

*CARRIED: 9/0*

*FOR: Alley, Cusato, 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 15.09 - T-19-19 Request for Proposal - Innes Gardens Memorial Park Crematorium and Lawn Cemetery, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for one of the parties who lodged an expression of interest as to the matter the subject of the report before Council.

Councillor Cusato declared a Non-Pecuniary, Less Than Significant Interest in Item 15.08 - T-19-02 Lease of the Cafe and Retail Lease Areas and Other Commercial Opportunities at the Port Macquarie Airport, the reason being that Councillor Cusato owns a hangar at the Port Macquarie Airport.

Mayor Pinson declared a Pecuniary Interest in Item 15.04 - T-19-09 Supply and Delivery of Ready Mix Concrete, the reason being that Mayor Pinson's company, Stabilcorp, operates in the field of civil construction and has business dealings with some of the tenders from time to time.

Mayor Pinson declared a Pecuniary Interest in Item 15.05 - T-19-10 Supply and Delivery of Road Construction Materials, the reason being that Mayor Pinson's company, Stabilcorp, operates in the field of civil construction and has business dealings with some of the tenders from time to time.

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#### **06 MAYORAL MINUTES**

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Nil.

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

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Nil.

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## **08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

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The Mayor advised of requests to speak in the Public Forum - Matters Not On The Agenda from:

1. Mr Geoff Bynon regarding proposed off-leash dog facility and children's playground at Stuart Park.
2. Mr David Skeen regarding Stuart Park precinct upgrade.
3. Ms Susan East regarding the Bold Street, Laurieton pedestrian crossing.

*RESOLVED: Dixon/Cusato*

That the above requests to speak in the Public Forum - Matters Not On The Agenda be acceded to.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **08.01 PROPOSED OFF-LEASH DOG FACILITY AND CHILDREN'S PLAYGROUND AT STUART PARK**

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Mr Geoff Bynon, representing residents of Wood Street, addressed Council in regard to the proposed off-leash dog facility and children's playground at Stuart Park and answered questions from Councillors.

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### **08.02 STUART PARK PRECINCT UPGRADE**

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Mr David Skeen, representing residents of Wood Street, addressed Council in regard to the Stuart Park precinct upgrade and answered questions from Councillors.

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### **08.03 BOLD STREET, LAURIETON PEDESTRIAN CROSSING**

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Ms Susan East addressed Council in regard to the Bold Street, Laurieton pedestrian crossing and answered questions from Councillors.

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**09 PUBLIC FORUM – MATTERS ON THE AGENDA**

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The Mayor advised of requests to speak in the Public Forum - Matters On The Agenda from:

- Item 10.04 - Ms Cara Dale in opposition of the recommendation.
- Item 10.04 - Mr Stewart Cooper in support of the recommendation.
- Item 10.04 - Ms Danielle Maltman in opposition of the recommendation.
- Item 13.01 - Miss Peta Watters in opposition of the recommendation.
- Item 13.01 - Mr Philip Lloyd in support of the recommendation.
- Item 13.01 - Mr Terry Muldoon in opposition of the recommendation.
- Item 13.01 - Ms Cara Dale in opposition of the recommendation.
- Item 13.01 - Mr Grant Mitchell in opposition of the recommendation.
- Item 13.01 - Mr Denis Lane in opposition of the recommendation.
- Item 13.01 - Mr Graham Bray in opposition of the recommendation.
- Item 13.01 - Mr Tony Thorne in opposition of the recommendation.
- Item 13.01 - Mr Ken Monson in opposition of the recommendation.
- Item 13.01 - Mr Daniel Bessell in opposition of the recommendation.
- Item 13.06 - Ms Michelle Love in opposition of the recommendation.
- Item 13.07 - Mr Michael Mowle in support of the recommendation.
- Item 13.07 - Mr Tony Thorne in support of the recommendation.
- Item 13.08 - Mr David Pensini in support of the recommendation.
- Item 13.08 - Mr Wayne Ellis in support of the recommendation.

*RESOLVED: Pinson/Dixon*

That Council:

1. Allow 10 speakers on Item 13.01 in order for Council to hear a fuller range of views on these items of business.
2. That the requests to speak in the Public Forum - Matters on the Agenda be acceded to.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Dixon/Alley*

That Standing Orders be suspended to allow Items 10.04, 13.01, 13.06, 13.07, 13.08 to be brought forward and considered next.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **10.04 INTEGRATED PLANNING AND REPORTING (IPR) DOCUMENTS**

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Ms Cara Dale, C2Hills Consultancy, representing Revive Lake Cathie Inc., addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Stewart Cooper addressed Council in support of recommendation 3 and answered questions from Councillors.

Ms Danielle Maltman, President of Revive Lake Cathie Inc., addressed Council in opposition of the recommendation and in support of recommendation 3 and answered questions from Councillors.

#### **MOTION**

*MOVED: Pinson/Griffiths*

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.
7. Request the General Manager:
  - a) Investigate the feasibility of utilising some of the funding currently held in the Strategic Priorities Reserve for the purpose of:
    - i. Advancing some of the initiatives as detailed in the Revive Lake Cathie Operational Plan submission.
    - ii. The upgrading of Bril Bril Road.
    - iii. Upgrading The Hatch Road.
    - iv. Increasing Council's budget for unsealed rural road maintenance.
    - v. Upgrading of Lorne Road.
  - b) Table a report at the September 2019 Council Meeting with the result of the investigations as detailed directly above in 7a).

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## **AMENDMENT**

*MOVED: Alley/Hawkins*

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.

## **THE AMENDMENT WAS PUT**

*MOVED: Alley/Hawkins*

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.

*CARRIED: 8/1*

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

*AGAINST: Pinson*

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**THE AMENDMENT BECAME THE MOTION AND WAS PUT**

*RESOLVED: Alley/Hawkins*

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.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.01 PROPOSED ORBITAL ROAD PROJECT**

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Miss Peta Watters addressed Council in opposition of the recommendation.

Mr Philip Lloyd addressed Council in support of the recommendation.

Mr Terry Muldoon, St Columba Anglican School, addressed Council in opposition of the recommendation.

Ms Cara Dale, C2Hills Consultancy, representing St Columba Anglican School, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Grant Mitchell, Port Macquarie Better Orbital Options Alliance, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Denis Lane representing the Sanctuary Springs / Greenmeadows Action Group, addressed Council in opposition of the recommendation.

Councillor Dixon left the meeting, the time being 08:00pm.

Councillor Dixon returned to the meeting, the time being 08:03pm.

Mr Graham Bray addressed Council in opposition of the recommendation.

Councillor Cusato left the meeting, the time being 08:07pm.

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Mr Tony Thorne, King and Campbell Pty Ltd, representing J Newton Constructions Pty Ltd, J & G Newton and St Agnes Care and Lifestyle Ltd addressed Council in opposition of the recommendation.

Mr Ken Monson representing the Hastings Birdwatchers, addressed Council in opposition of the recommendation.

Mr Daniel Bessell addressed Council in opposition of the recommendation.

## **MOTION**

*MOVED: Levido/Turner*

That Council:

1. Note the strong community support, including published support from the State Member for Port Macquarie and Federal Member for Cowper, for the concept of an Orbital Road as an integral part of the future strategic transport network planning for Port Macquarie;
2. Note the information provided in:
  - a) this Proposed Orbital Road Community Engagement Council report; and
  - b) the RPS Proposed Orbital Road Community Engagement Report being Attachment 1.
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 take up to 24 months and will include both a review and assessment of (but will not be limited to):
  - a) Findings to date (e.g. traffic network studies, Orbital Road Feasibility Study and recent community engagement);
  - b) Investigation of alternate routes for an East-West link road (Ocean Drive to Oxley Highway) and a North-South link road (Oxley Highway to Boundary Street), including alternate upgrades to the existing road network assuming no alternate route crossing of the Lake Innes Nature Reserve;
  - c) Planned traffic network improvements and upgrades to the existing road network, including Lake Road and Ocean Drive;
  - d) Cost-benefit analysis of options to improve the traffic network;
  - e) Project specific traffic studies;
  - f) Environmental impact investigations (including heritage); and
  - g) Social and economic impact investigations;
  - h) Arrange value management workshops for the east-west link road options and north-south link road of the Orbital Road options to include Lake Road upgrade as an option to assist with ranking options on the basis of best value for the community, at a time determined by the General Manager within the strategic business case process.
5. In proceeding with the Strategic Business Case, will engage and partner with relevant agencies including:
  - a) Roads and Maritime Service (RMS)/Transport for NSW (TfNSW)

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- b) NSW Office of Environment and Heritage (OEH)
  - c) NSW National Parks and Wildlife Service (NPWS)
  - d) NSW Department of Planning and Environment (DPE).
6. Note the strategic importance of a flood-free Primary Airport Access Road, regardless of any other link roads, and request the General Manager to separate the flood-free Primary Airport Access Road from the proposed Orbital Road project (including that project's Strategic Business Case) and to progress planning for a flood-free Primary Airport Access Road as a stand-alone priority, including consultation with RMS/TfNSW and the community.
  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 and expertise 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 and engaged, including via the Community Consultative Committee, in a transparent and 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. Request the General Manager to write to the State Member for Port Macquarie, Leslie Williams MP, seeking ongoing support for Port Macquarie-Hastings traffic network improvements 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 to contribute \$400,000.
  11. 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, including Council's web site.
  12. 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 the State Members of Parliament for Port Macquarie and Oxley and the Federal Members of Parliament for Cowper and Lyne.
  13. Thank the community for the feedback received during the engagement period in relation to the proposed Orbital Road and other traffic network improvements and request the General Manager advise those who made submissions of Council's determination in this matter.
  14. 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 and traffic network improvements generally.
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## **AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council:

1. Note the information provided in:
  - a) The proposed Orbital Community Engagement Council report and;
  - b) The RPS Proposed Orbital Road Community Engagement Report, Attachment 1.
2. Thank the community for the extensive 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. Note that the community feedback supported the concept of an Orbital Road to alleviate traffic congestion but strongly oppose the current 'preferred viable route' within the investigation zone, specifically Greenmeadows to Oxley Highway and the Port Macquarie Airport Access Road, Fernhill Road intersection.
4. Discontinue and abandon any current and future investigations within the Greenmeadows/Oxley Highway route and abandon the new Fernhill Road intersection as part of any future Port Macquarie Airport Access road to Boundary Street.
5. Request the General Manager utilise previous Orbital Road concept plans, consultant reports, community engagement and survey reports as a learning tool for how Council undertakes any future investigation zones.
6. Request the General Manager proceed to the development of a Strategic Business Case using the framework of 'Gates' which are identified in the NSW Infrastructure Investment Assurance Framework.
7. Note that the Strategic Business Case will include a review of, but not limited to;
  - a) Findings to date following extensive community engagement
  - b) Project specific traffic studies and the Port Macquarie-Hastings Council Area Wide Traffic Study
  - c) Investigation of a minimum of three alternate routes for the crossing of Lake Innes Nature Reserve for the purposes of community feedback
  - d) Environmental impact investigations with inclusion of the Koala Recovery Strategy
  - e) Social and Economic impact investigations
  - f) Planned road upgrades to the existing road network
  - g) Identification of options for a strategic staged implementation of new road networks and linkages
  - h) Engage and partner with;
    - Transport for NSW (Previously known as RMS)
    - Department Planning Industry and Environment (Previously known as OEH)
    - NSW National Parks and Wildlife Service
    - State Member for Port Macquarie Ms Leslie Williams
    - Federal Member for Cowper Mr Patrick Conaghan



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- i) Arrange value management workshops for the east-west and north-south section of the Orbital Road to assist with ranking options on the basis of best value for money.
  8. 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.
  9. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above along with any other agencies deemed applicable, as well as the State Member for Port Macquarie and the Federal Member for Cowper.
  10. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council adopted charter (to be formally 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.
  11. 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 full transparency.
  12. 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 website.
  13. 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 and recommendations.

## **THE AMENDMENT WAS PUT AND LOST**

*MOVED: Pinson/Griffiths*

That Council:

1. Note the information provided in:
  - a) The proposed Orbital Community Engagement Council report and;
  - b) The RPS Proposed Orbital Road Community Engagement Report, Attachment 1.
2. Thank the community for the extensive 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. Note that the community feedback supported the concept of an Orbital Road to alleviate traffic congestion but strongly oppose the current 'preferred viable route' within the investigation zone, specifically Greenmeadows to Oxley Highway and the Port Macquarie Airport Access Road, Fernhill Road intersection.
4. Discontinue and abandon any current and future investigations within the Greenmeadows/Oxley Highway route and abandon the new Fernhill Road intersection as part of any future Port Macquarie Airport Access road to Boundary Street.

- 
5. Request the General Manager utilise previous Orbital Road concept plans, consultant reports, community engagement and survey reports as a learning tool for how Council undertakes any future investigation zones.
  6. Request the General Manager proceed to the development of a Strategic Business Case using the framework of 'Gates' which are identified in the NSW Infrastructure Investment Assurance Framework.
  7. Note that the Strategic Business Case will include a review of, but not limited to;
    - a) Findings to date following extensive community engagement
    - b) Project specific traffic studies and the Port Macquarie-Hastings Council Area Wide Traffic Study
    - c) Investigation of a minimum of three alternate routes for the crossing of Lake Innes Nature Reserve for the purposes of community feedback
    - d) Environmental impact investigations with inclusion of the Koala Recovery Strategy
    - e) Social and Economic impact investigations
    - f) Planned road upgrades to the existing road network
    - g) Identification of options for a strategic staged implementation of new road networks and linkages
    - h) Engage and partner with;
      - Transport for NSW (Previously known as RMS)
      - Department Planning Industry and Environment (Previously known as OEH)
      - NSW National Parks and Wildlife Service
      - State Member for Port Macquarie Ms Leslie Williams
      - Federal Member for Cowper Mr Patrick Conaghan
    - i) Arrange value management workshops for the east-west and north-south section of the Orbital Road to assist with ranking options on the basis of best value for money.
  8. 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.
  9. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above along with any other agencies deemed applicable, as well as the State Member for Port Macquarie and the Federal Member for Cowper.
  10. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council adopted charter (to be formally 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.
  11. 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 full transparency.
  12. 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 website.
  13. 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
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Proposed Orbital Road Community Engagement report and recommendations.

*LOST: 3/5*

*FOR: Dixon, Griffiths and Pinson*

*AGAINST: Alley, Hawkins, Intemann, Levido and Turner*

## **THE MOTION WAS PUT**

*RESOLVED: Levido/Turner*

That Council:

1. Note the strong community support, including published support from the State Member for Port Macquarie and Federal Member for Cowper, for the concept of an Orbital Road as an integral part of the future strategic transport network planning for Port Macquarie;
2. Note the information provided in:
  - a) this Proposed Orbital Road Community Engagement Council report; and
  - b) the RPS Proposed Orbital Road Community Engagement Report being Attachment 1.
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 take up to 24 months and will include both a review and assessment of (but will not be limited to):
  - a) Findings to date (e.g. traffic network studies, Orbital Road Feasibility Study and recent community engagement);
  - b) Investigation of alternate routes for an East-West link road (Ocean Drive to Oxley Highway) and a North-South link road (Oxley Highway to Boundary Street), including alternate upgrades to the existing road network assuming no alternate route crossing of the Lake Innes Nature Reserve;
  - c) Planned traffic network improvements and upgrades to the existing road network, including Lake Road and Ocean Drive;
  - d) Cost-benefit analysis of options to improve the traffic network;
  - e) Project specific traffic studies;
  - f) Environmental impact investigations (including heritage); and
  - g) Social and economic impact investigations;
  - h) Arrange value management workshops for the east-west link road options and north-south link road of the Orbital Road options to include Lake Road upgrade as an option to assist with ranking options on the basis of best value for the community, at a time determined by the General Manager within the strategic business case process.
5. In proceeding with the Strategic Business Case, will engage and partner with relevant agencies including:
  - a) Roads and Maritime Service (RMS)/Transport for NSW (TfNSW)
  - b) NSW Office of Environment and Heritage (OEH)
  - c) NSW National Parks and Wildlife Service (NPWS)
  - d) NSW Department of Planning and Environment (DPE).

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6. Note the strategic importance of a flood-free Primary Airport Access Road, regardless of any other link roads, and request the General Manager to separate the flood-free Primary Airport Access Road from the proposed Orbital Road project (including that project's Strategic Business Case) and to progress planning for a flood-free Primary Airport Access Road as a stand-alone priority, including consultation with RMS/TfNSW and the community.
  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 and expertise 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 and engaged, including via the Community Consultative Committee, in a transparent and 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. Request the General Manager to write to the State Member for Port Macquarie, Leslie Williams MP, seeking ongoing support for Port Macquarie-Hastings traffic network improvements 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 to contribute \$400,000.
  11. 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, including Council's web site.
  12. 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 the State Members of Parliament for Port Macquarie and Oxley and the Federal Members of Parliament for Cowper and Lyne.
  13. Thank the community for the feedback received during the engagement period in relation to the proposed Orbital Road and other traffic network improvements and request the General Manager advise those who made submissions of Council's determination in this matter.
  14. 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 and traffic network improvements generally.

*CARRIED: 5/3*

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

*AGAINST: Dixon, Griffiths and Pinson*

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### **13.06 PLANNING PROPOSAL REQUEST PP2011 - 9.3: THE RUINS WAY AND SOUTH BLACKWOOD, PORT MACQUARIE**

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Councillor Alley left the meeting, the time being 9:21pm.

Councillor Hawkins left the meeting, the time being 9:21pm.

Councillor Alley returned to the meeting, the time being 9:21pm.

Councillor Hawkins returned to the meeting, the time being 9:21pm.

Ms Michelle Love, Love Project Management, representing the applicant, addressed Council in opposition of the recommendation.

*RESOLVED: Turner/Hawkins*

That Council:

1. Defer consideration of this item.
2. Request the General Manager schedule a Councillor briefing on the proposal as soon as practical.
3. Request the General Manager convene a meeting with the proponent and their representatives and relevant Council staff for the purpose of working towards potential modifications to the planning proposal that seek to achieve optimal outcomes for all parties, including protection of koala habitat under SEPP 44 and other positive environmental outcomes.
4. Request the General Manager provide a report back to Council regarding the outcomes of this meeting and any amendments to the Planning Proposal, once Council staff are in a position to finalise this review.

*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: Pinson/Griffiths*

That Standing Orders be suspended to allow Item 13.09 to be brought forward and considered after 13.07 and 13.08.

*CARRIED: 8/0*

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

*AGAINST: Ni*

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**13.07 POST EXHIBITION REPORT - HIGHWAY SERVICE CENTRE PLANNING PROPOSAL, DRAFT PLANNING AGREEMENT AND DRAFT HIGHWAYS GATEWAY DEVELOPMENT CONTROL PLAN**

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

Mr Tony Thorne, King and Campbell Pty Ltd, representing Mr and Mrs Hazenveld and Expressway Spares Pty Ltd, addressed Council in support of the recommendation.

*RESOLVED: Griffiths/Intemann*

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.

*CARRIED: 8/0*

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

*AGAINST: Nil*



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

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Mr David Pensini, David Pensini Building Certification and Environmental Services, representing the applicant, addressed Council in support of the recommendation.

Mr Wayne Ellis, Wayne Ellis Architects, representing the applicant, addressed Council in support of the recommendation.

*RESOLVED: Hawkins/Turner*

That DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.09 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN**

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*RESOLVED: Dixon/Griffiths*

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.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 10.01 Code of Meeting Practice - has been moved to another part of the document.

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

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*RESOLVED: Intemann/Alley*

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*

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## **10.03 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 2 MAY TO 5 JUNE 2019**

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*RESOLVED: Pinson/Griffiths*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 10.04 Integrated Planning and Reporting (IPR) Documents - has been moved to another part of the document.

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## **10.05 MAKING OF RATES AND CHARGES FOR 2019/2020, ADOPTION OF THE FEES AND CHARGES AND REVENUE POLICY FOR 2019/2020**

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*RESOLVED: Hawkins/Griffiths*

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:

Type of Service	Charge for 2019/20
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

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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.

CARRIED: 8/0

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

AGAINST: Nil

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**10.06 MONTHLY BUDGET REVIEW - MAY 2019**

RESOLVED: Griffiths/Hawkins

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.

CARRIED: 8/0

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

AGAINST: Nil

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**10.07 INVESTMENTS - MAY 2019**

RESOLVED: Hawkins/Griffiths

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

CARRIED: 8/0

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

AGAINST: Nil

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**10.08 CLASSIFICATION OF LANDS TO BE ACQUIRED BY COUNCIL**

RESOLVED: Intemann/Hawkins

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.

CARRIED: 8/0

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

AGAINST: Nil

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#### **10.09 NOTICE OF MOTION - FEDERAL ELECTION - CONGRATULATIONS TO FEDERAL MEMBERS**

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*RESOLVED: Pinson/Griffiths*

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.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **10.10 NOTICE OF MOTION - EMERGENCY SERVICES LEVY INCREASE**

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*RESOLVED: Pinson/Alley*

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.
- 7) 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.



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8. 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:
- 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.
  - Explain how this sudden increase will impact Council services / the local community.
  - Highlight that Councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018
  - Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.
  - Ask the NSW 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.
  - Copy the above letter to Local Government NSW.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **11.01 NOTICE OF MOTION - PORT MACQUARIE POLICE STATION SITE**

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### **MOTION**

*MOVED: Turner/Hawkins*

That Council:

- Note that planning is underway by the NSW Government for a new Police Station and facilities in Port Macquarie.
- 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.
- 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.
- 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.
- 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.
- Consider applying for any potential grant funding from other levels of Government to facilitate the retention of this important community asset.

## **AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council:

1. Request the General Manager write to the Member for Port Macquarie, Ms Leslie Williams, requesting an update on the commitment for a new Police Station in Port Macquarie along with the NSW Government's plans for the current site at 2 Hay Street Port Macquarie.
2. Request the General Manager to bring back a report to the July 2019 Ordinary Council Meeting for further consideration.

## **THE AMENDMENT WAS PUT AND LOST**

*MOVED: Pinson/Griffiths*

That Council:

1. Request the General Manager write to the Member for Port Macquarie, Ms Leslie Williams, requesting an update on the commitment for a new Police Station in Port Macquarie along with the NSW Government's plans for the current site at 2 Hay Street Port Macquarie.
2. Request the General Manager to bring back a report to the July 2019 Ordinary Council Meeting for further consideration.

*LOST: 2/6*

*FOR: Griffiths and Pinson*

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

## **THE MOTION WAS PUT**

*RESOLVED: Turner/Hawkins*

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.

*CARRIED: 7/1*

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

*AGAINST: Pinson*

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## **EXTENSION OF TIME**

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*RESOLVED: Pinson/Griffiths*

That, as per Clause 18.2 of the adopted Code of Meeting Practice, Council extend the time of this meeting to 11:00pm.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **11.02 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 2019 SEAVIEW CYCLING CLASSIC**

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*RESOLVED: Intemann/Dixon*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **11.03 LAURIETON SPORTS COMPLEX MASTER PLAN**

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*RESOLVED: Alley/Dixon*

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

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## **12.01 ROAD CLOSURE AND SALE OF LAND - MAIN STREET, ELLENBOROUGH**

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*RESOLVED: Griffiths/Hawkins*

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.

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

Item 13.01 Proposed Orbital Road Project - has been moved to another part of the document.

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## **13.02 LAND ACQUISITION - CORNER OF LAKE ROAD & BLACKBUTT ROAD, PORT MACQUARIE**

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*RESOLVED: Intemann/Alley*

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.
- CARRIED:** 8/0
- FOR:** *Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner*
- AGAINST:** Nil
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### **13.03 LAND ACQUISITION AND ROAD CLOSURE BEING PART THONE RIVER ROAD, BYABARRA**

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**RESOLVED:** *Intemann/Griffiths*

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) Electronically or otherwise all documents including but not limited to any authorisation form as required in accordance with the Electronic Transactions Act 2000.

**CARRIED:** 8/0

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

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AGAINST: Nil

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**13.04 LAND ACQUISITIONS - WINGHAM ROAD AND MAIN STREET,  
COMBOYNE**

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*RESOLVED: Griffiths/Alley*

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.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.05 CREATION OF EASEMENTS FOR WATER SUPPLY - JOHN OXLEY  
DRIVE, THURMSTER**

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*RESOLVED: Intemann/Hawkins*

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
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associated with the easement creation in accordance with the Electronic Transactions Act 2000.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 13.06 Planning Proposal Request PP2011 - 9.3: The Ruins Way and South Blackwood, Port Macquarie - has been moved to another part of the document.

Item 13.07 Post Exhibition Report - Highway Service Centre Planning Proposal, Draft Planning Agreement and Draft Highways Gateway Development Control Plan - has been moved to another part of the document.

Item 13.08 DA2018 - 353.1 Commercial Premises and Tourist and Visitor Accommodation with Clause 4.6 Variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123 DP 1219 - has been moved to another part of the document.

Item 13.09 Kooloonbung Creek Flying-Fox Camp Management Plan - has been moved to another part of the document.

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#### **13.10 BIODIVERSITY STRATEGY: REPORT FOLLOWING CLOSE OF PUBLIC EXHIBITION PHASE**

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*RESOLVED: Griffiths/Alley*

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.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **14 ITEMS TO BE DEALT WITH BY EXCEPTION**

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Nil.

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## **CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Intemann/Dixon*

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

Item 15.01 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

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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



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concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 15.14 Land Acquisition - Hastings Regional Sport Complex, Wauchope

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

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

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

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**ADJOURN MEETING**

The Ordinary Council Meeting adjourned at 10:20pm.

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**RESUME MEETING**

The Ordinary Council Meeting resumed at 10:59pm.



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

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*RESOLVED: Griffiths/Dixon*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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).

**RESOLVED**

That Council write off the account outlined in the Request for Bad Debt Write-off report as "bad debts not recoverable".

*CARRIED: 8/0*

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

*AGAINST: Nil*

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.

**RESOLVED**

That Council:

1. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the unavailability of competitive or reliable Tenderers, as described in this report, resolves not to call public tenders for the Workers Compensation insurance.
2. Delegate authority to the General Manager to enter into an agreement with StateCover Mutual for the provision of Workers Compensation insurance for the 2019/20 financial year.
3. Maintain the confidentiality in respect of the Workers Compensation premiums.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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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.

**RESOLVED**

That Council:

1. Submit an Expression of Interest within the adopted value range nominated by Council's Consulting Valuer for the purchase of Lot 4 Strata Plan 85897 (Unit 4/75-77 Clarence St, Port Macquarie).
2. Subject to the outcome of resolution 1 above, delegate to the General Manager authority to:
  - a) Sign the Contracts for Sale.
  - b) Sign the letters to Revenue NSW seeking an exemption from the payment of Stamp Duty.
  - c) Sign the Revenue NSW Purchaser Declaration Forms.
  - d) Sign the Land Registry Services Transfer Forms.
  - e) Sign any of the above or additional forms, either by hand or electronically, that may be required with the introduction of e-conveyancing from 1 July 2018.
3. Utilise Council's Property Reserve to complete this acquisition should Council's offer be accepted.
4. On completion of the purchase of Lot 4 Strata Plan 85897 (Unit 4/75-77 Clarence St, Port Macquarie), pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 4 Strata Plan 85897 as "operational" land by placing on exhibition for minimum of 28 days the proposed resolution "it is intended to Lot 4 Strata Plan 85897 (Unit 4/75-77 Clarence St, Port Macquarie) as operational land."
5. Note that a further report will be tabled to Council detailing any submissions received from the public during the exhibition period.

*LOST: 2/6*

*FOR: Alley and Levido*

*AGAINST: Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner*

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.

**RESOLVED**

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b), decline to accept any of the proposals submitted for T-19-09 for the Supply and Delivery of Ready Mix Concrete due to the reason that there was not a

- 
- sufficient number of conforming tenders to form a competitive panel arrangement.
2. 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 the following companies:
    - Boral Resources (Country) Pty Ltd;
    - Hanson Construction Materials Pty Ltd;
    - Holcim (Australia) Pty Ltd; and
    - Hurd Haulage t/as Hy-Tec Concrete & Aggregates.who expressed an interest in T-19-09 for the Supply and Delivery of Ready Mix Concrete with a view of appointing tenderers that offer Council value for money to the panel arrangement.
  4. Request the General Manager to present a further report to a future meeting of Council on completion of the negotiation process, for Council's further consideration of T-19-09 and acceptance of the proposed panel arrangement.
  5. Maintain the confidentiality of the documents and considerations in respect of T-19-09.

*CARRIED: 7/0*

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

*AGAINST: Nil*

**Item 15.05 T-19-10 Supply and Delivery of Road Construction Materials**

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

**RESOLVED**

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b), decline to accept any of the proposals submitted for T-19-10 for the Supply and Delivery of Road Construction Materials due to the reason that there was not a sufficient number of conforming tenders to form a competitive panel arrangement.
2. 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 the following companies;
  - Boral Resources (Country) Pty Ltd;
  - Hanson Construction Materials Pty Ltd;
  - Holcim (Australia) Pty Ltd;
  - Hurd Haulage t/as Hy-Tec Concrete & Aggregates; and
  - Pacific Blue Metal Pty Ltd.who expressed an interest in T-19-10 for the Supply and Delivery of Road Construction Materials with a view of appointing tenderers that offer Council value for money to the panel arrangement.

- 
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 T-19-10 and acceptance of the proposed panel arrangement.
  5. Maintain the confidentiality of the documents and considerations in respect of T-19-10.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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.

**RESOLVED**

That Council:

1. Accept the revised tender from Jardine Lloyd Thompson Pty Ltd for the provision of Insurance Brokerage and Risk Management Services with a view of entering into a three (3) year contract with an initial 12-month review period subject to Council's satisfaction with the performance of Jardine Lloyd Thompson Pty Ltd, at the time of Council's receipt of renewal prices.
2. Undertake a review of insurance coverage and associated services during this period.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-18.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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.

**RESOLVED**

That Council:

1. Accept the tender from PM Securities Pty LTD t/as Phoenix Security Solutions - Mid North Coast for the provision of Cash Collection Services, for a three-year period commencing 1 July 2019, with two options to extend for a further one-year period, such options 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 PM Securities Pty Ltd t/as Phoenix Security Solutions - Mid North Coast for the Provision of Cash Collection Services.

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3. Affix the seal of Council to the necessary documents.
  4. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-22.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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.

**RESOLVED**

That Council:

1. Accept the revised proposal from Martbarr Pty Ltd as outlined in this RFP T-19-02 Lease of the Café and Retail Lease Areas and Other Commercial Opportunities at the Port Macquarie Airport report.
2. Delegate authority to the General Manager to enter into a lease with Martbarr Pty Ltd for the provision of food, beverage and associated retail services from the café area at the Port Macquarie Airport terminal building, for an initial term of three (3) years commencing on 26 June 2019 and ending on 25 June 2022, with two (2) consecutive options to renew each for a further term of three (3) years which are exercisable by the lessee in accordance with the terms of the lease and subject to satisfactory performance by the lessee in accordance with the terms of the lease.
3. Maintain the confidentiality of the documents and considerations in respect of RFP T-19-02.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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.

**RESOLVED**

That Council:

1. Decline to accept any of the proposals submitted in respect of RFP No: T-19-19 Innes Gardens Memorial Park Crematorium and Lawn Cemetery.

- 
2. Maintain the confidentiality of the documents and considerations in respect of RFP No: T-19-19.
  3. Enter into negotiations with all organisations that registered an interest or submitted a proposal and attended the RFP T-19-19 site inspections, with a view to entering into a contract or other arrangement in relation to the Innes Gardens Memorial Park Crematorium and Lawn Cemetery.
  4. Request the General Manager ensure that the negotiations referred to in Resolution 3 above, include (though not limited to):
    - a) a binding commitment to ensure that Innes Gardens Memorial Park continues to provide crematorium, lawn cemetery and memorialisation services to the community, consistent with the existing land use zoning and property covenant restrictions.
    - b) a binding commitment to ensure the perpetual care, protection and management of existing interments and inurnments at the facility, in accordance with the *Cemeteries and Crematoria Act 2013*.
    - c) a commitment to capital improvement works proposed to the facility to improve the delivery of crematorium, lawn cemetery and memorialisation services to the community.
    - d) further investigation regarding the ongoing protection and retention of the existing koala habitat on the site.
  5. In parallel with the negotiations referred to in Resolutions 3 and 4 above, request the General Manager prepare and publish further information to the community regarding Council's current consideration of the crematorium, lawn cemetery and memorialisation services provided at Innes Gardens Memorial Park Crematorium and Lawn Cemetery, such information to include a range of frequently asked questions, and be made available via Council's "Have Your Say" online community engagement hub for a minimum period of 28 days commencing 1 July 2019.
  6. Request the General Manager present a further report to the August 2019 Council Meeting, providing details of the negotiations undertaken and community feedback received for Council's further consideration of Innes Gardens Memorial Park Crematorium and Lawn Cemetery.
  7. Acknowledge the recent interest from Tender Funerals Working Party (after the closing date for RFP No: T-19-19) and the advice received by Council in relation to the integrity of the process and further note that whilst the Tender Funerals Working Party are not one of the organisations referred to in 3 above, this does not preclude the Tender Funerals Working Party from establishing a low cost funeral service in the local government area.

*CARRIED: 4/3*

*FOR: Dixon, Hawkins, Intemann and Turner*

*AGAINST: Alley, Griffiths and Pinson*



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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(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

**RESOLVED**

That Council:

1. Note the negotiated rates/fees and contract conditions for the contract variation/extension for T-14-06 for the Operation and Routine Maintenance of PMHC Vehicular Ferries - Settlement Point & Hibbard Crossings with Ferryman (Port Macquarie) Pty Limited.
2. Maintain the confidentiality of the documents and consideration in respect to Contract Number T-14-06.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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.

**RESOLVED**

That Council:

1. Accept the tenders from the following suppliers to be appointed to a panel of suppliers for T-19-20 Provision of Line Marking Services for the period 1 July 2019 to 30 June 2022.
  - Complete Line Marking Services Pty Ltd.
  - Jenalad Pty Ltd t/as Whiteline Road Services.
  - Oz Linemarking NSW Pty Ltd.
  - Work-force Road Services Pty Ltd.with the option of one 12-month extension period, such option to be for the benefit of Council and may be exercised only by the Council in its sole discretion.
2. Accept the Schedule of Rates from the following suppliers for Line Marking Services:
  - Complete Line Marking Services Pty Ltd.
  - Jenalad Pty Ltd t/as Whiteline Road Services.
  - Oz Linemarking NSW Pty Ltd.
  - Work-force Road Services Pty Ltd.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-20 (T531920MNC).

*CARRIED: 8/0*

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



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AGAINST: Nil

Item 15.12 T-19-39 Dunbogan Bridge Rehabilitation - Construction Stage Support

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

**RESOLVED**

That Council:

1. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances, as described in this report, resolve not to call public tenders for the Dunbogan Bridge Rehabilitation Construction Stage Support.
2. Accept the Schedule of Rates from Focus Bridge Engineering Pty Ltd for the Dunbogan Bridge Rehabilitation Construction Stage Support.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of the Dunbogan Bridge Rehabilitation Construction Stage Support and Focus Bridge Engineering Pty Ltd engagement.

CARRIED: 8/0

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

AGAINST: Nil

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.

**RESOLVED**

That Council:

1. Note the report and the attached legal advice on water fluoridation dated 17 April 2019.
2. Request the General Manager instruct Lindsay Taylor Lawyers to write to the Therapeutic Goods Administration (TGA) outlining Council's situation, attaching the recently received and above-mentioned legal advice and requesting:
  - a) Full details of what is involved in securing a license/registration for the manufacture, presentation and supply of an orally-consumed therapeutic good, including issues such as toxicological studies etc.
  - b) That if different to the request made in 2 a) above, details of what would be involved for licensing/registration of reticulated fluoridated drinking water for manufacture, presentation and supply, requesting a substantive reply from TGA by 31 July 2019.

- 
3. Request the General Manager write to NSW Health, outlining Council's situation, attaching the above-mentioned legal advice and letter to the TGA and requesting NSW Health's opinion on the issues raised, by 31 July 2019.
  4. Request the General Manager provide a copy of the above-mentioned letters and legal advice to the relevant State and Federal Health Ministers, and the local State and Federal members of Parliament.
  5. Request the General Manager write to the Presidents of Local Government NSW (LGNSW) and the Australian Local Government Association (ALGA) (attaching the legal advice and the above-mentioned letters to NSW Health and the TGA), requesting that they raise this issue of significant public interest promptly with their respective Boards and subsequently their members, with a view to their associations forming a position on this issue so that they can advocate for and on behalf of Council with regard to the constitutionality or otherwise of reticulated water fluoridation.
  6. Make public the above-mentioned legal advice, including on Council's website.
  7. Authorise the General Manager to obtain further legal advice as necessary and to keep Councillors informed of such advice.

*CARRIED: 8/0*

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

*AGAINST: Nil*

**Item 15.14 Land Acquisition - Hastings Regional Sport Complex, Wauchope**

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.

**RESOLVED**

That Council:

1. Pay compensation in the amount of \$800,000 (GST Exclusive) to the owners of Lot 42 DP1016237 and Lot 3 DP221932, W G and S S Norman, for the acquisition of Lot 42 DP1016237 and Lot 3 DP221932, 42 Randall Street, Wauchope.
2. 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 forms as required associated with the acquisition and land sale in accordance with the Electronic Transactions Act 2000.
3. Request the General Manager or his delegate to engage with Randall Street residents regarding potential impacts that may arise from Council's acquisition of Lot 42 DP1016237 and Lot 3

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DP221932 and subsequent development of community facilities  
on these sites.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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The meeting closed at 11:00pm.

.....  
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.**

Item: 08

Subject: PUBLIC FORUM – MATTERS NOT ON THE AGENDA

Residents can speak in the Public Forum - Matters Not On The Agenda 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 speaker has finished, but speakers cannot ask questions of Council.

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' form. This form is available at Council's offices or online at [www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au).

#### Information for Speakers

- 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 in the Public Forum - Matters Not On The Agenda, they must agree to strictly adhere to all relevant adopted Council Codes, Policies and Procedures at all times.
- Addresses in the Public Forum - Matters Not On The Agenda will commence at 5:30pm.
- When your name is called, please proceed to the Council Table and address Council.
- 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.
- Council will not determine any matter raised in the Public Forum session, however Council may resolve to call for a future report.
- Each speaker will be allocated a maximum of five (5) minutes to address Council. This time is strictly enforced.
- If you have any documentation to support your presentation, provide 2 copies to Council by 4:30pm on the day before the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 4:30pm on the day before the Meeting.
- The following will **not** be considered in the public forum (in accordance with the Code of Meeting Practice, clause 4.26):
  - a submission on a proposed or pending planning proposal, development application, application to modify a development consent, application to review a determination or any related matter,
  - a submission by an applicant or objector in respect of development who made an oral submission at an on-site inspection,
  - a submission by a person on a matter on which they have made submissions at two (2) previous open forums in the same calendar year, unless otherwise approved in writing by the general manager,
  - a submission relating to a current or pending procurement, contract negotiation or dispute resolution involving the council,
  - a submission on any matter which the general manager or their delegate considers is inappropriate to be made at an open 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.

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

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Residents can request to speak in the Public Forum of the Ordinary Council Meeting on any agenda item listed on the agenda as either:

- In support of the recommendation
- In opposition of the recommendation

A maximum of two speakers “in support of the recommendation” and two speakers “in opposition of 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.

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 On Agenda Item' form. This form is available at Council's offices or online at [www.pmhc.nsw.gov.au](http://www.pmhc.nsw.gov.au).

#### **Information for Speakers**

- 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 on an agenda item, 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 Council on an agenda item will follow the Public Forum - Matters Not On The Agenda.
- When your name is called, please proceed to the Council Table and address Council.
- 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.
- The item will then be debated by Council.
- Council will permit no more than two (2) speakers ‘in support of’ and two (2) speakers ‘in opposition of’ the recommendation on any one (1) agenda item.
- Each speaker will be allocated a maximum of five (5) minutes to address Council and this time is to be strictly enforced.
- If you have any documentation to support your presentation, please provide 2 copies to Council by 4:30pm on the day before the Meeting.
- If a speaker has an audio visual presentation, a copy of the presentation is to be provided to Council by 4:30pm on the day before the Meeting.
- 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.

# 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:** MAYORAL DISCRETIONARY FUND ALLOCATIONS - 6 JUNE TO 3 JULY 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 6 June to 3 July 2019 inclusive.**

### Executive Summary

To advise of the allocations made by the Mayor from the Mayoral Discretionary Fund for the period 6 June to 3 July 2019 inclusive.

### Discussion

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

Donation to PMQ Croquet Club	\$150.00
Floral Bouquet for the funeral of the late Bill Alcock on 08/06/19	\$50.00
Floral Bouquet for Artist Sharon Davson on 11/06/19	\$85.00
Floral Bouquet for Michael & Cindy Mullens on 28/06/19	\$80.00
	<b>\$365.00</b>

### Options

This report is for noting only.

### Community Engagement & Internal Consultation

There has been no community engagement or internal consultation in relation to this report.

### 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 economic implications in relation to this report.

The allocations made during this reporting period are funded from the Mayoral Discretionary Fund as included in the 2018-2019 / 2019-2020 Operational Plan.

**Attachments**

Nil

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**Item: 10.02**

**Subject: 2019 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

#### **That Council:**

- 1. Grant approval for Mayor Peta Pinson, Councillors (yet to be determined) and the General Manager to attend the 2019 Local Government NSW Annual Conference to be held in Warwick Farm from 14 to 16 October 2019.**
- 2. Determine that Mayor Peta Pinson and up to three Councillors (yet to be determined), be Council's voting delegates on motions at the Conference.**
- 3. Determine that Mayor Peta Pinson and up to three Councillors (yet to be determined) be Council's voting delegates on the election of Office Bearers and the Board (Board election) at the Conference.**

### **Executive Summary**

The 2019 Local Government NSW Annual Conference will be held at the William Inglis Hotel in Warwick Farm from 14 to 16 October 2019.

Mayor Peta Pinson has indicated her interest in attending the Conference and Councillor representation is yet to be finalised.

Council is entitled to four (4) voting delegates at the Conference. It is proposed that the Mayor and three Councillors (yet to be determined), be Council's voting delegates for the following:

- Voting on motions;
- Voting on the election of Office Bearers and the Board (Board election).

The General Manager will also be attending the Conference.

### **Discussion**

The Local Government NSW Annual Conference is the signature event of the year for all NSW Councils and provides a forum in which to debate important issues pertinent to our local communities. It also provides the opportunity to hear from State



and Federal Government leaders, business representatives, community groups and academics.

As at the time of writing this report, the Draft 2019 Conference program had not been released.

As per Council's "Payment of Expenses and Provision of Facilities to Councillors" Policy, a Councillor may nominate or be nominated to attend conferences, seminars, or similar functions.

Mayor Pinson has indicated her interest in attending the 2018 Local Government NSW Conference. Councillor representation is yet to be determined.

#### Voting Delegate Entitlements

Local Government NSW has confirmed that, as in previous years, Council will be entitled to four (4) voting delegates at the Conference. It is proposed that the Mayor and Councillors (yet to be determined), be Council's voting delegates for the following:

- Voting on motions;
- Voting on the election of Office Bearers and the Board (Board election).

#### Reporting Requirements for Conferences

As per Council's Policy, the Mayor and Councillors attending the Local Government NSW Annual Conference are not required to provide a written report following the Conference.

#### **Options**

Council could determine not to send delegates, or choose to send more or less delegates to the Annual Conference, noting that the number of voting delegates is fixed at four (4) should more than four Councillors wish to attend.

#### Internal Consultation

- Mayor;
- General Manager;
- Councillors.

#### **Planning & Policy Implications**

This report satisfies the requirements of Council's Payment of Expenses and Provision of Facilities to Councillors Policy.

**Financial & Economic Implications**

The 2019-2020 budget contains an allocation for expenses pertaining to conferences and out-of-pocket expenses for Councillors. The attendance by Councillors at the Conference can be funded from within the existing budget allocation.

The estimated cost to attend the Conference is \$7,500 which includes Conference registrations/workshops and accommodation for the Mayor, Councillors and the General Manager. In addition to the above, there will be costs associated with travel and any out-of-pocket expenses, as allowed for under the Policy and these will be at the expense of Council.

**Attachments**

Nil

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**Item: 10.03****Subject: PUBLIC SECTOR WOMEN IN LEADERSHIP MASTERCLASS  
REPORT****Presented by: General Manager, Craig Swift-McNair**

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**Alignment with Delivery Program**

1.3.1 Provide effective leadership and equity.

**RECOMMENDATION**

**That Council note the report on the Public Sector Women in Leadership Masterclass.**

**Executive Summary**

As per the Council adopted Payment of Expenses & Provision of Facilities to Councillors policy, the Mayor and Councillors must report in writing, in an open session of a Council Meeting, on the outcome of any conference or similar function attended.

In light of the above, the purpose of this report is for the tabling of a report to Council by Mayor Peta Pinson on her attendance at the Public Sector Women in Leadership Masterclass held in Sydney on 24 and 25 June 2019.

**Discussion**

The Mayor attended the Public Sector Women in Leadership Masterclass in Sydney as a professional development opportunity.

The Mayor has provided a report on the Masterclass, which provides further details around the key issues covered over the two days and copy of which is attached for the information of Council.

**Options**

Council can choose to resolve in line with the recommendation included in this report or resolve in some other manner.

**Community Engagement & Internal Consultation**

There has been no community engagement as a result of this report.

Mayor Pinson has provided a report on her attendance at the Masterclass, which is attached to this report.

**Planning & Policy Implications**

There are no planning and policy implications associated with this report. Attendance at this Masterclass complies with the requirements of Councils Payment of Expenses & Provision of Facilities to Councillors Policy and the Councillor Professional Development Policy.

**Financial & Economic Implications**

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

The total cost for attendance by the Mayor at the Masterclass was \$3,215.92, which included conference registration, flights, accommodation, transport, parking and meals.

The 2018-2019 budget contained an allocation for expenses pertaining to conferences and out-of-pocket expenses for the Mayor and Councillors. The attendance by the Mayor at the Masterclass was funded from within this budget allocation.

**Attachments**

- 1 [View](#). Report on Attendance at Public Sector Women in Leadership Masterclass - Mayor Peta Pinson

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**Item: 10.04****Subject: WHY LOCAL GOVERNMENT MATTERS - RESEARCH FINDINGS****Presented by: General Manager, Craig Swift-McNair**

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**Alignment with Delivery Program**

1.1.1 Use a variety of tools to engage with the community in a manner that is transparent, effective, relevant and inclusive.

**RECOMMENDATION**

**That Council note the information contained in this Why Local Government Matters - Findings report.**

**Executive Summary**

Why Local Government Matters (WLGM) is a landmark social research series conducted by the Centre for Local Government at the University of Technology Sydney (UTS). It profiles the attitudes of communities about the place where they live and their local Councils. Questions are asked to understand what communities think are the most important features of their place, and their preferences for Council services, functions, and governance.

The Mid North Coast Joint Organisation (MNCJO) engaged the UTS to undertake WLGM research across the MNCJO member Councils of Port Macquarie-Hastings, Kempsey Shire and Bellingen Shire. This research was undertaken in February 2019.

The purpose of this report is to provide an overview on the results of the WLGM research, with a view to MNCJO member Councils using this information as an input into the upcoming review of their Community Strategic Plans. This information will also be an input into the development of the next four-year Delivery Program that must take place following the September 2020 Council elections.

It should be noted that whilst this research provides good insights into the thinking of residents of the Port Macquarie-Hastings Local Government Area (LGA) and the broader Mid North Coast, it is only a snapshot in time and should be considered along with a range of results gathered through other engagement means throughout the year.

**Discussion**

As previously reported to Council in December 2018, at the Mid North Coast Joint Organisation (MNCJO) Board meeting held on 5 December 2018, the Board considered a report on the MNCJO establishing a project to 'localise' an earlier piece of work done by the University of Technology Sydney (UTS) titled Why Local Government Matters (WLGM). This earlier work was originally completed by the UTS



in 2015 and is a major piece of social research on community attitudes to local government. The research aims to better understand how and why communities value the activities of local governments and their roles in society.

At the 12 December 2018 Council meeting, a report was tabled by the General Manager seeking Councils approval for Port Macquarie-Hastings Council to participate in the WLGM research for the MNCJO member Councils. At that meeting, Council resolved the following:

*RESOLVED: Griffiths/Intemann*

*That Council:*

- 1. Note the information included in this Why Local Government Matters report.*
- 2. Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.*
- 3. Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.*
- 4. Request the GM table a report detailing the financial position of the MNCJO to the OC Feb 2019.*

*EQUAL: 4/4*

*FOR: Alley, Griffiths, Intemann and Pinson*

*AGAINST: Cusato, Hawkins, Levido and Turner*

*CASTING VOTE: FOR*

*CARRIED*

This report is in response to the third resolution listed above from the 12 December 2018 Council meeting.

Why Local Government Matters (WLGM) is a landmark social research series conducted by the Centre for Local Government at the UTS. It profiles the attitudes of communities about the place where they live and their local Councils. Questions are asked to understand what communities think are the most important features of their place, and their preferences for Council services, functions, and governance.

The UTS has conducted WLGM nationally and for Councils across most Australian jurisdictions. It provides communities, Councils, and other stakeholders with powerful insights on what makes their community unique and what communities' value about their Council.

As a result of previous resolutions of the MNCJO Board from 5 December 2018 and 1 February 2019 and various Council resolutions from MNCJO member Councils, a research agreement was entered into between the UTS and the MNCJO in early February 2019, commissioning the UTS to undertake the WLGM research. This research took place during February 2019.

Almost 800 residents were phone polled during February 2019, with the survey respondent profile demographically and spatially matched to the regional population. A sub-sample of 127 residents who also own or manage a business across the

region was also included. The breakdown of respondents from each Local Government Area (LGA) was:

- Port Macquarie Hastings: N=402
- Kempsey: N=242
- Bellingen: N=149

The total sample of 793 establishes statistical confidence of 95% at the whole-of-region level with a confidence interval of +/- 4%. In effect, if the same survey sample size was used another 100 times, we can be sure the results of 95 of those instances would be within 4% of the first sample.

A high-level overview report on the results of the WLGM research can be found at the attachment titled *Why Local Government Matters to the Mid North Coast*. The overview provides a summary of the results, with the headline results around 'place' being that compared to other parts of Australia, residents of the Mid North Coast were more likely to agree or strongly agree with the following statements about the place where they live:

- The landscape around them makes them feel good.
- The area reflects the type of person they are.
- They feel a cultural connection to the area.

According to the results of the WLGM research, the above information indicates that Mid North Coast residents feel more attached to the place where they live than most Australians.

Further to the above, the report states that to Mid North Coast residents, the most important parts of the region are the accessibility and quality of essential services and infrastructure, such as good quality roads, bridges, and aged and home care, phone and Internet connections, and access to local shops.

Other important features include the degree of social cohesion in the community, being able to live close to friends and family and the level of community creativity. The region's residents are strongly interested in its sustainability and find the availability of locally grown food, using land, water and energy resources wisely, pollution levels and the health of plants and animals are extremely or very important.

Overall, Mid North Coast residents were much more likely to rate these features of the place as very or extremely important. This indicates the region's residents have more intense feelings and views about what makes the place where they live great when compared to other Australians.

Of interest is the fact that the WLGM research shows that overall, Mid North Coast residents are not as concerned about environmental problems such as climate change, as the rest of NSW. However, when asked about the impacts of particular climate and weather related events, residents were more concerned about drought and bushfire and less so about intense rainfall and severe storms.

The following information is specific to the Port Macquarie-Hastings LGA from the WLGM research undertaken:



- In Port Macquarie-Hastings specific terms, locals feel a strong connection to the area, both culturally and to friends and family. According to the results, there is something in the landscape that makes people feel good about living here and about life in general and the area has the qualities they value and reflects the type of person they are. Please refer to Page 6 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- Overall, what matters more to Port Macquarie-Hastings locals are the tangible aspects of place such as availability of public services like schools, hospitals, and home and aged care, a positive economic outlook, and good quality infrastructure such as roads and bridges.
- Compared to other Australians, Port Macquarie-Hastings residents more highly value recreation opportunities, a supportive, cohesive, vibrant and creative community, being close to friends and family, and local shops. They are also more concerned about local pollution levels. Please refer to Page 7 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- Whilst Port Macquarie-Hastings locals have more intense feelings about what matters to them, they are not as concerned as other Australians about housing affordability, public safety, or cultural diversity in the community. Please refer to Page 8 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- Port Macquarie-Hastings residents are concerned about environmental problems, such as climate change. However, their level of concern is lower than residents in other Local Government Areas across the region and NSW more generally. They are concerned about the impact of these problems on future generations, nature, the economy and other residents, but less concerned about the impact on their own physical health and mental wellbeing. Please refer to Page 10 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- Port Macquarie-Hastings residents, worry about the drying continent rather than the more intense and wetter conditions and they think government has to pay greater attention and take more action on securing water and less on flooding. Please refer to Page 11 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- The services and functions most highly valued by Port Macquarie-Hastings residents mirror those that are most highly valued across the region, including core services to property and land such as water, sewage and drainage, roads and bridges, and street cleaning and waste management. These map to those aspects of place that locals value most about Port Macquarie-Hastings, such as a positive economic outlook, good quality infrastructure, and pollution levels. Please refer to Page 16 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- Port Macquarie-Hastings locals strongly value Council's place marketing and strategic planning role. However, in contrast to residents in neighbouring LGAs, they do not value as highly Council's role in economic development or supporting local businesses, which is a disconnect with the value they place

on the area's economic outlook. Generally, residents also do not value Council's human and community services and functions as highly, such as youth services, arts and culture, libraries, community advocacy, and child and aged care, noting that Port Macquarie-Hastings Council does not provide child and aged care as some Council's do. Please refer to Page 17 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.

- From a service delivery perspective, compared to other Mid North Coast locals, Port Macquarie-Hastings residents have somewhat stronger service delivery, funding and governance preferences. They are more trusting in the capacity of public servants to know what the community needs, and in the capacity of government to provide services that meet these needs at a high quality. Please refer to Page 19 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- Residents want Council to involve them in making decision on services and advocate on their behalf, although this is again disconnected with the low value they place on Council's community advocacy function. Residents see an expanded role for government in service delivery that is not limited to 'just the basics', and are somewhat more willing to pay for more complex and sophisticated services. Please refer to Page 20 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- Like most Australians and other Mid North Coast locals, Port Macquarie-Hastings residents think their Council is best placed to make decisions about the area. Of all residents across the region, they are the most certain local government is best placed to make these decisions. Please refer to Page 22 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- Port Macquarie-Hastings residents are more aware of their Council than the average Australian. Of all Mid North Coast locals, they are also the most aware of who their elected officials are. This is characteristic of regional areas where there is less social and physical distance between communities and their Council, and where local networks, including connections with Council, tend to be stronger. Please refer to Page 23 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.
- Port Macquarie-Hastings residents are no more or less inclusive than their regional neighbours are. However, as with their regional counterparts, they tend to be less inclusive than other Australians and are much less likely to consider more transient populations, such as renters, students, and workers, as members of the community. For Port Macquarie-Hastings residents, being part of this community is about making a contribution as a ratepayer. Please refer to Page 24 of the attached document titled *'Why Local Govt Matters to the Port Macquarie-Hastings'*.

At the request of the MNCJO member Councils, the Mid North Coast WLGM research included a question around disaster planning and recovery. The region's residents and business owners were asked whether they have a plan for their household or business on what to do in the event of a natural disaster. Just over half

of all households do not have a plan and just under half of all businesses have a plan to continue operating in the event of a natural disaster.

Of the households and businesses that indicated they do not have a plan, about two thirds feel only moderately, slightly or not at all confident they have the information they need to prepare one.

This information is of important value to member Councils of the MNJCO in light of the fact that one of the projects identified in the MNCJO Statement of Strategic Regional Priorities is around community resilience i.e. building capacity in the regional community to deal with severe weather events and natural disasters. The information to come from the WLGM research highlights that there is greater education required of the community around being disaster-ready, noting that this is not the sole responsibility of Councils, but involves a range of State and Federal agencies also.

As can be seen from the snapshot of results provided above, the WLGM research covered a broad range of areas of interest, with the results providing member Councils and the MNCJO with a unique view of local and regional community attitudes and approaches. As noted earlier, this will not only assist each Council understand their individual community's in a more holistic manner, but may also assist the MNCJO in determining project priorities into the future.

It should be stated again as it was earlier in this report, that whilst this research provides good insights into the thinking of residents of the Mid North Coast, it is only a snapshot in time and should be considered along with a range of results gathered through other engagement means throughout the year.

### **Options**

Council has the option of adopting the recommendation as included in this report, or resolving in some other manner.

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

There has been no community engagement in relation to this report, other than the WLGM survey itself.

Internal consultation has been undertaken with the General Manager and Directors.

### **Planning & Policy Implications**

There are no direct planning and policy implications in relation to this report, noting that the information gathered as part of the WLGM research, will be used in the context of the upcoming review of the Port Macquarie-Hastings Council Community Strategic Plan.

**Financial & Economic Implications**

There are no direct economic implications in relation to this report.

The cost of the WLGM research on behalf of the MNCJO was \$82,940. As previously resolved at the December 2018 & February 2019 MNCJO Board meeting, the costs of the WLGM research would be shared 50/50 between the MNCJO and the member Councils, upon agreement by the member Councils.

As per the 12 December 2018 Council resolution detailed earlier in this report, Council resolved to fund \$14,000 towards the WLGM research as the PMHC one-third contribution to the overall 50% member Council contribution. The source of the \$14,000 was from the funds that remained following Council's July 2018 resignation from the Mid North Coast Regional Organisation of Councils (MIDROC).

**Attachments**

1[View](#). Why Local Govt Matters to the Port Macquarie-Hastings

2[View](#). Why Local Government Matters to the Mid North Coast



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**Item: 10.05**

**Subject: 2019 SMART CITIES CONFERENCE REPORT**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council note the information contained in this 2019 Smart Cities Conference Report.**

### **Executive Summary**

As per the Council adopted Payment of Expenses & Provision of Facilities to Councillors policy, Councillors must report in writing, in an open session of a Council Meeting on the outcome of any conference or similar function attended.

In light of the above, the purpose of this report is for the tabling of a report to Council by Councillors Hawkins and Turner on their attendance at the 2019 Smart Cities conference held in Melbourne on 30 & 31 May 2019.

### **Discussion**

At the 15 May 2019 Council meeting, Council resolved the following:

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

**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**

As per the Council resolution (no.3) above, Councillors Hawkins & Turner attended the 2019 Smart Cities conference in Melbourne on 30 & 31 May 2019. As noted earlier in this report, as required by the Council adopted Payment of Expenses & Provision of Facilities to Councillors policy, Councillors must report in writing, in an open session of a Council Meeting on the outcome of any conference or similar function attended, hence this report to Council.

Following the return of Councillors Hawkins and Turner from the 2019 Smart Cities conference, Councillor Hawkins provided an overview of the conference to Council's Economic Development Steering Group (EDSG) at the EDSG meeting held on 12 June 2019. The minutes of that meeting note the following:

#### *06 COUNCIL CONSIDERATION OF SMART CITY STRATEGY*

*The Group Manager Economic Development and Communications briefed the Group on the 10 April 2019 Council decision regarding the development of a Smart City Strategy under Council's 2019/2020 Operational Plan.*

*Cr Hawkins provided an overview of the learnings from the Smart Cities Conference, which he and Cr Turner attended in Melbourne on 30-31 May 2019. In particular, he mentioned key points around;*

- *The need to focus on "smart communities";*
- *"Smart" does not equal technology - technology is a tool not a goal;*
- *That it's critical to know who you are before you start developing a strategy;*
- *Need to have "customer centre" approach;*
- *Cities are not homogenous, no shoe fits all cities/whole city - close engagement with community is key, as is placemaking and human centre design;*
- *Collaboration between 3 levels of government and major institutions, utilities, business community and broader community is critical;*
- *Creating a smart city is a process, not an event with an end point.*

#### **CONSENSUS:**

*The Group noted:*

- 1. The 10 April 2019 Council resolution to develop a Smart City Strategy under Council's 2019/2020 Operational Plan, with further conversations to occur with the Group when project planning is underway.*
- 2. The update by Cr Hawkins from the recent Smart Cities Conference.*

According to the 2019 Smart Cities conference web site, the aim of the two-day event was to bring together representatives from the buildings, roads, transport and utilities industries, with the aim of educating attendees on the latest developments that are making cities smarter and to provide opportunity for collaboration to maximise the interoperability of new technologies across different industries.

Councillors Hawkins and Turner have both commented on the fact that this conference was excellent and one of the best-organised conferences they had ever attended. In addition to the comments noted above by Councillor Hawkins when addressing the EDSG on the conference, some of the key points to come out of the conference according to Councillor Turner are as follows:

- Smart city thinking can be described as a journey or a process to better decision-making and problem-solving to make our communities better.
- After some initial spectacular failures as a result of allowing tech companies to design 'solutions' for cities of the future, the concept has evolved into what can broadly be described as 3 key areas:
  - o Different ways of thinking about, and approaches to design of, places and infrastructure.
  - o An explosion in the collection, sharing, and use of data in decision-making.
  - o Collaboration and co-operation between council, community, business/industry, university, research, and government

Councillors Hawkins and Turner have both provided separate reports on the conference, which provides further details around the key issues to come out of the conference. These reports can be found as attachments to this Council report.

### Options

Council can choose to resolve in line with the recommendation included in this report or resolve in some other manner.

### Community Engagement & Internal Consultation

There has been no community engagement as a result of this report.

As detailed earlier in this report, attendance by Councillors Hawkins and Turner to the 2019 Smart Cities conference was resolved by Council at the 15 May 2019 Council meeting.

Councillors Hawkins and Turner have both provided separate reports on their attendance at this conference, copies of which can be found as attachments to this report.

### Planning & Policy Implications

Whilst there are no direct planning and policy implications in relation to this report, as previously noted, at the 15 May 2019 Council meeting, Council resolved the following:

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

**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*

The above resolution highlights the fact that a Smart City strategy will be developed by Council in place of a Regional City strategy, with work on the strategy to commence during 2019-2020.

### **Financial & Economic Implications**

There are no direct economic implications in relation to this report.

The total cost for attendance at the 2019 Smart Cities Conference for Councillors Hawkins and Turner was \$5,557.54, which included conference registration, flights, accommodation, transport and meals.

The 2018-2019 budget contained an allocation for expenses pertaining to conferences and out-of-pocket expenses for Councillors. The attendance by Councillors Hawkins and Turner at the 2019 Smart Cities Conference was funded from within the 2018-2019 budget allocation.

### **Attachments**

1[View](#). Councillor Geoff Hawkins - 2019 Smart Cities Conference Report - June 2019

2[View](#). Councillor Rob Turner - 2019 Smart Cities Conference Report - June 2019

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**Item: 10.06**

**Subject: RELEASE OF IPART REPORTS INTO RATING & COMPLIANCE MATTERS**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council:**

- 1. Note that the following IPART reports have been released by the NSW Government for consultation:**
  - a) Review of the Local Government Rating System.**
  - b) Review of Reporting & Compliance Burdens on Local Government.**
  - c) Review of Local Government Compliance & Enforcement.**
- 2. Request the General Manager hold a Councillor briefing on the above-mentioned reports with a view to considering making a submission to the Office of Local Government.**

### **Executive Summary**

On 21 June 2019, the NSW government released three Independent Pricing & Regulatory Tribunal (IPART) reports for consultation. These reports were presented to the NSW government between 2014 and 2016, however have now been released.

The Office of Local Government (OLG) is now seeking submissions from Councils on each of the reports over the coming months.

### **Discussion**

During the last term of the NSW government, IPART presented three key reports to the government that relate to local government. These reports are as follows:

- a) Review of the Local Government Rating System (December 2016)
- b) Review of Reporting & Compliance Burdens on Local Government (April 2016)
- c) Review of Local Government Compliance & Enforcement (October 2014)

At the time, these reports were not released by the NSW government, however they have now been released for consultation with the local government sector.

The OLG released Circular 19-11 on 21 June 2019 and through that Circular, the OLG is encouraging Councils to provide feedback on the recommendations in each

of the report by the relevant closing dates, with the view to these submissions assisting to inform the NSW governments response to the reports. A copy of the OLG Circular is attached to this report for information.

As detailed in the attached Circular, the three reviews focused on complex areas of government regulation that require detailed consideration. According to the OLG, together, the recommendations included in these reports propose changes to local government, which if implemented, will have a significant impact on Councils and communities.

It should be noted that there are a number of recommendations included in these reports that the NSW government has already ruled out, because they may have adverse impacts on vulnerable members of the community, affect regional jobs and economies, or substantially increase costs for taxpayers and the broader community. These matters are marked "Not for consultation" on the OLG feedback form.

Importantly, closing dates for submissions have been staggered to allow Councils, businesses and other community members time to consider each report individually. Closing dates for submissions range from 13 September 2019 to 15 November 2019.

As detailed in the recommendation included in this report, it is the intention of the General Manager to hold a Councillor briefing on these reports in the near future with a view to discussing key issues included in the reports and for Councillors to consider if Council should make a submission on one or more of these reports.

Due to the size of the three reports i.e. ranging from 205 pages to 480 pages, these have not been included as attachments to this report; however they are available via the OLG website at the following web link:

<https://www.olg.nsw.gov.au/strengthening-local-government/ipart-local-government-reports-consultation-2019>

### **Options**

Council can resolve in line with the recommendation included in this report or resolve in some other manner.

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

There has been no community engagement or internal consultation in relation to this report. Councillors will give consideration as to whether Council will make a submission on one or more of these reports in the coming months.

### **Planning & Policy Implications**

There are no direct planning and policy implications in relation to this report, however it should be noted that if the NSW government does accept or otherwise some or all of the recommendations included in these reports, then there may be planning and or policy implications for NSW Councils.

**Financial & Economic Implications**

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

**Attachments**

1 [View](#). Circular 19-11 Release of IPART Reports into rating and compliance matters for consultation

**Item: 10.07**

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

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

### Alignment with Delivery Program

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

### RECOMMENDATION

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

### Discussion

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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
Review of Policy (in relation to paragliders) Commercial Activities on Council Managed Land	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
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	Aug-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	Aug-19
Land Acquisition - 921 Hastings River Drive, Pembroke - Post Exhibition	12/12/18 Item 12.04	Valuation pending.	DCP	Jun-19	Aug-19



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
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
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
T-19-19 Request for Proposal - Innes Gardens Memorial Park Crematorium and Lawn Cemetery - post negotiations and community consultation	19/06/19 Item 15.09		DCP		Aug-19
Planning Proposal Request PP2011 - 9.3: The Ruins Way and South Blackwood, Port Macquarie	19/06/19 Item 13.06		DSG		Aug-19
T-19-09 Supply and Delivery of Ready Mix Concrete - post negotiations	19/06/19 Item 15.04		DI		Aug-19
T-19-10 Supply and Delivery of Road Construction Materials - post negotiations	19/06/19 Item 15.05		DI		Aug-19
Biodiversity Strategy: Post exhibition	19/06/19 item 13.10		DDE		Aug-19
Planning Proposal – Lot 2 DP1091253 Beach Street Bonny Hills	19/04/16 Item 12.02		DSG		Sep-19
Planning Proposal PP2016 – 11.1 Mission Terrace Lakewood – post exhibition	15/11/17 Item 12.06		DSG		Sep-19
John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council - results of cost assessment	17/04/19 Item 14.01		DCP		Sep-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	Sep-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
Proposed Orbital Road Project	19/06/19 Item 13.01		GM		Sep-19

Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
Trialling Of Parklets In The Port Macquarie Town Centre	16/05/18 Item 10.02	Council is still working the relevant approvals	DSG		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
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	Dec-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
Council owned lots at North Shore - Progress of Sale	19/09/18 Item 09.24)	Council is currently in the process of obtaining DA's for the individual lots, prior to sale - this will provide assurance to future purchasers that the lots can be built on.	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
Classification as "Operational" Land - 52 John Oxley Drive, Port Macquarie - post exhibition.	20/06/18 Item 14.05		DSG		Mar-20
Biodiversity Certification Assessment and Strategy - Port Macquarie Airport and Surrounding Land - viability and implications of the options for securing the required Blackbutt Tallowwood dry grassy open forest and Koala	10/08/16 Item 12.01		DDE		2021 (estimate)



Report	Date & Item of Resolution	Status	Reporting Officer	Previous Anticipated Date/s for Report	Current Anticipated Date for Report
habitat credits, prior to the clearing that creates the demand for those credits.					
MOU - Norfolk Island Regional Council - income and expenditure administration.	20/03/19 Item 09.02		GM		Feb-21
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	Complete
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		Complete

**Cyclic Reports**

Report	Reporting Officer	Reporting Cycle	Month
Mayoral Discretionary Fund Allocations	GM	Monthly	Every
Monthly Financial Update	DCP	Monthly	Every (except July)
Investments	DCP	Monthly	Every
Recommendations by the Mayor's Sporting Fund Sub-Committee	DSG	Monthly	Every
Development Activity and Assessment System Performance	DDE	Quarterly	May, Aug, Nov, Feb
Operational Plan – Quarterly Progress	DCP	Quarterly	Nov, Feb, May, Aug
Management of Flying-Fox Colony in Kooloonbung Creek Nature Reserve - Quarterly Progress Report	DDE	Quarterly	Dec, Mar, June, Sep
Legal Fees - Update Report (19/09/18 - Item 09.16)	DCP	Quarterly	Feb, May, Aug, Nov
Grant Application Status Report (17/10/18 - Item 09.07)	DSG	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

Report	Reporting Officer	Reporting Cycle	Month
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 (previously report in April 2019)
Local Preference Policy Outcomes	DCP	Annually	Aug
Annual Report of the Activities of the Mayor's Sporting Fund	DSG	Annually	Sep
Council Meeting Dates	GM	Annually	Sep
Creation of Office - Deputy Mayor	GM	Annually	Sep
Audit Committee Annual Report	DCP	Annually	Sep
Annual Report of Disability Discrimination Act Action Plan	DSG	Annually	Sep
Legislative Compliance Register	DCP	Annually	Sep
Cultural Plan 2018 - 2021 - Implementation Progress Report (19/09/18 - Item 10.02)	DSG	Annually	Sep
Annual Disclosure of Interest Returns	GM	Annually	Oct
Council's Annual Report	DCP	Annually	Nov
Update Report - Impact of cost shifting for the previous financial year including any additional categories of cost-shifting that have been identified (21/10/15 - Item 09.04)	DCP	Annually	Nov
Compliments and Complaints Annual Report	DSG	Annually	Dec
Funding Programs for Koala Recovery Strategy (19/09/18 - Item 12.05)	DDE	Annually	Dec

### Attachments

Nil

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**Item: 10.08**

**Subject: STATUS OF COUNCIL POLICIES**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

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

#### **Executive Summary**

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

Council currently has 75 adopted Council Policies, which are published on Council's website for public viewing.

As at July 2019, the status of the 75 adopted Council Policies was:

<b>Status</b>	<b>Number</b>	<b>%</b>
Current	31	41%
Review Complete	1	1%
Submitted to Council	1	1%
Review initiated	18	24%
Deferred	11	15%
Overdue	13	17%

There has been some improvement in the status of Council Policies since last year in that 41% policies are now current compared to 35% last year. Staff will continue to review Council Policies on an ongoing basis, with the Governance & Procurement team providing the processes and framework to support currency across the organisation.

#### **Discussion**

An important component of public sector governance is establishing key policies and ensuring they are clear, available, regularly updated and monitored for compliance.

The "Making of Council Policy" policy provides an open and transparent statement as to how Council will establish, amend and rescind Council Policy. In addition, the policy

requires that a report be presented to Council on an annual basis outlining the status of all current Council Policies:

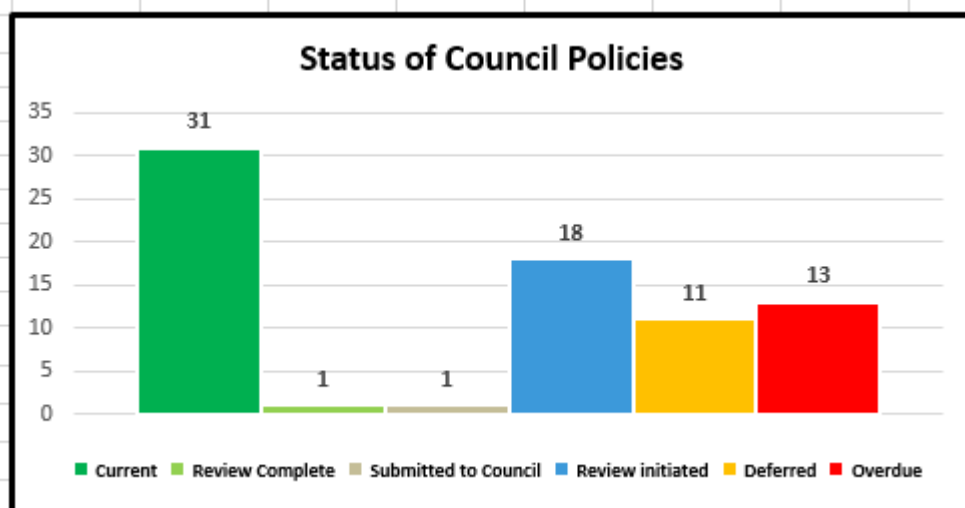
*The Council report will include (as a minimum):*

- *Policy adoption date.*
- *Policy last reviewed date.*
- *Outcome of last review (No change, administrative amendments, Council approved).*
- *Policy next review date.*

In the past two (2) years there has been a concentrated effort made to improve the currency Council Policies and implement a process to monitor and maintain the currency of Council adopted policies.

#### Current Status of Policies

A desktop review of the status of the seventy-four (75) Council adopted policies was conducted in July 2019. The results of this review are provided as an attachment to this report.



Council Policies fall into the below status categories:

Status	Definition of Status
Current	Review date is in the future.
Review Complete	Approved for adoption by the Executive Group/Council, administrative processes to publish underway.
Public Consultation	Currently on public exhibition.
Submitted to Council	Submitted to Council for public consultation/adoption.
Submitted to Executive Group	Submitted to the Executive Group for endorsement/approval.
Formal Consultation	Tabled for consultation with the Senior Leadership Team, internal committee and/or external consultation.
Review initiated	Review process has commenced and is in the initial stage of review.
Deferred	Review has been deferred pending another action or is dependent on another action.
Overdue	Review date has past and review has not been initiated.

Staff will continue to review Council Policies on an ongoing basis, with the Group Manager Governance & Procurement providing the processes and framework to support currency.

### Options

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

### Community Engagement & Internal Consultation

#### Community Engagement

Where a review involves more than simple administrative amendments, a draft is presented to Council, if resolved the Policy is then placed on public exhibition for 28 days before being adopted by Council (following further review based on consideration of public submissions presented during the exhibition period).

#### Internal Consultation

- General Manager
- Directors
- Group Manager Governance & Procurement
- Relevant Group Managers (as policy owners)

**Planning & Policy Implications**

There are no planning implications in relation to this report.

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

**Financial & Economic Implications**

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

**Attachments**

1 [View](#). Council Adopted Policies



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**Item: 10.09**

**Subject: REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR GEOFF HAWKINS**

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

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### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

**That Council grant leave of absence for Councillor Hawkins for the period 30 August to 17 October 2019, which includes the Ordinary Meeting of Council scheduled 18 September and 16 October 2019.**

### **Executive Summary**

Council has received a request for leave of absence from Councillor Hawkins for the period 30 August to 17 October 2019. During this period two Ordinary Meetings of Council are scheduled.

### **Discussion**

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

Councillor Hawkins has requested leave of absence for the period 30 August to 17 October 2019. The reason for the Councillor's request is that he has a family commitment and unable to attend to official Council duties during this time.

During the requested leave of absence period two Ordinary Meetings of Council is scheduled:

- 18 September 2019; and
- 16 October 2019

### **Options**

Council can:

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



**Community Engagement & Internal Consultation**

Internal Consultation

- General Manager.
- Group Manager Governance & Procurement.

**Planning & Policy Implications**

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

**Financial & Economic Implications**

Nil.

**Attachments**

Nil

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**Item: 10.10**

**Subject: DISCLOSURE OF INTEREST RETURN**

**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 Disclosure of Interest returns for the following positions:**

- 1. Contracts Administrator.**

#### **Executive Summary**

This report informs Council of the lodgement of a return disclosing the interests of a designated person which are required under section 445 of the *Local Government Act 1993*.

#### **Discussion**

Section 445 of the *Local Government Act 1993*, requires Designated Persons to prepare and submit written returns of interests in accordance with section 449. The following positions are designated person under the Local Government Act:

1. Contracts Administrator

Section 450A(1) requires the General Manager to keep a Register of Returns and section 450A(2) requires the General Manager to table the Returns at the first Council meeting held after the last date for lodgement.

The Returns are then held in the Governance Section of Council and, as required by section 6 of the *Government Information (Public Access) Act 2009*, are available for public inspection, by appointment.

The returns for the abovementioned positions will be tabled at this meeting.

#### **Options**

Nil. Lodgement of a Return by a Designated Person is a requirement under section 445 of the Local Government Act.

**Community Engagement & Internal Consultation**

Internal Consultation

- Group Manager Governance and Procurement.
- General Manager.
- Contracts Administrator

**Planning & Policy Implications**

There are no planning or policy implications.

**Financial & Economic Implications**

There are no financial or economic implications.

**Attachments**

Nil

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**Item: 10.11****Subject: INVESTMENTS - JUNE 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 June 2019.**

**Executive Summary**

- Total funds invested as at 30 June equals \$297,809,729.
- Interest for the month of June was \$723,729.
- The total investment income for the 2018-19 financial year of \$8,639,900 has exceeded the total revised annual budget of \$8,472,800 by \$167,100.
- Council's total investment portfolio performance for the financial year to date was 1.03% above the benchmark (3.00% against 1.97%). Benchmark being the Bank Bill reference rate as at 30 June 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|cddb291-68a4-4d81-8aee-b3733958e5ca|bd0cff62-3134-4e81-9f7e-de4e65feb428|en-AU>

### Current Investments

Council is required to undertake investments in accordance with section 625 of the Local Government Act 1993. This report provides details of Council's investments, and certifies that all funds that Council has invested as at 30 June 2019, comply with this Act.

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

As at 30 June 2019, the investments held by Council totalled \$297,809,729 and were attributed to the following funds, *(noting that the split between funds is based on draft figures which may change once end of year procedures have been finalised)*:

General Fund	119,758,227
Waste Fund	18,130,656
Water Fund	97,559,489
Sewer Fund	60,869,331
Sanctuary Springs Fund	38,715
Broadwater	1,453,311

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**297,809,729**

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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 for the 2018-19 financial year.

Council's total investment portfolio performance for the financial year to date is 1.03% above the benchmark (3.00% against 1.97%) and total investment income for the financial year has exceeded the annual budget by \$167,100.

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 - June 2019

2 [View](#). Port Macquarie-Hastings Council Portfolio as at 30 June 2019



# 2 Your Community Life

**What we are trying to achieve**

A healthy, inclusive and vibrant community.

**What the result will be**

We will have:

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

**How we will get there**

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

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**Item: 11.01****Subject: NOTICE OF MOTION - PARK & RIDE BUS SERVICE FOR PORT  
MACQUARIE**

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

**RECOMMENDATION**

**That Council request the General Manager write to Busways Port Macquarie for the purpose of commencing discussions on a Park & Ride bus service through certain parts of Port Macquarie, yet to be determined.**

**Comments by Mayor (if provided)**

Following on from the recent proposed Orbital Road community engagement process, many residents commented on the need for better public transport in the Hospital and Education precinct, as well as the CBD of Port Macquarie.

The introduction of a Park & Ride initiative would assist in alleviating traffic congestion, parking problems and reduce vehicle density on the road network.

Park & Ride would enable commuters to park for the desired time and catch a shuttle bus service to various designated stops.

The benefit to users of this service would be a reduction in the possibility of receiving parking fines and disruption of business operations caused by staff having to move their vehicles throughout the day.

The economic benefits to the wider CBD of Port Macquarie would be of a great measurable value to our region.

**Attachments**

Nil

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Item: 11.02

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

Presented by: Strategy and Growth, Holly McBride

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

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

1. That Lleyton Wall be granted the amount of \$1,500.00 to assist with the expenses he will incur travelling to, and competing as part of the Australian Triathlon Team (Age Group 16 - 19 yrs) at the ITU World Triathlon Championships to be held in Lausanne, Switzerland from 20<sup>th</sup> August - 1<sup>st</sup> September 2019 inclusive.

#### Executive Summary

The Mayor's Sporting Fund Sub-Committee met on 20 June 2019, reached consensus on Item 11 (attached), and submits the above recommendation for Council's approval.

#### Attachments

1 [View](#). MSF Minutes Extract - Item 11

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**Item: 11.03**

**Subject: PORT MACQUARIE ALCOHOL FREE ZONE REVIEW AND  
EXTENSION 2019**

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

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### **Alignment with Delivery Program**

2.1.1 Support community safety initiatives.

### **RECOMMENDATION**

#### **That Council:**

- 1. Re-establish the Alcohol Free Zone in the CBD for a further four years from October 2019 to October 2023.**
- 2. Place the proposal on public exhibition to inform the community of the intention to re-establish an Alcohol Free Zone in the Port Macquarie Central Business District, in accordance with the requirements under the Local Government Act for an exhibition period of 6 weeks, commencing 22 July to 2 September 2019.**

### **Executive Summary**

Port Macquarie Hastings Council has a role in addressing community issues regarding alcohol consumption. It follows a Council resolution in December 2007 to establish Alcohol Free Zones within the Central Business District (CBD) and a further request in 2014 to undertake a review and the extension of alcohol free zones. The Alcohol free Zone expired in December 2018. Council is seeking to re-establish an Alcohol Free Zone for a further four years in line with current standards and guidelines.

The objectives of the Alcohol Free Zone is to;

- Create a safe enjoyable evening environment;
- Create a diverse night economy not reliant on licensed premises trading;
- Ensure the Local Government Area entertainment areas are safe and inviting;
- Reduce alcohol related violence;
- Reduce the level of malicious damage;
- Reduce the level of disorderly conduct;
- Advocate for licensed premises ongoing compliance with Responsible Service of Alcohol obligations; and
- Maintain public perception of a safe regional city

**Discussion**

Alcohol-Free Zones prohibit the drinking of alcohol in public places such as roads, footpaths or car parks under Part 4 of the NSW Local Government Act 1993, Sections 642 - 649. Council first established an Alcohol Free Zone in the Port Macquarie CBD in 2007 through an action within Council Crime Prevention plan. This was then extended for a further 4 years, in 2014. Unfortunately, due to competing priorities the Alcohol Free zones lapsed in December 2018. Council through consultation with the Local Area Command and the Hasting Liquor Accord are now seeking to re-establish the Alcohol free Zones to enable the Police to act on Councils behalf and provide a safer CBD for all.

The purpose of an Alcohol Free Zone is to assist in the reduction of alcohol-related anti-social behaviour within the Port Macquarie CBD. It also aims to create a safe and enjoyable environment reducing the level of malicious damage, alcohol related violence, and other disorderly behaviour related to the irresponsible consumption of alcohol. The Alcohol Free Zones operate 24 hours a day, 7 days a week.

The Port Macquarie-Hastings continue to have a very proactive approach in responding to the issues that arise from alcohol consumption in the region with current strategies including:

- A 1.00am lockout of licensed premises;
- An active Liquor Accord, which is well coordinated with a strong local membership from licensed premises and clubs;
- Campaigns through the Liquor accord including Plan B and Rethink your drink;
- Secure Taxi Ranks; and
- An Alcohol Prohibition on all public reserves that restrict the consumption of alcohol on Council owned reserves and beaches from 9:00pm until 12:00pm, with a 24 hour restriction on a number of larger reserves.

Local police also continue to be proactive in implementing initiatives to increase the safety of the CBD, reducing the opportunity for alcohol related crime including prevention and enforcement strategies. This includes building and maintaining ongoing relationships with owners and managers of licensed premises, providing information and education on risk reduction and undertaking random audits.

**Supporting Evidence**

The NSW Recorded Crime Statistics 2014-2018 for the Port Macquarie Hastings Local Government area has seen a significant decrease in alcohol related crime and offences; this is due to a collaborative co-enforced approach between Council the local authorities and licensed establishments.

The Port Macquarie CBD area is the main identified Police 'hot spot' for alcohol related crime within the Port Macquarie-Hastings Local Government Area. As the Alcohol free Zones have lapsed, discussions have occurred with local Police who have confirmed they would support the re-establishment of an Alcohol-Free Zone for a further four years. Police report a positive impact as a direct result of enforcement of have an Alcohol-Free Zone in place.

**Duration**

As per the Local Government Act 1993, Alcohol-Free Zones may be established for up to four years. It is proposed that the re-established zone in the Port Macquarie CBD be for the maximum period, operating from October 2019 through to October 2023.

**Enforcement**

As per the Local Government Act 1993, any member of the NSW Police Force or an enforcement officer are responsible for enforcing Alcohol-Free Zones. Guidelines exist for the enforcement of Alcohol-Free Zones, which includes a warning system and a process for recording enforcement statistics.

Council will also continue to review the Alcohol Free Zones and areas across the local government area and continue/modify their coverage in areas considered important.

**Cancellation or Suspension**

As per section 645 of the Act, Council has the power to suspend or cancel the Zone at an earlier date, if deemed necessary, or to hold specific community events. Council is required to do so via a Council resolution and must publish a notice of suspension and/or cancellation. In the case of a cancellation, all signage would need to be removed immediately.

Prior to cancellation or suspension Council would be required to liaise with Police both prior to and after the Council resolution.

**Location**

It is proposed that the re-established zone covers the same area as the existing zones (attachment 2). This zone would cover all public streets and Council controlled car parks within the CBD. The zones have been developed to allow for areas to be suspended to hold events whilst maintaining an overall alcohol free zone in the CBD

**Options**

Council may not wish to extend the Alcohol Free Zone for an additional four years.

**Community Engagement & Internal Consultation**

Discussion has commenced with the Local area Command and the Hastings Liquor Accord. This engagement will continue through the exhibition period for the proposed Alcohol Free zones. Council has received a letter of support from Hastings Liquor Accord and the Local Area Command have indicated that they will also provide a letter of support.

As part of the process for implementing an Alcohol Free Zone, Council is required to place the proposal on exhibition to inform the wider community as well as contact relevant community agencies.



The proposal informing the community of the re-established four year Alcohol Free Zone in the CBD will be placed on public exhibition for a 6-week period, from the 22 July to 2 September. With a further report to the September Council meeting for adoption, prior to the zone being re-established from October 2019 to October 2023.

**Planning & Policy Implications**

This process is directly linked to the Alcohol use on Public Reserves and Beaches Policy 2018.

**Financial & Economic Implications**

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

**Attachments**

1[View](#). Draft Sign Format - Alcohol Free Zone 2019

2[View](#). Map of Proposed Alcohol Free Zones 2019-2023

3[View](#). Hastings Liquor Accord - Letter of Support for Alcohol Free Zones in Port Macquarie CBD

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**Item: 11.04**

**Subject: PORT MACQUARIE AQUATIC FACILITY - SITE SELECTION**

**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 details of community engagement that have been undertaken to date as outlined in this report regarding a new aquatic facility in Port Macquarie;**
- 2. Note the facility design components contained within the Otium Planning Group's Port Macquarie-Hastings Aquatic Strategy (Attachment 2) in conjunction with the community's 2017 feedback on priorities for inclusion in a new facility;**
- 3. Note the schematic layouts containing the facility design components for six (6) identified sites for the new Port Macquarie Aquatic Facility (Attachment 3) and the alternate option to upgrade the existing site (Attachment 3A);**
- 4. Endorse the Port Macquarie Aquatic Facility Community Engagement Plan (Attachment 5) and proceed to the next stage of community engagement on the seven (7) options contained within this report; and**
- 5. Request the General Manager to table a report at the September 2019 Council meeting detailing the outcomes of community engagement.**

### **Executive Summary**

The Port Macquarie Pool was built in 1966 and whilst fit-for-purpose when it was built, the pool's structure is deteriorating and no longer meets the needs of our growing community. This deterioration has also led to significant water leakage.

Supporting facilities within the current Port Macquarie Pool complex are also reaching the end of their useful life with the toddler's pool undergoing rectification works in 2017 as a short-term solution to extend its usability.

As the pool is a major health and recreation facility for the region and caters for a wide range of both competitive and recreational swimmers, it was identified that the construction of a new aquatic facility would address the above challenges that are presenting issues for operations and management of the current pool, and to meet future community requirements.

## Discussion

Port Macquarie has undergone unprecedented growth with its population forecast to reach more than 100,000 by 2030. Increases in both the number of residents and visitors to the region has resulted in user congestion at the current Port Macquarie Pool facility during peak periods and whilst fit-for-purpose when built in 1966, the facility no longer meets the needs of our growing community with structural, accessibility, programming and maintenance issues.

This project has been a long-standing item for Council and has been discussed with the community on several occasions over the past 20 years. Previous engagement with the community and messaging from Council around the development or upgrade of the Port Macquarie Pool was undertaken in 2000, 2005 and 2011 respectively. The latest engagement with the community in late 2017 combined with the project being listed as a priority within Council's 2017 - 2025 Recreation Action Plan has further enhanced the community's expectations around the delivery of a new pool facility within Port Macquarie.

Following consultation with the community in late 2017 via a survey to identify their priorities for inclusion in a new aquatic facility (**Attachment 1**), Council engaged Otium Planning Group, a specialist consultancy service with extensive expertise in facility development and management. In mid-2018 Otium commenced a thorough review of our region's current aquatic facilities and explored our LGA's growing demographics, including our projected future population and targeted engagement.

In developing the Port Macquarie-Hastings Aquatics Strategy (**Attachment 2**), Otium have identified key facility design components that are recommended to meet the aquatic needs of our community for the next 50 years. These elements include traditional aquatic facilities (e.g. 50 metre and 25 metre pools) combined with emerging ancillary components (e.g. children's water play, program pools) and commercial elements to offset operating costs (e.g. fitness and wellness elements). For each design component that Otium have identified for a contemporary aquatic facility they have also identified the spatial requirements for these inclusions (refer **Appendix 2, Attachment 1**).

Based on the above initial external engagements (incorporating data from the community survey and recommendations from Otium) six Council owned or managed Port Macquarie sites have been identified that could accommodate the spatial requirements for a new aquatic facility. These sites are:

- Macquarie Park (Gordon Street)
- Dixie Park (Aston Street)
- Findlay Park (Findlay Avenue)
- Upper Oxley Oval (Pacific Drive)
- Thrumster Sporting Complex (College Drive)
- Wayne Richards Park (Koala Street)

High-level schematic layouts have been developed for each of these sites (**Attachment 3**) which has confirmed that a contemporary aquatic facility comprising of the previously identified facility design components can be housed within the six locations.

It is important to note that many of these sites either have existing community/sporting groups currently utilising the site, or planned future use of the locations. These considerations, combined with other initially recognised positives and constraints have been identified in **Attachment 4**. It is anticipated that further key considerations for each site will be identified and considered when consulting with the community on the sites.

It is recognised that the existing pool site (**Attachment 3A**) is not large enough to accommodate a new aquatic facility based on the identified spatial requirements. However, an alternate option to constructing a new aquatic facility would be to upgrade or replace the existing pool facilities to extend their useful life. This would essentially involve a like-for-like upgrade; however, further works would be required to bring the facility up to current industry standards and meet compliance requirements, which have come into effect since the original facility was constructed. This would include addressing accessibility and the upgrade of plant and equipment for operational purposes. Independent structural assessments have determined that the existing pool structures are at end of useful life, so full renewal of these facilities will be required.

The estimated cost of delivering this option is in the order of \$8 - 10 million. It is estimated that these works would extend the usability of the facility for a further 50 years, noting the works would need to be undertaken over an estimated 8 month period and create impacts during this time for users of the facility. Further, this option does not address existing congestion issues associated with this facility, which will only worsen as our population continues to expand.

Further engagement with the community, including the key stakeholders of each of the sites, is essential in identifying the preferred option for the future direction of the Port Macquarie Aquatic Facility. This is identified as Stage 2 of the engagement process within the project's Community Engagement Plan (**Attachment 5**) and is proposed to be undertaken from late July to August 2019. Following these discussions, it is proposed that a report be tabled to the September 2019 Council meeting for a decision to be made on the preferred site. This will allow the project to move to Strategic Concept development, followed by Detailed Design. Further engagement will be conducted with the community as each stage of the project progresses.

### Options

Council may choose to:

1. Adopt the recommendations contained within this report;
2. Request further information prior to community discussions commencing for site selection of the Port Macquarie Aquatic Facility, noting this will extend project timeframes identified in the Community Engagement Plan (**Attachment 5**) and 2019 - 2020 Operational Plan.

### Community Engagement & Internal Consultation

There has been extensive engagement with the community to date associated with the requirements for an aquatic facility, and through Otium's engagement in

developing the draft Port Macquarie Aquatic Facility Strategy. Key stakeholders though this process have included:

- Pool for Port Macquarie Group
- Port Macquarie Swimming Club
- Port Macquarie Masters Swimming Club
- Port Macquarie Triathlon Club
- St Columba Anglican School.

#### Internal Consultation

Internal consultation has been undertaken with the following staff:

- General Manager
- Director Development and Environment
- Group Manager Recreation and Buildings
- Group Manager Community Place
- Community Participation Manager
- Recreation and Facilities Manager
- Senior Landscape Architect
- Senior Project Manager - Infrastructure Delivery

#### External Consultation

Broad external engagement was undertaken with the community through the public 'Port Macquarie Aquatic Facility' survey in late 2017. Details of the results of this survey are included in **Attachment 1**.

Further to this, Council's project team have also previously met with representatives of the 'Pool for Port Macquarie Group' who had undertaken their own independent survey in 2017 with pool users to identify their current usage patterns and requirements for a new facility.

The detailed stages of further engagement with the community, including initial site selection discussions) are contained within **Attachment 5** (Port Macquarie Aquatic Facility Community Engagement Plan).

#### **Planning & Policy Implications**

Council's 2019-2020 Operational Plan contains the following action relating to this project:

Project Description	Detailed Description
Port Macquarie Aquatic Facility	Design Finalisation

The project is also identified within Council's 2017 - 2025 Recreation Action Plan as a short - medium term priority (construction completion 2024/2025).

Various planning implications will need to be considered for this project, with several of these known to date being contained in **Attachment 4** (Port Macquarie Aquatic Facility Site Options - Positives and Constraints).



**Financial & Economic Implications**

- An allocation of \$450,000 has been included in the 2019/2020 Operational Plan/budget for finalisation of the facility's detailed design.
- Detailed costing for a new aquatic facility will be determined following the detailed design stage of the project. However, based on recently developed contemporary facilities within Australia, it is estimated that the project in its entirety will cost in the vicinity of \$40 - \$50 million. Staging options for the project will be considered during Stage 4 of engagement with the community to determine costing options. Ongoing conversations will be undertaken with the State and Federal Government regarding grant funding opportunities.
- A refurbishment of the existing Port Macquarie Pool facility, as detailed in this report, will cost an estimated \$8 - 10 million, based on provision of like-for-like facilities constructed to meet current legislative requirements.

**Attachments**

1[View](#). Attachment 1 - 2017 Port Macquarie Aquatic Facility Community Survey Results

2[View](#). Attachment 2 - Port Macquarie-Hastings Council Aquatic Facilities Strategy

3[View](#). Attachment 3 - Port Macquarie Aquatic Facility Site Options - Schematic Layouts

4[View](#). Attachment 3A - Port Macquarie Aquatic Facility Site Options - Existing Site Upgrade

5[View](#). Attachment 4 - Port Macquarie Aquatic Facility Site Options - Positives and Constraints

6[View](#). Attachment 5 - Port Macquarie Aquatic Facility Community Engagement Plan

7[View](#). Attachment 5A - Port Macquarie Aquatic Facility Stakeholder Engagement List



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**Item:** 11.05

**Subject:** DRAFT FLYNN'S BEACH MASTER PLAN - COMMUNITY  
ENGAGEMENT

**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 in the Draft Flynn's Beach Master Plan - Community Engagement Report 2018 (Attachment 2).**
2. **Endorse the Flynn's Beach Master Plan Community Engagement Plan (Attachment 3).**
3. **Place the Draft Flynn's Beach Master Plan (Attachment 4) on public exhibition for 28 days from 22 July to 18 August 2019.**
4. **Request the General Manager provide a report to the September 2019 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.**

### **Executive Summary**

Development of a Master Plan for Flynn's Beach commenced in 2018 with significant community engagement occurring during March and April 2018 as detailed in the Flynn's Beach Master Plan Community Engagement Report (Attachment 2). During this period, a broad range of feedback was provided by the community which has informed the development of the Draft Flynn's Beach Master Plan.

Staff are now proposing to place the Draft Flynn's Beach Master Plan on public exhibition from 22 July to 18 August 2019 to get community feedback on the proposed improvements for this significant community recreational facility in accordance with the Flynn's Beach Master Plan Community Engagement Plan included in Attachment 3.

### **Discussion**

It is widely recognised that Flynn's Beach requires some attention. On this basis, Council has prioritised development of a precinct Master Plan to outline the community's long term vision for this highly valued area. To ensure the plan is aligned with the community's vision, staff commenced a community engagement process early in 2018 to inform development of a draft master plan (refer to Attachment 4 - Draft Flynn's Beach Master Plan).

The key improvements proposed for Flynn's Beach within the draft Master Plan are:

- An upgrade of the existing Surf Lifesaving Club - either refurbishment of the existing facility (option A) or replacement with a new contemporary facility (option B);
- New facilities such as picnic/barbeque areas and a children's playground;
- Improved parking facilities;
- Development of park lands;
- New tiered seating;
- Improvement of pedestrian linkages to and throughout the site.

The next step in this process is for the community to review and provide feedback on the Draft Flynnns Beach Master Plan prior to finalisation of this planning process.

### **Options**

Council has the option to:

1. Accept the recommendations as listed or
2. Propose an amendment to the recommendations or
3. Propose an alternative recommendation(s).

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

#### Stage 1

Stage 1 of the community engagement process was carried out by the Community Participation team during the period 6 March to 3 April 2018.

The intent of the community engagement was to:

- Find out how the community uses the Flynnns Beach space and how they would like to see this space developed into the future;
- Inform the community about the upcoming construction of the Flynnns Beach Sea Wall; and
- Gain feedback from the community about any issues and suggestions for improvement regarding parking in the Flynnns Beach area (particularly on Pacific Drive).

The engagement timelines for Stage 1 were:

- 6 March - Post card campaign collecting information from the local community.
- 14 March - Community Engagement Pop-Up Session (afternoon)
- 18 March - Community Engagement Pop-Up Session (morning)
- 19 March - Community Engagement Pop-Up Session (weekend)
- 24 March - Community Think Tank Team

During this period the community were invited to:

- Provide their feedback directly to Council,
- Leave comments and make submissions at the pop-up engagement sessions
- Provide feedback via post card campaign
- Mail or email ideas to Council

- Provide online feedback via Council's *Have Your Say* website.

The purpose of the Community Think Tank Team session on the 24 March 2018 was for the community to meet the project team and to work through an enquiry by design process to assist in developing the draft Master Plan.

A total of 80 pieces of feedback were received from the community during this period:

- 46 were received via postcards, email and CRM's
- 27 were received from *Have your Say*
- 7 conversation points were recorded at the pop-up engagement sessions.

In general there was a high level of support for the development of the Flynns Beach Master Plan with 80% of the submissions received specifically providing positive feedback in addition to constructive feedback on the concept design which was provided for comment.

Details of the engagement are included in the Flynns Beach Master Plan Engagement Report 2018 (Attachment 2). The following is a summary of the feedback received:

Proposed improvements	Description
Upgrade Furniture	More bench seats, tables and chairs with shade, additional BBQ's spread across the green area from north to south.
Upgrade amenities	Toilet facilities currently outdated and very dark.
Playground	Installation of small playground at the northern area of the beach.
Fitness station	For active community users at the Northern end
Upgrade surf club	Multi-story to accommodate: <ul style="list-style-type: none"> <li>• SLSC requirements</li> <li>• Amenities toilets and showers with hot water (solar or user pay)</li> <li>• Cafe</li> <li>• Storage for both Surf Schools</li> <li>• Hire Venue</li> <li>• Restaurant/ Bistro</li> <li>• Pedestrian bridge</li> <li>• <input type="checkbox"/> Disability access</li> </ul>
Fresh Water Bubblers and Bottle fillers	Currently there is only one bottle filler.
Access paths	<p>Pedestrian walkway down the eastern side of Tuppeny Road from north to south to assist in keeping pedestrians safe.</p> <p>Widen footpaths to better meet user requirements – wheelchairs, prams and pedestrians.</p> <p>Direct pedestrians to edge of seawall pathway / boardwalk.</p>

Proposed improvements	Description
	Steps from Tuppeny Road down to Surf Club need to be upgraded.  Footpaths along Pacific Drive especially eastern side.
Install stairs southern end of beach	Stair access to the southern end of the beach. This will prevent people trying to navigate their way down the embankment.  This will also assist people walking their dogs over to Nobbys Beach.
Beautification of the area	Maintain natural beauty of the area Bush regeneration Clearing/ tidy up of entrance to Tuppeny Road Generally overgrown and needs maintenance.
Drop-off zone	To allow users (parents with children, people with disability) to drop people and beach items prior to finding a park. A space of approximately two parking spaces.
Area in front of Norm morgan row	Timber deck. The grass doesn't grow in this area and it looks unattractive. This would also improve access as this area is uneven.
Extra beach shower	Installation of another beach shower at another exit point from the water that is accessible for all users.
memorial for bronson	Installation of seat and public art sculpture in memory of Bronson the young man who drowned at Flynn's Beach in December 2017.
Tully's Headland	Creation of a lookout with picnic tables Pathway from north to south for pedestrian access. Beautification of the area.
Indigenous signage	To identify the cultural significance and use of the area.
Creation of friends of flynn's	Voluntary team who could tackle basic maintenance e.g. rubbish collection, planting and watering of new plantings etc.
TIDAL POOL	Strong support for a tidal pool at Flynn's Beach was received, as was strong support against the tidal pool saying Flynn's Beach is not the ideal/ appropriate beach for a tidal pool.

Feedback was also gathered regarding traffic management within the footprint of the draft Master Plan.

TOPIC	DESCRIPTION
Parking	Formalise southern car park. Line mark all parking spaces identified in Flynn's Beach
Pedestrian Safety	Install pedestrian crossing at the base of the stairs from Pacific Drive and back of the Surf Club on Tuppeny Road.  Reduce the speed limit to 40km on Tuppeny Road and install speed humps to slow traffic.  Install flashing warning lights at the Pacific Drive crossing for pedestrian safety.  Install signage to alert traffic to slow down for pedestrian crossings.
Road Access	The southern end of Tuppeny Road is too wide and sometimes confusing to tourists or first time users to the beach. Suggest creating left and right turning lanes on the exit of Tuppeny Road.  Intersection of Home Street and Pacific Drive – Rocky Beach. Due to the inclusion of a Median Refuge Island on Eastern Side of Pacific Drive: <ul style="list-style-type: none"> <li>• Old line marking is confusing to motorists.</li> <li>• No “End of Cycleway” signage in either direction. No “Shared Path” markings or signage.</li> <li>• Potential need for edge line in this location.</li> <li>• Tuppeny Road – Flynn's Beach – At Pedestrian Crossing Location behind the Surf Club: <ul style="list-style-type: none"> <li>• Vehicles not slowing down – driving well above 40km/hr.</li> <li>• Existing line marking faded – insufficient pedestrian refuge zones.</li> <li>• Poor sight distance for crossing especially on route from Beach to Walkway – where you have zero line of sight.</li> <li>• Little to no signage at this location emphasising shared path arrangement or potential crossing at this point.</li> <li>• □ Path is funnelling pedestrians to this point – without safe crossing conditions at bottom of stairs. Children in haste to get to beach just cross road without even knowing this is a roadway.</li> </ul> </li> </ul>
Cycle Path	Suggest a line-marked cycle path on Pacific Drive

The concerns raised by the community during the engagement and Council's response to these concerns are shown below:



Topic	Response:
Ocean/ Tidal Pool	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.

A number of the ideas identified above have been incorporated into the draft Master Plan which, pending the outcome of this report, will be exhibited for further community engagement through Stage 2 of this process.

#### Next Steps - Stage 2

A comprehensive list of key stakeholders has been identified throughout this master planning process to date. These stakeholders are identified within the Community Engagement Plan (see Attachment 3) and will be invited to view and provide feedback on the draft Master Plan.

A number of key stakeholders were involved in a Community Think Tank Team (CTTT) during Stage 1 of the community engagement process. CTTT members were provided with copies of the draft master plan during June.

It is proposed to place the Draft Flynn's Beach Master Plan on public exhibition from 22 July to 18 August 2019 to get community feedback on the proposed improvements for this significant community recreational facility. This feedback will inform the final plan which is proposed to be presented to September 2019 Ordinary Council Meeting for consideration.

#### **Planning & Policy Implications**

A majority of works identified in the draft Master Plan are considered as Exempt Development or Development permitted without consent as identified in sections 65 and 66 of State Environmental Planning Policy (Infrastructure) 2007.

Ongoing planning across Council's infrastructure network will be undertaken to achieve integration with existing assets and ensure safe and efficient operations of public roads whilst still meeting the intent of the master plan.

#### **Financial & Economic Implications**

There are no financial and economic implications in relation to this report at this time. Costs associated with master plan implementation will be considered and included in the report to be presented to the September Ordinary Council Meeting.

#### **Attachments**

- 1[View](#). Flynn's Beach Master Plan Study Area and Constraints Plan
- 2[View](#). Flynn's Beach Master Plan - Community Engagement Report
- 3[View](#). Draft Flynn's Beach Master Plan - Community Engagement Plan
- 4[View](#). Draft Flynn's Beach Master Plan



# 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: POLICY REVIEW - COMMERCIAL ACTIVITIES ON COUNCIL  
MANAGED LAND**

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

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### **Alignment with Delivery Program**

3.2.1 Support vibrant commercial, tourism, recreational and/or community hubs across the region.

### **RECOMMENDATION**

#### **That Council:**

- 1. Note the feedback received during the recent exhibition and review of the Commercial Activities on Council Managed Land;**
- 2. Agree the Policy remain in place unchanged, noting that implementation will have a greater focus on compliance activities;**
- 3. Note that concerns raised relating to paragliding activities since Council's 2017 review and implementation of risk management improvements relate to Bartlett's Beach and not the broader Local Government Area.**
- 4. Request the General Manager undertake a review of the adequacy of existing risk management controls associated with paragliding activities at Bartlett's Beach, and that a report outlining the findings of this review be presented to the October 2019 Ordinary Council Meeting.**
- 5. Acknowledge the submissions received and advise submitters of the outcome of Council's consideration of this matter.**

### **Executive Summary**

At the Ordinary Council Meeting held on 20 March 2019, Council noted a petition from Mr Bill Shelly regarding the impact of paragliding on Bartlett's Beach Reserve, and resolved to undertake a review of the relevant Policy.

The existing Commercial Activities on Council-managed Land Policy, which manages all commercial activity of an on-going nature proposed for Council-managed land in the LGA, was subsequently placed on public exhibition from 21 May 2019 to 19 June 2019, to receive feedback regarding the operation of the existing Policy. This Policy, together with Council's Paragliding Licence Conditions and Site Rules, provide the framework under which local hang gliding, paragliding and paramotoring activities are allowed - both commercial operators, the Mid North Coast Flyers club and members of the Hang Gliding Federation of Australia.

During the recent exhibition period, nine (9) submissions were received providing feedback on the Policy, with feedback generally indicating Council needs to increase compliance activity against unlicensed operators using Council-managed land. The

information and petition provided by Mr Shelley, Mrs Shelley and Mr Tubergen regarding paragliding at Bartlett's Beach was also considered as part of the review. No further feedback was received from the community or other stakeholders regarding paragliding, during the exhibition period.

### Discussion

At the Ordinary Council meeting held on 20 March 2019, Council resolved as follows:

*"That Council:*

- 1 Note the petition received opposing the destruction of Bartlett's Beach Reserve through ongoing environmental and communal impacts from paragliders.*
- 2 Note the General Manager will report a review of the appropriate policy to the June 2019 Council meeting."*

The Commercial Activities on Council-managed Land Policy (Attachment 1) was adopted by Council on 16 December 2015 and came into effect on 1 July 2016. The Policy was prompted by an increased in the number of commercial operators in our parks and reserves, and an increase in community concerns regarding commercial operators having a negative impact on our public parks/reserves (e.g. fitness equipment on walkways, park benches being used for step-ups etc.). The Policy was developed to support and encourage the sustainable use of Council-managed land for commercial purposes. The aim was to balance the interests of local business, the community and Council.

The adopted Policy was reviewed in December 2016, 12 months after adoption, with the exhibition period in early 2017 prompting minor changes.

The Policy has now been reviewed in the period May-June 2019, with no changes recommended to the Policy given the nature of feedback on the performance of the policy.

This Policy, together with Council's Paragliding Licence Conditions and Site Rules, provide the framework under which local hang gliding, paragliding and paramotoring activities are allowed - both commercial operators (whose customers contribute to our visitor economy), the Mid North Coast Flyers club and members of the Hang Gliding Federation of Australia.

### Overview of Policy Performance

The Commercial Activities on Council-managed Land Policy has been successful in enabling a range of businesses to operate/commence operation in Port Macquarie, and grow through the affordable use of public land in the Port Macquarie-Hastings region. The Policy provides security to small businesses by enabling them to have authorised use of a suitable location for up to twelve months (i.e. the licence period).

There are currently 28 licenced operators across the region, and although most temporary licence holders operate in the sports/fitness industry (surf schools, personal trainers), a range of diverse services have also commenced operation on public land under this Policy, including kayak and SUP hire, yoga classes and UAV training. These diverse services are proving beneficial to the community, visitors, a variety of wellness activities, and valuable education and training.

During the life of the Policy, complaints from the general public - apart from those relating to paragliding at Bartlett's Beach Reserve - have been extremely rare, with operators generally treating public land and equipment with the high level of respect that the community expects.

Overall the Policy has been effective in managing competing demand for public land, and supporting small businesses in activating new public lands with new experiences and activities. That said, many operators have indicated through the community engagement process that they are concerned by a continued presence of "unlicensed operators" and an increase in compliance activity is required. To support Council compliance activities (which is proposed as a key focus in the immediate future) in key areas of concern, appropriate signage has been installed at the following parks and reserves flagging the need for commercial operators to be licensed:

- Oxley Oval
- Macquarie Park
- Town Beach Reserve
- Wayne Richards Park
- Westport Park.

#### Public Exhibition

The public exhibition period is now complete with the outcomes of the exhibition process discussed below. All 28 licenced operators were contacted and encouraged to provide feedback during the exhibition period, and the exhibition was advertised and broader community comment invited.

There were a total of 180 visits to Council's engagement website page during the exhibition period. 24 documents were downloaded or viewed, and nine (9) submissions were received by survey or open submission (refer Attachments 2-4 for detailed "Have Your Say" feedback).

The three commercial operators licenced under the Policy who responded indicated that they believe the Policy is effective in providing a management approach to commercial activities on Council-managed land, and balances the interests of local business, the community and Council. In addition to the current licenced operators, 50% of submissions from community members also felt the Policy was effective, with those that were against taking the position that the Policy was unnecessary given the limited conflict of public land use in the region, or was a "money grab" by Council. One commercial operator not licenced under the Policy, and not operating on Council-managed land, advocated for an overhaul to the Policy, suggesting that free Commercial-operator "registration" - rather than licencing, may reduce the unsated demand for compliance of unlicensed operators. 45% of those who provided feedback during the exhibition period felt that in implementing the Policy, Council needs to undertake more compliance activity to ensure all operators in these spaces are licenced.

#### Paragliding

At the commencement of the public exhibition period, Mr Bill Shelly, Mrs Rayleen Shelly and Mr Lucas Tubergen were advised of the policy review process, including that their recent petition and concerns would be considered. The opportunity to



provide further information prior to the end of the public exhibition period was extended, however no further input was received during the exhibition period.

Concerns regarding paragliding at Bartlett's Beach have been raised by the Shelly's and Mr Tubergen over a number of years. In response, in 2016, the then Director Community and Economic Growth sought and reviewed feedback from the community to determine a way forward with the management of this coastal reserve. The site had been used by paragliders for many years to date. However, a number of community concerns were valid and staff consulted with paragliding stakeholders, including peak body Hang Gliding Federation of Australia, and identified a range of risk mitigation measures which were subsequently implemented through site signage, designation of launch sites, risk management plans and formal conditions of reserve use for commercial users and the local club, Mid North Coast Flyers. These arrangements have been in place for the last few years at a number of sites across the local government area including Oxley Beach and Shelley Beach in Port Macquarie, Bartlett's Beach and Grants Head in Bonny Hills. Since that time, a number of community concerns associated with paragliding activities at Bartlett's Beach Reserve have been raised with Council.

It is recommended that, given the isolated nature of the Bartlett's Beach paragliding concerns, the General Manager undertake a review of the adequacy of existing risk management controls associated with paragliding activities at this location.

### Options

Council has the option to amend or not to amend the Commercial Activities on Council-managed Land Policy identified within this report. Council may choose to:

1. Retain the existing Policy unchanged
2. Request further work be undertaken on the Policy review in conjunction with key stakeholders;
3. Separate paragliding approvals from the Policy, and consider these under a different policy or process; or
4. Remove Bartlett's Beach from the approved paragliding operating locations; or
5. Choose to place a draft amended Policy on exhibition to allow for public review and comment.

### Community Engagement & Internal Consultation

The Policy that is the subject of this report was available for public comment from 21 May 2019 to 19 June 2019 (30 days). During this period, nine (9) submissions were received, as follows:

Submission		Issue
1.	Suzanne Williams, Shape up with Suzie, Licenced Commercial Operator	Policy is effective, disappointed it is not enforced on unlicenced operators.
	Response/ Comment:	Council has noted the feedback, and proposes to increase compliance activity as a priority.

Submission		Issue
2.	Linda Mueller, Community Member	Council should not amend the Policy, feels Council should increase compliance activity against unlicensed operators.
	<b>Response/ Comment:</b>	Council has noted the feedback, and proposes to increase compliance activity as a priority.
3.	Israel Redfern, Rugbytots Mid North Coast, Licenced Commercial Operator	Policy is beneficial for small business, providing an affordable way to grow an enterprise in the area. Feels the Policy could be amended to include a list of possible locations.
	<b>Response/ Comment:</b>	Council has considered the feedback, and will direct new applicants to resources that will help them identify a suitable location, eg Sports Fields information on <a href="http://www.pmhc.nsw.gov.au">www.pmhc.nsw.gov.au</a> , and Council's interactive parks map.
4.	Louise Bisaro, Community Member	Feels Council could monitor users more, so that paid users can utilise designated areas.
	<b>Response/ Comment:</b>	Council has noted the feedback, and proposes to increase compliance activity as a priority.
5.	Corey Enfield, Soul Surfing, Licenced Commercial Operator	Policy is effective, feels there is a lack of monitoring and policing of the licences.
	<b>Response/ Comment:</b>	Council has noted the feedback, and proposes to increase compliance activity as a priority.
6.	Michael Maher, VO2 Performance, Commercial Operator not operating on Council-managed Land	Policy is not effective, with limited return on time and funds for compliance activity required.  Suggests Council could amend to create 'registered' operators, with 'registration' focused on a check of appropriate certification and insurance.
	<b>Response/ Comment:</b>	Council has noted the feedback. Based on broad feedback, it is assessed that the current approach is achieving a balance of Council, business and community needs and should be continued



Submission		Issue
		at this point, noting that a further Policy review will be scheduled for 2021.
7.	Shane Stelzer, Port's Mr Ice Cream, Not operating under the Commercial Activities on Council- managed Land Policy	Policy is effective, sought feedback on s.68 policy affecting mobile food vendors.
	<b>Response/ Comment:</b>	Council has noted the feedback, further enquiry directed to relevant section.
8.	Evan Humble, Community Member	Sees few conflicts of use in open spaces in Australia, and suggests it is unlikely to happen soon due to "over-regulation of food sellers and small enterprises". Did not comment on effectiveness of Policy.
	<b>Response/ Comment:</b>	Council has noted the feedback.
9.	Matthew Connors, Community Member	Believes it is wrong, and objects to this "impost and money grab by Council". Recommends Council abandon the Policy.
	<b>Response/ Comment:</b>	The Policy is designed to provide affordable access to public land for a diverse range of commercial operators. Anecdotal feedback from operators to date indicates the fee charged is commercially-viable and compares favourably to potential rental of other premises/spaces.

### Planning & Policy Implications

It is recommended no changes be made to the Commercial Activities on Council-managed Land Policy.

### Financial & Economic Implications

The Policy is managed within existing staff resource levels.

The fee structure for Temporary Licences, issued as part of this Policy, is considered as part of the development of the annual PMHC Schedule of Fees and Charges. Revenue generated from these fees is set aside for investment in improvement of facilities at locations used by licenced commercial operators. To date, this has resulted in improvements such as investigation of a solar lighting installation at Shelly

Beach, and installation of a water bottle refill station and an accessible kerb ramp at Oxley Oval.

**Attachments**

- 1 [View](#). Commercial Activities on Council Managed Land Policy adopted 2017-04-19
- 2 [View](#). Have Your Say Detailed Report
- 3 [View](#). Open Submissions Commercial Activities on Council-managed Land Review
- 4 [View](#). Survey Submissions Commercial Activities on Council-managed Land Review

# 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: RESCISSION MOTION - PROPOSED ORBITAL ROAD PROJECT**

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Councillors Pinson, Griffiths and Dixon have given notice of their intention to move the following motion:

**RECOMMENDATION**

**That the undermentioned motion adopted at the Ordinary Council Meeting held on 19 June 2019:**

**That Council:**

- 1. Note the strong community support, including published support from the State Member for Port Macquarie and Federal Member for Cowper, for the concept of an Orbital Road as an integral part of the future strategic transport network planning for Port Macquarie;**
- 2. Note the information provided in:**
  - a) this Proposed Orbital Road Community Engagement Council report; and**
  - b) the RPS Proposed Orbital Road Community Engagement Report being Attachment 1.**
- 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 take up to 24 months and will include both a review and assessment of (but will not be limited to):**
  - a) Findings to date (e.g. traffic network studies, Orbital Road Feasibility Study and recent community engagement);**
  - b) Investigation of alternate routes for an East-West link road (Ocean Drive to Oxley Highway) and a North-South link road (Oxley Highway to Boundary Street), including alternate upgrades to the existing road network assuming no alternate route crossing of the Lake Innes Nature Reserve;**
  - c) Planned traffic network improvements and upgrades to the existing road network, including Lake Road and Ocean Drive;**
  - d) Cost-benefit analysis of options to improve the traffic network;**
  - e) Project specific traffic studies;**
  - f) Environmental impact investigations (including heritage); and**
  - g) Social and economic impact investigations;**
  - h) Arrange value management workshops for the east-west link road options and north-south link road of the Orbital Road options to include Lake Road upgrade as an option to assist with ranking options on the basis of best value for the community, at a time determined by the General Manager within the strategic business case process.**

5. In proceeding with the Strategic Business Case, will engage and partner with relevant agencies including:
  - a) Roads and Maritime Service (RMS)/Transport for NSW (TfNSW)
  - b) NSW Office of Environment and Heritage (OEH)
  - c) NSW National Parks and Wildlife Service (NPWS)
  - d) NSW Department of Planning and Environment (DPE).
6. Note the strategic importance of a flood-free Primary Airport Access Road, regardless of any other link roads, and request the General Manager to separate the flood-free Primary Airport Access Road from the proposed Orbital Road project (including that project's Strategic Business Case) and to progress planning for a flood-free Primary Airport Access Road as a stand-alone priority, including consultation with RMS/TfNSW and the community.
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 and expertise 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 and engaged, including via the Community Consultative Committee, in a transparent and 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. Request the General Manager to write to the State Member for Port Macquarie, Leslie Williams MP, seeking ongoing support for Port Macquarie-Hastings traffic network improvements 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 to contribute \$400,000.
11. 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, including Council's web site.
12. 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 the State Members of Parliament for Port Macquarie and Oxley and the Federal Members of Parliament for Cowper and Lyne.
13. Thank the community for the feedback received during the engagement period in relation to the proposed Orbital Road and other traffic network improvements and request the General Manager advise those who made submissions of Council's determination in this matter.
14. 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 and traffic network improvements generally.

be rescinded.



Should the rescission motion be successful, it is the Councillors' intention to move the following motion:

That Council:

1. Note the information provided in:
  - a) The proposed Orbital Community Engagement Council report and;
  - b) The RPS Proposed Orbital Road Community Engagement Report, Attachment 1
2. Thank the community for the extensive 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. Note community feedback supported the concept of an Orbital Road to alleviate traffic congestion but strongly oppose the current 'preferred viable route' within the investigation zone (Greenmeadows to Oxley Highway and Fernhill Road to Boundary Street)
4. Discontinue and abandon the current and any future investigations within the currently defined investigation area for the East / West link (Ocean Drive to Oxley Highway).
5. Discontinue and abandon any realignment of Fernhill Road to a new intersection on the Oxley Highway as part of any future Port Macquarie Airport Access Road.
6. Request the General Manager utilise previous Orbital Road concept plans, consultant reports and community engagement and survey reports as a learning tool for future investigation zones.
7. Request the General Manager proceed to the development of a Strategic Business Case using the framework of 'Gates' which are identified in the NSW Infrastructure Investment Assurance Framework
8. Note that the Strategic Business Case will include a review of, but not limited to;
  - a) Findings to date following extensive community engagement
  - b) Project specific traffic studies and the Port Macquarie-Hastings Council Area Wide Traffic Study
  - c) Investigation of a minimum of three alternate routes for the crossing of Lake Innes Nature Reserve for the purposes of community feedback, noting that this excludes the route as determined by the current investigation area.
  - d) Environmental impact investigations with inclusion of the Koala Recovery Strategy
  - e) Social and Economic impact investigations
  - f) Planned road upgrades to the existing road network
  - g) Identification of options for a strategic staged implementation of new road networks and linkages
  - h) Engage and partner with;
    - Transport for NSW (Previously known as RMS)
    - Department Planning Industry and Environment (Previously known as OEH)
    - NSW National Parks and Wildlife Service
    - State Member for Port Macquarie Ms Leslie Williams
    - Federal Member for Cowper Mr Patrick Conaghan



- i) Arrange value management workshops to the east-west and north-south section of the proposed Orbital Road to assist with ranking options on the basis of best value for money.
- 9. 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.
- 10. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above along with any other agencies deemed applicable.
- 11. Request the General Manager write to the Member for Port Macquarie, Leslie Williams MP and the Member for Cowper, Pat Conaghan MP seeking a meeting or meetings to discuss potential future funding opportunities for the proposed Orbital Road.
- 12. Request the General Manager to establish a proposed Orbital Road Community Consultative Committee that will be guided by a Council adopted charter (to be formally 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.
- 13. 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 full transparency.
- 14. 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 website.
- 15. 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 recommendations.

**Comments by Councillors (if provided)**

Nil.

**Attachments**

Nil

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**Item: 13.02**

**Subject: NOTICE OF MOTION - PETITION FOR SECOND ENTRY/EXIT TO  
CRESTWOOD ESTATE**

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

### **RECOMMENDATION**

**That Council:**

- 1. Note the petition from residents and regular visitors to Crestwood Estate requesting that prior to the finalisation of the planned duplication of Ocean Drive, that Council make the proposed emergency exit a permanent entry/exit to the Estate by regular vehicular traffic.**
- 2. Request the General Manager table a report to the September 2019 Council meeting detailing the following:**
  - a) The feasibility of including a permanent secondary access into the Crestwood Estate through the design work already undertaken for the upgrade / duplication of Ocean Drive and what would be involved in doing this; and**
  - b) Any other additional access options for the Crestwood Estate.**

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

Council has received a petition from residents of Crestwood Estate (or regular visitors to the Estate) requesting that prior to the finalisation of the planned duplication of Ocean Drive, that Council make the proposed emergency exit a permanent entry/exit to the Estate by regular vehicular traffic. A copy of the petition has been tabled for information.

The residents/visitors have stated that with the continued expansion within the Estate, there are significant delays experienced in exiting the Estate, particularly during workweeks (outside of school holidays).

This is particularly noticeable at the intersection of upper Crestwood Drive and lower Crestwood Drive which becomes a congested intersection during these periods and relies on the courtesy of drivers with right-of-way to allow egress to other drivers.

The residents are concerned that along with the continued expansion of the Estate with a significant number of dwellings yet to be built that this will add loaded stress on the single entry/exit point from the Estate.

In light of the above information provided by the residents, a request is being made as to how Council might take a secondary access into consideration with the future planned works along Ocean Drive.

## AGENDA

ORDINARY COUNCIL  
17/07/2019

### Attachments

Nil

YOUR NATURAL AND  
BUILT ENVIRONMENT

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Item: 13.03

Subject: BOLD STREET LAURIETON PEDESTRIAN CROSSING

Presented by: Infrastructure, Jeffery Sharp

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### Alignment with Delivery Program

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

### RECOMMENDATION

That Council:

1. Note that Council staff recommend a mid-block (Option 1) alignment for the position of the Bold St Laurieton pedestrian crossing for the reasons as detailed in this report.
2. Request the General manager undertake additional community engagement for a period of 28 days from 22 July 2019, regarding the preferred location of the Bold St Laurieton pedestrian crossing, ensuring that the mid block (Option 1) and the two alternate crossing locations are included in this engagement process.
3. Request the General Manager provide a report to the September 2019 Council meeting summarising the outcomes of the community engagement.
4. Request the General Manager write to the local Member for Port Macquarie, Leslie Williams MP requesting an extension to the current grant funding agreement for the Bold Street Laurieton pedestrian crossing, to cater for the additional community engagement process and related timelines.

### Executive Summary

At the 15 May 2019 Ordinary Council meeting staff presented a report to Council in response to a question from the Mayor regarding the process undertaken to determine the proposed location of the pedestrian crossing in Bold Street Laurieton.

Following this Council resolved:

*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

In response to this resolution, Council staff have assessed the feasibility of relocating the crossing between the entry and exit of the Coles Supermarket carpark and the Chemist Shop.

## **Discussion**

### Project Background

The concept masterplan for the upgrade of Bold Street Laurieton was completed in May 2017. This Masterplan (refer Figure 1) shows a proposed Mid-Block pedestrian crossing, along with other upgrades to footpaths, lighting and additional vegetation. The location of the pedestrian crossing adopted in the Masterplan was based on the 2015 Pedestrian Access and Mobility Plan (PAMP).



Figure 1 - 2017 adopted Bold Street Masterplan extract

In October 2017 Council subsequently applied for funding under the Stronger Country Communities Fund to construct the pedestrian crossing based on the current Masterplan. Following funding success, detailed design and planning for the project commenced. At this stage it was noted that limited community consultation on the overall Masterplan had taken place and was to be completed as part of the design process.

In July 2018, following significant investigations by Council's design staff, the preliminary detailed design was completed specifying the pedestrian crossing be located adjacent to 73 Bold Street (consistent with the Masterplan of 2017).

Following the completion of the preliminary design Council commenced the community consultation process. This process involved:

- **25 Oct 2018** - Council mailed 38 individual letters to those businesses/owners/tenants/residents directly adjacent to the new works to provide advice on the time when Council's Project Manager/Community Participation Officer would visit to discuss the project details.
- **25 Oct 2018** - Council mailed 19 individual letters to businesses/owners/tenants/residents in Bold Street between and Seymour and Tunis Streets indirectly affected by the works with a copy of the preliminary design, details on construction timing and advice that further updates/discussions will be provided prior to commencement.
- **6 November 2018** - Face to face meetings were held with Council's Project Manager and Community Participation Officer and the individual businesses as listed below to discuss project details.
  - Mark G Hammond Funeral Service
  - The Pied Piper
  - Laurieton Hardware Thrifty Link
  - Delizioso
  - Higgins & Dix
  - PDD Advisory Group
  - Camden Haven Travel
  - The Department Store
  - Forgiving Foods
  - Network Video
  - Property Haven
  - Bowls n Beautiful (owner not available - left details for owner to contact Council staff)
  - Camden Haven Chiropractic (owner not available - left details for owner to contact Council staff)

Following these face to face discussions a number of follow up e-mails were also sent between businesses and Council staff confirming discussions and providing further details when requested by the Businesses.

- **7-14 November 2018** - Design Plans issued from Council staff to the businesses listed below:
  - Laurieton Hotel
  - Searson Shannon & Co
  - HCCU
  - The Department Store
  - NAB
  - TSG & YPF Fashion
  - Property Haven
- **14-19 November 2018** - Further face to face meetings with the following businesses
  - Graham Linn - LinnFM Facility Managers
  - David Tooby - King & Campbell
  - Glenn Knight - Laurieton Hotel
  - Tye Morgan - Coles



- **3-15 April 2019** - Phone call and face to face with the following business
  - Delizioso
- **12-26 April 2019** - Phone call and provided project details to the following business:
  - Jade Garden Chinese Restaurant
- **21 May 2019** - Council provided 35 individual letters to all owners/occupiers of Bold Street between Seymour and Tunis Streets regarding the deferral of project commencement.

The outcomes of the consultation with the impacted businesses were considered to be positive overall, with the majority of the business owners consulted generally being supportive of the crossing location and accepting of the potential impacts during construction. It is noted that one property owner did suggest that the crossing be located closer to the Coles entrance/exit as a high number of pedestrians travel between Coles and the Pharmacy.

Following this process, Council staff determined to proceed to the detailed design stage with minimal changes to the proposed design. As part of this process, In October 2018 the pedestrian crossing was considered by the Local Traffic Committee (LTC) with overall support of the proposal by the Committee members. This was then reported to Council for consideration on 12 Dec 2018, with Council resolving to proceed in the location included in that report.

Responding to concerns from the community, at the April 2019 Council meeting the Mayor requested that the General Manager provide detail on how the decision was made to place the crossing in its currently proposed location. A response to this question was then provided at the May 2019 Council meeting that generally reflects the above information. A petition containing over 600 signatures was also tabled at the May 2019 Council meeting in support of an alternate crossing location. Following consideration of this information at the May 2019 Council meeting, Council resolved to defer construction of the crossing and investigate the feasibility of its relocation.

Since this time various residents, other business owners on Bold Street and members of the broader community have raised concerns regarding the proposed location of the pedestrian crossing, specifically noting that locating the crossing further north, near the Coles entry/exit and Pharmacy would be more suitable given the high number of pedestrians crossing in that location. It was also raised that elderly or disabled pedestrians crossing between Coles and the Pharmacy would not be able to make use of the new pedestrian crossing as it would be too far to the south. It should be noted that some businesses have reconfirmed their support for the original location as currently designed.

#### Assessment of Pedestrian Location Options

Following the Council resolution in May 2019, as noted above, further investigations have been undertaken by Council staff into the feasibility of re-locating the proposed pedestrian crossing to the location suggested in the Petition also tabled at the May 2019 Council meeting. For reference an excerpt from the current (option 1) design proposal is shown in Figure 2.

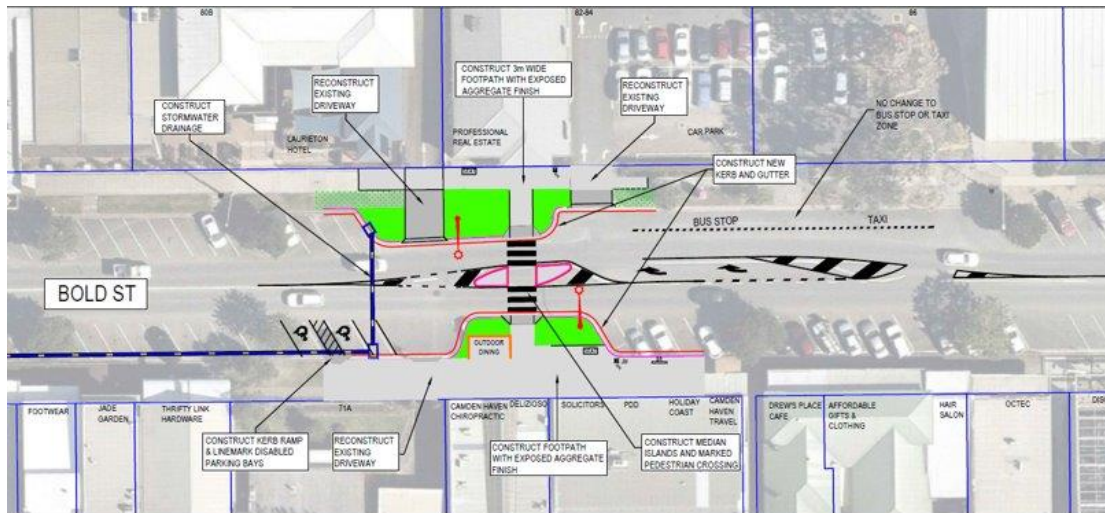


Figure 2 - Option 1 proposed pedestrian crossing location

As part of these investigations a further two (2) potential alternative crossing locations have been investigated. The first alternative option (Option 2) involves shifting the proposed crossing to the northern side of the existing bus shelter, approximately midway between the option 1 location and the Coles entry/exit as shown in Figure 3 below.

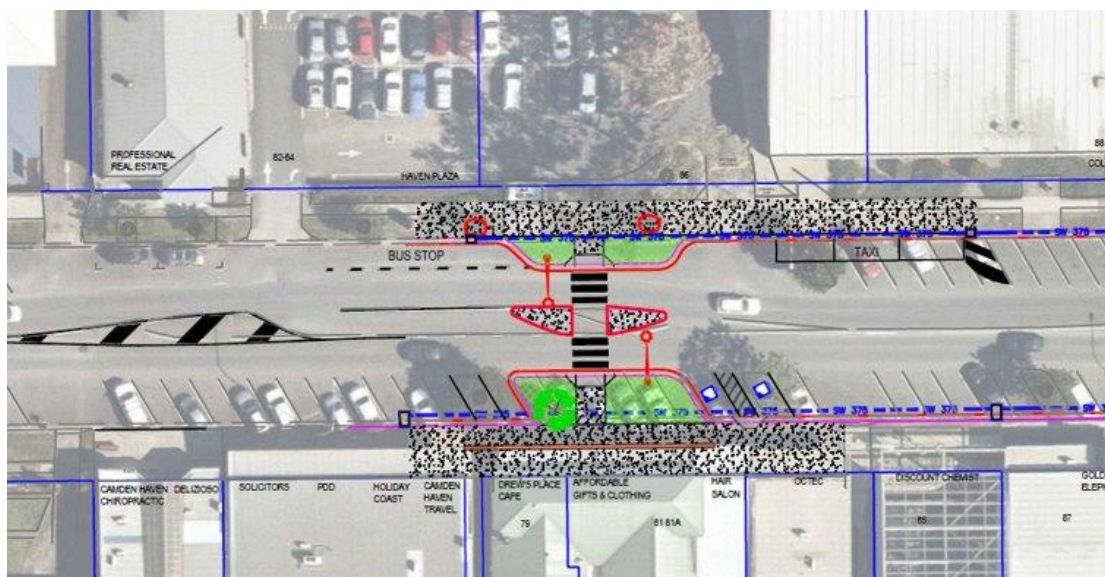


Figure 3 - Option 2 - mid-carpark pedestrian crossing location

The next alternative option investigated (Option 3) was the relocation of the crossing even further north to be closer to the frontage of the Pharmacy. A sketch showing this option is shown in Figure 4 below.



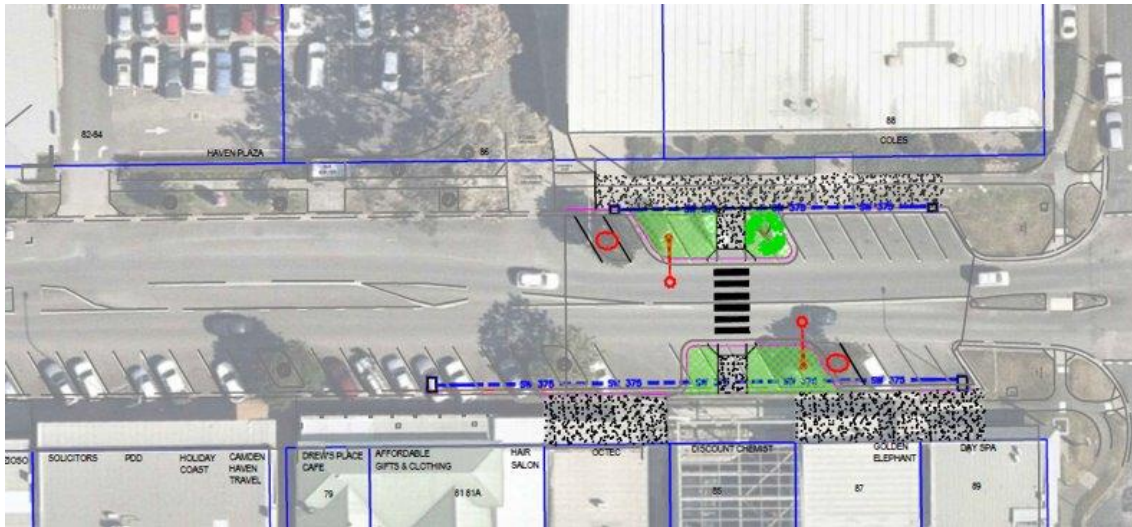


Figure 4 - Option 3 Northern crossing location (Coles to Pharmacy)

The outcomes of these investigations are summarised below for each alternate option for comparison. The pros and cons of each option have also been summarised in Table 1 below to assist in comparison.

The pros and cons for each option have been developed in consideration of the aims and objectives of constructing this crossing. These include:

- Provide a pedestrian (zebra) crossing to give pedestrians right of way when crossing Bold Street to improve safety and accessibility to the various businesses.
- Provide a crossing in a location that is most suitable for all users, including people of all ages and physical capacity. (as per Austroads Design Guide). A Mid-block crossing was originally proposed in the Master Plan to serve this purpose.
- Minimise impacts on current parking arrangements on Bold Street
- Minimise disturbance to the existing bus and taxi zones
- Minimise disturbance to the existing businesses and parking loss
- Provide a cost effective solution that best utilises the funds outlined in the funding deed (\$347,000), noting that Council will need to cover the costs of any expenditure beyond this amount.

#### Option 1 - Centrally Located (Mid-Block) crossing

The current crossing location (refer Figure 2 above) was selected in the original Master Plan and then later confirmed by Council's planning and design staff as it represents a central crossing location that has minimal impact on car parking and surrounding businesses as per the project objectives listed above.

The benefits of this option include:

- The crossing is located as close as possible to the Mid-Block and is considered to provide the most equitable, safe crossing location of all the options due to its central location.
- No impact on turning movements to or from the Coles Carpark

- No impact on the taxi or bus bays
- There is an opportunity for outdoor dining at the restaurant on the western side of the street.
- The works will improve the footpath grades at the real estate and bottleshop driveway as the current, steep paths will be removed and replaced to current disabled access standards.
- This option was supported by the majority of nearby business owners during the consultation process carried out by Council staff.
- Removal of the least number of carparks of all options (9)

The negatives of this option include:

- Option 1 is located further from the Pharmacy than the other two options which, as raised in the community Petition may limit the suitability of the crossing for pedestrians with limited mobility travelling between Coles and the Pharmacy.
- Option 1 has a higher cost (\$580,000) when compared to Option 3 (\$430,000) as reconstruction of additional driveways and footpath is required. However, as some of these works would be completed as part of the overall Master Plan implementation in future, it would not be wasted funds.

#### Option 2 - Mid-Carpark crossing location

As shown in Figure 3 above, this option involves shifting the crossing to the north to be situated between the preferred crossing location (southern end of the Coles carpark) and the Coles entrance/exit. This places the crossing approximately central to the Coles carpark which was selected to provide a compromise between the current location and the location requested in the community Petition (Refer Figure 4), which is biased towards the northern end of the street potentially limiting the use for pedestrians to the south.

The benefits of this option include:

- Still provides a reasonably central crossing location whilst being positioned closer to the Pharmacy, as outlined in the Petition.
- Reduces the impact on businesses on the western side, particularly the bottleshop driveway as the crossing is located adjacent to the carpark.
- Is easier to construct on the western side as the site is flatter than the current location.

This option does however, have some significant drawbacks including some serious safety concerns. The negatives to this option include:

- The location of the central pedestrian refuge reduces the length of the right turn bay into the Coles carpark by approximately 1 car space. This will reduce the level of service of the turning lane and will lead to an increased chance of vehicles backing up into the travel lane. Further investigations may be required to test the significance of this should this option be progressed further.
- Relocation of the taxi rank would be required, impacting the taxi business (previously advised of no impact) and requiring the removal of 5-6 carparks to provide adequate room for the relocated taxi rank.

- The bus zone would require shortening and allow for one bus park only. The bus bay currently allows for one and half buses (or two parked temporarily)
- Requires a ramp with a retaining wall on the eastern side of the road due to the steep existing ground surface as shown in Figure 5. This would add reasonably significant expense to the construction.
- Requires the removal of the most carparks of all the options, totalling eleven (11) versus the nine (9) being removed in the current proposal.
- An increased risk of a pedestrian/vehicle conflict when compared to the other options. This is a result of the close proximity of the crossing to the Coles carpark exit. Drivers exiting the carpark, travelling South are required to look north for on-coming traffic before immediately turning to the south to check for pedestrians crossing as demonstrated in Figure 6 below. Pedestrians using the footpath and vehicles reversing out of the adjacent car parking also complicated this movement increasing the risk of a collision.
- Poor sight distance is available for pedestrians on the western side of the crossing due to the proximity of the bus stop.
- This option is the most expensive (\$620,000) due to the need for retaining walls on the eastern side.



Figure 5 - Steep eastern side of crossing Option 2 to be addressed.



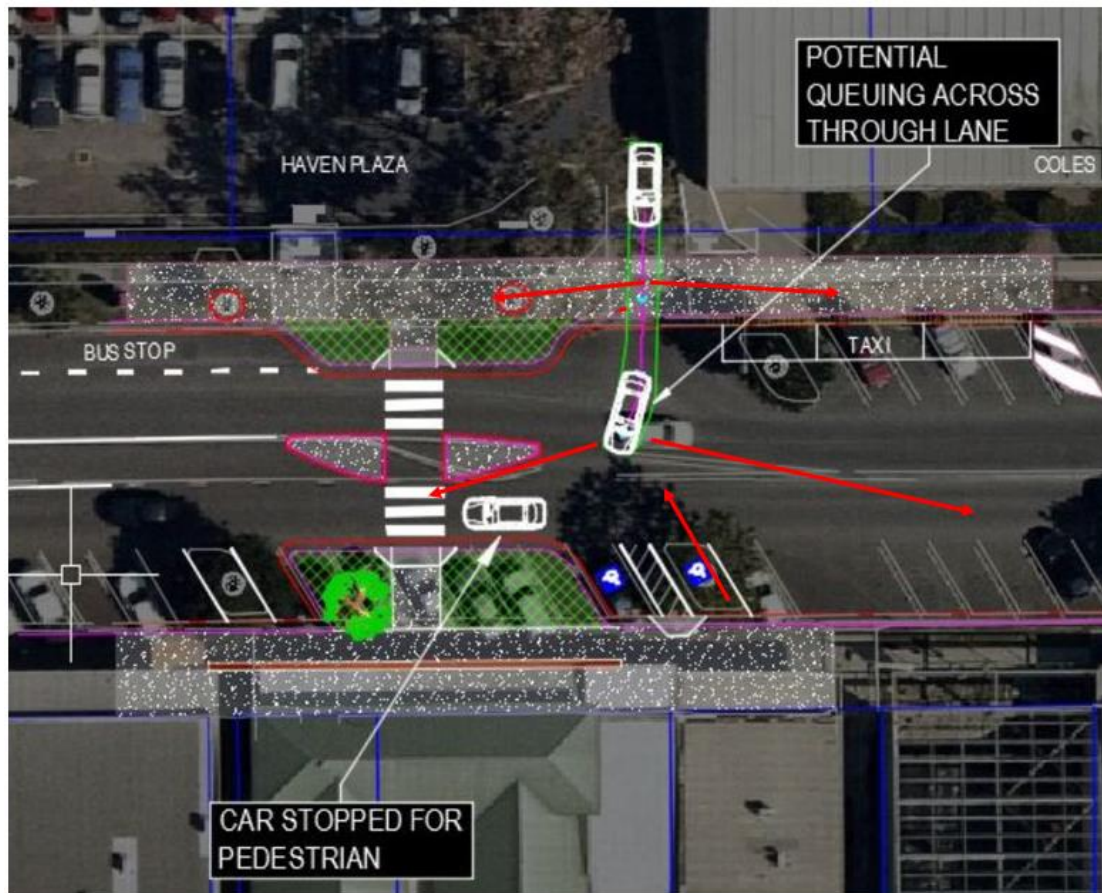


Figure 6: Risk of Conflict between pedestrians and vehicles

#### Option 3 - Northern crossing location (Coles to Pharmacy)

Option 3 (refer Figure 4) has been investigated following the submission of a community Petition suggesting that the highest pedestrian movement on the street is to and from the Coles entrance/exit to the Pharmacy and the crossing should therefore be located here.

It has been raised that if the crossing is constructed in its current proposed location, pedestrians would need to walk an additional 120m to get from Coles to the Pharmacy if they wished to utilise the crossing. This could be particularly arduous for disabled pedestrians and may lead to people crossing the road at the front of Coles rather than utilising the new crossing.

The benefits of this option include:

- Pedestrians travelling from Coles to the Pharmacy or other nearby businesses would have a safe direct route to cross the road.
- No impact on turning movements to or from the Coles Carpark
- A central pedestrian refuge would not be required as the road is narrower in this location
- Minimal disruption to businesses on the western side of the road as Coles is located here.



- The newly constructed footpath at the front of the chemist could be utilised, reducing the cost of construction.
- No impact on the taxi or bus zones would be required.
- This is cheapest of all the options costing an estimated \$430,000 (compared to \$580,000 being the cost of the current proposal)

There are decreased safety concerns when comparing this to Option 2 however, a number of negatives were also identified in investigating this option. These include:

- This option moves away from the concept of a Mid-Block crossing as is the current proposal and providing a significant bias towards the northern end of the street.
- The crossing in this location is very close to an existing pedestrian refuge which is located approximately 40m to the north.
- As outlined above, one of the key objectives of the crossing is to provide safe access for as many people as possible, minimising the number of people crossing the road in random locations. Although the crossing would be situated at an area of high pedestrian demand it is expected that as there is such a significant bias towards the northern end of the street more pedestrians would not be using the crossing overall.
- If the crossing were to be positioned in this location there may still be a need to place an additional crossing towards the southern end of the street to meet pedestrian demand. This would likely not be acceptable to the RMS given the close proximity of pedestrian crossings is not preferred.
- This crossing location would lead to the removal of approximately 11 carparks which would include six (6) directly in front of the chemist. Consultation has not occurred with the chemist regarding this at this stage.
- If the crossing is constructed to serve pedestrians moving between specific businesses, there is a reasonable risk that if in future these businesses no longer operate in these locations the crossing will be out of place and potentially require relocating.

For ease of comparison, Table 1 below summarises the pros and cons of each option.

Table 1 - Comparison of Options

Option	Pros	Cons
<b>Current</b>	<ul style="list-style-type: none"> <li>• Mid-Block Crossing providing equitable location for entire street</li> <li>• No impact on turning in or out of Coles Carpark</li> <li>• No impact on Bus or Taxi's</li> <li>• Creates opportunity for outdoor dining</li> <li>• Supported by nearby business owners</li> <li>• Improves grades on footpath and driveways on western side of Bold St.</li> </ul>	<ul style="list-style-type: none"> <li>• Located further from Coles and the Pharmacy as requested in the community Petition</li> <li>• Higher cost than option two at \$580,000 - although additional costs would not be wasted money due to future upgrade requirements</li> </ul>

Option	Pros	Cons
<b>Option 2</b>	<ul style="list-style-type: none"> <li>Reasonably central location however, closer to the high pedestrian area of Coles/Pharmacy</li> <li>Reduces impact on businesses on the western side of Bold St</li> <li>Easier to construct on western side.</li> </ul>	<ul style="list-style-type: none"> <li>Reduces length of Coles carpark turning lane by approx. 1 car space</li> <li>Taxi rank would require relocation impacted 5-6 carparks</li> <li>Bus Zone would be shortened</li> <li>Requires retaining wall and ramp on eastern side of Bold St</li> <li>Removal of the most carparks of all options (11)</li> <li>Introduces risk of collisions with vehicles exiting Coles and pedestrians using the crossing</li> <li>Poor site distance for pedestrians on western side of Bold St due to proximity to bus bay</li> <li>The most expensive option (\$620,000)</li> </ul>
<b>Option 3</b>	<ul style="list-style-type: none"> <li>Suits area of high pedestrian demand from Coles to the Pharmacy as requested in the community Petition</li> <li>No impact on turning in or out of Coles Carpark</li> <li>No impact on Bus or Taxi's</li> <li>No central refuge required</li> <li>Minimal disruptions to businesses on western side due to location of Coles</li> <li>Minimal works required on eastern side</li> <li>The cheapest of all options at \$430,000</li> </ul>	<ul style="list-style-type: none"> <li>Provides a significant bias towards the northern end of the street.</li> <li>Limits use for pedestrians at the central and southern end of the street</li> <li>Located close to an existing refuge (40m)</li> <li>Additional crossings may still be required, would potentially not be supported by RMS.</li> <li>Leads to the removal of 11 carparks</li> <li>6 carparks would be removed directly at the front of the chemist</li> <li>If businesses move in future the crossing may be redundant in this location.</li> </ul>

Along with the above mentioned pros and cons for each option, the following should also be considered by Council in determining the most suitable crossing location.

## 2. Community Consultation

Should the crossing be moved to one of the alternative locations outlined in this report (options 2 or 3), an additional consultation period would be recommended to allow the businesses and broader community members that would be impacted by the new proposal to voice their opinions. It is possible that moving the crossing would lead to concerns from other business owners, in particular the Pharmacy, which could lose six (6) parks along their frontage under one of the alternate options.

### Local Traffic Committee Approval (LTC)

Moving the crossing by a significant distance (options 2 or 3), such as adjacent to the Pharmacy, would require new LTC approval. In addition, the location must meet Roads and Maritime Service (RMS) warrants (a calculation based on volume of pedestrians and vehicles).

*Requirements of the Funding Deed*

The current funding milestone for completion of the project is 31 March 2020. Early advice from the funding body has suggested that this date is fixed and there is a risk that if this milestone cannot be met the funding may be withdrawn.

Should the crossing location be moved, it would likely mean a lead time of approximately 3-6 months would be required to re-design the crossing, receive relevant approvals and complete community consultation. This would mean that the funding deadline would not be met and Council may have to fund the project in its entirety.

*Re-design Fees*

Additional costs would be incurred to re-design the crossing in a new location. Additional works required to progress to construction of a crossing in a new location would include:

- Survey of new crossing location
- Detailed design (concept design completed as part of this reporting)
- Project Management fees to revise construction planning documents and oversee community consultation period.

In total these additional works are expected to cost approximately \$30,000.

Summary

Following completion of the detailed design of the Bold Street pedestrian crossing concerns were raised by the community, suggesting that the crossing may be more suitably located between Coles and the Pharmacy, as this is the area of highest pedestrian demand.

Following this (in line with the May 2019 Council resolution), Council staff have further investigated the feasibility of relocating the crossing closer to the Coles entrance/exit and the Pharmacy. The results of this investigation generally found:

- The current option (Mid-Block crossing) is a reasonable proposal that minimises the impacts on carparking and businesses whilst providing an equitable, Mid-Block crossing location for the entire community that would remain functional should business usages change in the future. The main negative to this proposal is that some pedestrians travelling between Coles and the Pharmacy may not use the crossing due to its distance from this location.
- Option two (between Coles and the current location) was determined to not be a suitable option given the safety risks that would be introduced if the crossing were constructed in this location. This option is also the most expensive has a significant impact on parking.
- Option three (at the Pharmacy frontage) was also determined to be a reasonable option given it is the cheapest of the three options and would

provide a crossing in a location for those pedestrians wanting to access the Pharmacy after visiting Coles (particularly disabled pedestrians). However, some negatives were also identified with this option, the key ones being that this location is significantly biased towards the northern end of the street where an existing pedestrian refuge is already located and does not provide an equitable crossing location for all pedestrians and businesses. This option would also remove approximately two (2) additional carparks when compared to the current option including six (6) located directly in front of the Pharmacy.

Council acknowledges that an oversight was made during the community consultation process in limiting the consultation to the impacted business owners and not consulting further with the broader community and businesses on Bold Street. As this information is also important to consider when making this determination it is recommended that Council undertake further consultation and more structured monitoring of the pedestrian activity on Bold Street, particularly in the two preferred crossing locations in order to confirm the most preferred crossing location.

### **Options**

Council can resolve in line with the recommendations as included in this report, or Council may choose to proceed to construction with one of the options outlined in this report.

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

There has been no community engagement in relation to this Council report.

A level of community engagement has already taken place in relation to the location and construction of the pedestrian crossing, as detailed earlier in this report.

One of the recommendations included in this report is to undertake further community engagement on the preferred location of the Bold St Laurieton pedestrian crossing, prior to a final decision being made by Council.

### **Planning & Policy Implications**

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

### **Financial & Economic Implications**

The proposed additional community and business engagement recommended within this report will delay construction commencement by a further 2 months minimum. A formal request to extend the funding agreement for this project will need to be progressed and is proposed as part of the recommended resolution.

The following construction costs are associated with each of the options:

- Option 1: \$580,000
- Option 2: \$620,000
- Option 3: \$430,000

It should also be noted that should Council resolve to relocate the crossing as per Options 2 and 3, there is a risk that the funding may be withdrawn as the deed

milestones can no longer be met due to the need for an additional detailed design process. This would mean that Council may be required to fully fund the project which would mean an extra \$387,000 would be required to fund Option 2 and an additional \$197,000 if Option 3 is adopted.

**Attachments**

- 1[View](#). Bold Street Pedestrian Crossing Option 1 Concept Plan
- 2[View](#). Bold Street Pedestrian Crossing Option 2 Concept Plan
- 3[View](#). Bold Street Pedestrian Crossing Option 3 Concept Plan



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**Item:** 13.04

**Subject:** NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY -  
PUBLIC EXHIBITION SUBMISSIONS REPORT

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

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

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

#### **RECOMMENDATION**

**That Council:**

1. **Adopt the *North Brother Local Catchments Flood Study (2019)* report (Attachment 1).**
2. **Acknowledge the submissions made during the exhibition period and advise those who made submissions of the outcome of Council's consideration of this matter.**
3. **Proceed with the Floodplain Risk Management Study (FRMS) phase.**

#### **Executive Summary**

The purpose of this report is to provide details and feedback relating to the submissions received as a result of the public exhibition of the draft *North Brother Local Catchments Flood Study (2019)* (Attachment 1).

At its meeting on 15 May 2019, Council resolved to publicly exhibit the draft *North Brother Local Catchments Flood Study* report for a minimum of 28 days.

The report was placed on public exhibition from 20 May to 30 June 2019 (42 days), with a total of eight submissions being received during that time.

This report documents the findings from the Stage 1 (Flood Study) investigations and provides a summary of the public exhibition process and submissions received during this phase.

This report recommends that Council proceed to endorse the findings of the *North Brother Local Catchments Flood Study (2019)*.

This report has not produced Flood Planning Area (FPA) mapping and there are no changes to the Port Macquarie-Hastings Flood Policy (2018) proposed under this phase of the project.



This report also recommends that Council continue to progress this project with the commencement of Stage 2, being the *North Brother Local Catchments Floodplain Risk Management Study*.

## Discussion

### Study Overview

In mid-2017 Council engaged Jacobs Pty Ltd to undertake the Floodplain Management Process for North Brother. Part of the Floodplain Management Plan is to determine the nature and extent of the flooding in this area (ie. the preparation of a Flood Study).

The *North Brother Local Catchments Flood Study* was conceived following a desire to quantify and sequentially address the range of existing ongoing local overland stormwater flooding issues experienced within the catchment.

Whilst Council is aware of numerous existing stormwater overland flooding issues, a holistic catchment wide approach to the identification and assessment of those issues was required to ensure that remedial actions and funding for those actions was prioritised based on catchment wide risks.

It is important to note that whilst the report is termed a 'Flood Study', the primary focus is local overland stormwater runoff generated from North Brother Mountain. This needs to be kept in mind when considering the modelling techniques and results generated as part of this investigation as they vary considerably to riverine flood investigation techniques.

### Study Results

The draft *North Brother Local Catchments Flood Study* has modelled a range of design storm events including the 20% and 5%, 2%, 1% and 0.5% Average Exceedance Probability (AEP) flood events and the Probable Maximum Flood (PMF).

Stage 1 of this project represents the culmination of significant data collection and analysis, community consultation, survey, analysis and hydraulic modelling and defines the extent of and risks associated with flash flooding to the catchment.

The report has been prepared by consultant Marsden Jacob Associates and has been completed with input from the public, OEH technical specialists and Council staff.

Mapping of stormwater flood depth and flow velocity was undertaken for all event AEPs.

Provisional Risk and Hazard mapping has also been completed, however this mapping **is for information only** and will be considered further during Phase 2 of this project - the Floodplain Risk Management Study.

The analysis, consultation, modelling and mapping undertaken to prepare the draft *North Brother Local Catchments Flood Study* clearly highlights the extent of the existing overland stormwater flood issues to the local community.

Whilst the modelling highlights significant deficiencies in the existing stormwater drainage and overland flow management measures within the study area, the next

phases of this project will develop management options for the catchment to address the identified risks in respect of both existing and future developments.

#### Exhibition

At its meeting on 15 May 2019, Council resolved to publicly exhibit the draft *North Brother Local Catchments Flood Study* report for a minimum of 28 days. The report was placed on public exhibition from 20 May to 30 June 2019 (42 days).

As part of the public exhibition process:

- Letters were sent to all property owners and residents in the study area to advise of the draft Flood Study (approximately 2,270 invitations to view/contribute were posted);
- A further email invitation to view and comment on the draft Flood Study was sent to an email subscriber list of 85 residents/landowners who had previously contributed to the study;
- Key local development and construction industry representatives were notified via the *Construction Industry Connect* newsletter;
- Two public 'drop-in-sessions' were held at Laurieton Library. These sessions were attended by approximately 80 residents in total and was facilitated by Council Technical Staff and a representative of the Flood Consultant (Jacobs);
- A 'Have Your Say' webpage on the PMHC website was established providing copies of the flood study and inviting electronic submissions via an online form;
- Weekly 'community now' notices in the Camden Haven Courier were published.
- The Draft Flood Study was posted on Council's social media account;

In addition to the above, the Camden Haven Courier ran two separate articles on the study on 13 and 26 June 2019. Both these articles advised the readers to view the proposal on Council's 'Have Your Say' website.

#### **Options**

The NSW State Government's *Flood Prone Lands Policy* and *Floodplain Development Manual (2005)* provides a framework to ensure the sustainable use of floodplain environments. The Policy (among other things) provides a means of ensuring that any new development is compatible with the flood hazard and does not create additional flooding problems in other areas.

Under the Policy, the management of *flood liable land* remains the responsibility of Local Government. The State Government subsidises flood mitigation works to alleviate existing problems to assist Councils in their floodplain management responsibilities, but only where the State Government floodplain management process has been followed.

The draft *North Brother Local Catchments Flood Study (2019)* has been developed in accordance with the NSW Government's *Flood Prone Lands Policy* and *Floodplain Development Manual (2005)*.

It is recommended that Council:

- Endorse the *North Brother Local Catchments Flood Study (2019)*, and
- Proceed to the *Floodplain Risk Management Study* phase.

Council may consider other options, including:

1. Approve the draft Flood Study.
2. Not approve the draft Flood Study.

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

#### Have Your Say

During the public exhibition period, 250 people viewed the PMHC Have Your Say site with 94 people downloading the documentation.

At the close of the public exhibition period 197 people were *aware*, 103 participants were *informed* and 6 were *engaged* through using the PMHC Have Your Say site. As a result, 6 submissions were made via the website.

#### Drop-in Session

Approximately 80 people attended the two public drop-in sessions. Attendees were made aware of the submission process and hard-copy submission forms were made available during the sessions.

#### Construction & Industry

Key construction and industry stakeholders were made aware of the public exhibition period via the CIAG group newsletter. No submissions were received from the newsletter.

#### Individual Submissions

During the public consultation period, 2 individual submissions were received via email and hardcopy respectively.

A total of 8 submission were therefore received during the public exhibition phase.

Table 1 below summarises the main issues raised in the submissions and provides comments in respect of the issues. NB: Councillors have been provided with full copies of the submissions under separate cover.

<b>Table 1 - Summary of issues</b>		
<b>Issue - Floor level flooding</b>		
1.	Andrew McCoubrie	Submission seeking to confirm that property was and is subject to flooding of habitable floor levels. Submitter also expressed a desire to be involved in the next stage of the project, which will involve identifying, discussing and assessing solutions to the risks identified by the Flood Study.
	<b>Response/Comment:</b>	Noted. This information is appreciated and assists in council's understanding of flood risks to the community. Stage 2 of this project will involve survey of floor levels of properties mapped as

**Table 1 - Summary of issues**

		<p>impacted by overland stormwater flows to confirm the extent of impact. This information will then be utilised as part of a multi-criteria risk assessment to define the priorities for detailed analysis and mitigation measures.</p> <p>Landowners contact details have been added to a subscriber register of owners/residents who wish to receive updates on the progress of this project.</p>
2.	Maureen Frazer	Submission noted that the resident's property has previously flooded, but that the water quickly drains away following the cessation of rainfall. Council must continue to maintain drains in Short Street to ensure that water can continue to quickly drain away in future.
	<b>Response/Comment:</b>	History of flooding at this property is noted. A request has been generated for Council's Operational Maintenance Team to CCTV inspect and maintain as required the inlets within Short Street (see CRM Reference No 10664/2019).
3.	Ian and Diann Butlin	<p>Concerned with risks of backwater flooding from wetland immediately adjacent to and downstream of their property.</p> <p>Residents note that increased upstream development has occurred with no corresponding drainage improvements or maintenance since 2013.</p> <p>Improved drainage infrastructure is required.</p>
	<b>Response/Comment:</b>	<p>The Draft Flood Study report and mapping identifies a number of locations within the catchment where dwellings and property are identified as being at risk of flooding during local catchment storm events.</p> <p>This first stage of the <i>North Brother Local Catchments Flood Study</i> project aims to identify those risks on a holistic catchment wide scale.</p> <p>Stage 2 will utilise the modelled flood data to identify and prioritise those risks and ultimately identify mitigation options.</p> <p>This next stage will identify, assess and test the need for any scope of works required to address concerns of the kind raised.</p> <p>At the completion of the final Stage 3, a Prioritised and Scoped Floodplain Risk Management Plan for the entire study area identifying the scope of works/measures required to address the catchment wide flood risks will be developed.</p> <p>Community input will be sought during this process, whereby any anecdotal evidence or ideas will be invited and considered.</p> <p>It is recommended that the resident stays up to date with Council's progress on this project by monitoring the <i>Have Your Say</i> website.</p>



**Table 1 - Summary of issues**

<b>Issue - LiDAR Data</b>		
4.	Wendy Carter	Submission noted that the Flood Study has been prepared using aerial survey data (LiDAR) from 2012, and as such does not include the dwellings constructed to the rear of this property since that time.
	<b>Response/Comment:</b>	<p>The Flood Study has been prepared utilising a digital elevation model (DEM) of the catchment and study area based upon a combination of LiDAR data from the 2012 aerial survey and site specific land survey undertaken at key structures and flow paths within the catchment.</p> <p>It is acknowledged that this model does not therefore include every dwelling and structure constructed or modified since 2012, however it is considered that the model accurately represents the stormwater flow characteristics likely to be experienced within a majority of the catchment, and in particular within the high risk major flow paths.</p> <p>Stage 2 of this project (the Floodplain Risk Management Study) will prioritise the identified risks and develop mitigation measures for those risks. Further detailed survey and ground validation may be required to accurately test site specific options.</p>
<b>Issue - Kerb and Guttering in Laurie Street</b>		
5.	Bev Hitchens	Request for the construction of kerb and guttering within Laurie Street, Laurieton.
	<b>Response/Comment:</b>	<p>The North Brother Local Catchments Flood Study does not consider remedial works, rather this phase aims to identify the extent of any risks associated with flooding to the catchment.</p> <p>Stage 2 of this project (the Floodplain Risk Management Study) will develop mitigation options. Kerb and gutter will be considered with other mitigation measures.</p>
<b>Issue - Flood mapping and insurance premiums</b>		
6.	Simon Hancox	<p>Submitter feels that the completion of the Flood Study formally declares a majority of the Camden Haven as flood liable land and is concerned that the adoption of the study will cause insurance premiums to raise to the point where they are unaffordable.</p> <p>Notes that the extent of mapping is not based on previous events, but on the 1% AEP event, which has not yet occurred.</p>
	<b>Response/Comment:</b>	<p>The provisional mapping of flood risk and hazard is for information only at this stage and will be considered in further detail during the Floodplain Risk Management Study phase.</p> <p>However it is noted that the analysis, modelling and mapping produced as part of the draft North Brother Local Catchments Flood Study clearly highlights the extent of the existing overland stormwater flood issues to the local community. Submissions received as part of the consultation period also confirm this.</p>

**Table 1 - Summary of issues**

		<p>The modelling clearly highlights that there are significant deficiencies in the existing stormwater drainage and overland flow management measures that currently exist within the study area, the next phases of this project will develop management options for the catchment to address the identified risks in respect of both existing and future developments.</p> <p>However in light of the above, finding pragmatic and holistic solutions to the stormwater flood risk cannot be completed without first quantifying the problem.</p> <p>Flood modelling is a highly complex and intricate tool which can be used to inform all aspects of floodplain management. There are many factors that contribute to flood modelling, including technical guidelines, modelling software, input data and the like.</p> <p>Whilst it is recognised that the most effective method to measure the performance of a flood model is to calibrate it to past historic events, there are instances where (reliable and accurate) historical data is not available, or there is no information available on large events (eg. the 100 year event).</p> <p>In this instance it is recognised that calibration to a historic event of significant magnitude was not possible due to the lack of data on large magnitude events, however confidence in the modelling process has been achieved via calibration to small runoff events where data was available (via information provided by residents during the initial consultation phase of this project).</p> <p>This information when combined with the detailed and up to date inputs (survey and topographic data for example) and the review process (including by OEH) that the study has gone through have ensured that a robust and reliable flood model has been produced.</p>
<b>Issue - Overgrown Open Drain</b>		
7.	Michael Ducat	<p>Submission provides photographs of an existing open drain at the rear of properties in Peach Grove, Laurieton, noting that the drain is very overgrown, requiring maintenance.</p> <p>Submission also notes that the downstream stormwater infrastructure into which this open drain discharges appears to be significantly undersized.</p>
	<b>Response/ Comment:</b>	The open drain at this location is located on a combination of Crown Land and the Dooragan National Park. Whilst not impossible, the approval process required to maintain this drain is difficult.



**Table 1 - Summary of issues**

		<p>Whilst Stage 1 of this project does not consider remedial works (this will be stage 2), the study identifies the extent of risks associated with flooding to the catchment.</p> <p>At model calibration phase, this open drain was identified as a critical component of the stormwater network servicing Laurieton and was subject to detailed survey to ensure that the model accurately represented not only the channel/drain profile, but also its current condition.</p> <p>The next and subsequent phases of this project will assess and prioritise the identified flood risks, and determine, test and assess remedial works and mitigation measures.</p> <p>Where flood mitigation measures are identified within Crown Land or National Park, Council will liaise with those other government agencies to effect any required works.</p>
<b>Issue - Ongoing stormwater issues from Brotherglen Drive, Kew</b>		
8.	Submission documents the regular flooding of the resident's rear yard as a consequence of flows from two gully's traversing the property.  Requesting that a better drainage system be put in place to divert stormwater.	
	<b>Response/Comment:</b>	<p>The Draft Flood Study report and mapping identifies a number of locations within the catchment where dwellings and property are identified as being at risk of flooding during local catchment storm events.</p> <p>This first stage of the North Brother Local Catchments Flood Study project aims to identify those risks on a holistic catchment wide scale.</p> <p>Stage 2 will utilise the modelled flood data to identify and prioritise those risks and ultimately identify mitigation options.</p> <p>At the completion of the final Stage 3, a Prioritised and Scoped Floodplain Risk Management Plan for the entire study area identifying the scope of works/measures required to address the catchment wide flood risks will be developed.</p> <p>Community input will be sought during this process, whereby any anecdotal evidence or ideas will be invited and considered.</p> <p>The resident is encouraged to stay up to date with Council's progress on this project by monitoring the <i>Have Your Say</i> website.</p>

**Planning & Policy Implications**

The *North Brother Local Catchments Flood Study (2019)* (Attachment 1) provides a refined and calibrated estimate of stormwater flood impacts within the study area. These flood impacts will be utilised in subsequent stages to guide the development of a Floodplain Risk Management Study and Plan.

*Provisional* Risk and Hazard mapping has been developed, however this mapping **is for information only**.

There are no flood planning maps or development controls proposed at this stage of the project. It is important to note that this project is focussed on local catchment overland stormwater runoff. The planning implications of this investigation will differ from those that are typically associated with riverine flooding (ie. from the Camden Haven River).

Future stages of the project will investigate the suitability of any flood planning maps and development controls.

### **Financial & Economic Implications**

There are significant financial implications for Council if the Flood Study is not adopted.

NSW state government grant funding (2:1 funding from State: Council respectively) is not available for future flood related works without a Floodplain Risk Management Plan (FPMP) (which is the ultimate aim of this project) and this is not possible without the adoption of this Flood Study.

If Council chooses not to adopt the Flood Study any works to alleviate stormwater flooding will likely need to be fully (100%) funded by Council.

### **Attachments**

1 [View](#). North Brother Local Catchments Flood Study

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Item: 13.05

Subject: PLANNING PROPOSAL - AIRPORT BUSINESS PARK

Presented by: Development and Environment, Melissa Watkins

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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. Endorse the Planning Proposal attached at Attachment 1 pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979* to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to the Port Macquarie Airport and surrounding lands in accordance with the Planning Proposal.
2. Forward the Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination, and request that the Determination not authorise Council to be the local plan-making authority.
3. Prepare draft Development Control provisions in respect of the Airport Business Park as outlined in this report in accordance with clause 18 of the *Environmental Planning and Assessment Regulation 2000*.
4. Prepare a draft Section 9.11 Airport Business Park Roads Contribution Plan as described in this report.
5. Commit to bind any purchaser of the Council owned Business Park Zone to contribute proportionally to the cost of upgrading Boundary Street and the Hastings River Drive/Boundary Street intersection.
6. Receive a further report providing details of the draft Development Control provisions in 3 above for approval prior to the Planning Proposal and draft Development Control provisions being exhibited concurrently.
7. Receive a report following the public exhibition to assess any submissions received.
8. Delegate authority to the Director Development and Environment to make minor amendments to the Planning Proposal prior to submission for Gateway Determination.

### Executive Summary

On 21 November 2018, Council resolved to rezone 23.75 hectares of Council-owned land adjoining the Port Macquarie Airport to B7 Business Park and that a report regarding a Planning Proposal in respect of the land be reported to the February 2019 Council Meeting.

Following the November meeting, King and Campbell Pty Ltd was invited to submit a Planning Proposal on behalf of the landowner (PMHC Airport). The proposal, received on 4 June 2019, involves a reconfiguration and expansion of the existing B7 Business Park zone and rezoning of the remainder of Council's Airport land and Thrumster lands to reflect the State Government's Biodiversity Certification Assessment. A body of work, primarily completed to inform the site selection process, has been submitted to support the Planning Proposal.

This report provides a summary of the proponent's Planning Proposal request, followed by an assessment by Council's Development and Environment Division (D&E) to inform the content of the Planning Proposal put forward for Gateway Determination by Council, as the Planning Proposal Authority.

A Planning Proposal prepared by Council's D&E Division is included as Attachment 1 to this report. The Planning Proposal is based largely on the information provided by King and Campbell on behalf of the proponent.

As the 'Planning Proposal Authority', Council is responsible for the Planning Proposal, the quality of the information provided in support of the proposal and its referral for Gateway determination.

It is recommended that Council endorse the Planning Proposal and forward it to the Department of Planning, Industry and Environment for a Gateway Determination. It is also recommended that as Council is also the land owner, that it does not seek to use its delegated authority as the Local Plan Making Authority.

## **Discussion**

## **BACKGROUND**

### Council Meeting November 2018

At the Meeting held on 21 November 2018, Council considered a report on the proposed expansion of the existing Business Park Zone at the Port Macquarie Airport. This initiative is consistent with the *Port Macquarie Urban Growth Management Strategy 2017-2036* and the *North Coast Regional Plan 2036*.

The precinct has been investigated and includes Council land adjoining the Port Macquarie Airport and three properties in private ownership adjoining Boundary Street. The staff report in November 2018 recommended that the Council land be confirmed as the most suitable land to supply a gross area of 20.5 hectares (ha) of Business Park zoning in the precinct, and that a further report be provided to Council on a Planning Proposal for the land.

Council accordingly resolved as follows:

**RESOLVED:** *Levido/Hawkins*

*That Council:*

1. *Notes the assessment in this report and confirms that the Council owned land within the Port Macquarie Airport Precinct Investigation Area, as shown coloured light brown in Attachment 15, is the most suitable land to supply*



- 23.75 hectares of gross developable Business Park zoning in the Airport Precinct Investigation Area.*
2. *Receive a further report to the February 2019 Council meeting in respect of a Planning Proposal for the Council owned land as identified in 1 above.*
  3. *Advise landowners within the Airport Precinct Investigation Area of the outcome of this decision.*

CARRIED: 7/0

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

AGAINST: Nil

The purpose of this report is to consider the preparation of a Planning Proposal in relation to the Council land.

#### Council roles and responsibilities

For context and transparency, the roles and responsibilities of Council in relation to this Planning Proposal are as follows:

- **PMHC Airport** - Landowner and proponent seeking a rezoning, represented by King and Campbell Pty Ltd
- **Development and Environment** - Provides advice to Council as the 'Planning Proposal Authority' to assess the Planning Proposal and determine the appropriate content of any Planning Proposal and related planning documents
- **Elected Council** - As the 'Planning Proposal Authority' (PPA) Council is responsible for the Planning Proposal, the quality of the information provided in support of the proposal and its referral for Gateway determination.

The PPA is responsible for ensuring that the level of detail in the Planning Proposal document is sufficient to respond to the statutory requirements of the *Environmental Planning and Assessment Act 1979* and related guidelines. The PPA must ensure the information is accurate, current and sufficient for issuing a Gateway Determination and detailed enough for the purposes of consulting with government agencies and the general community.

#### Probity review

In recognition that Council has a role as Airport operator, landowner and planning proposal authority in this matter, Council's D&E Division engaged Cardno (NSW/ACT) Pty Ltd to independently review the planning process and provide probity reports and recommendations on the statutory procedures involved in preparing a Planning Proposal for a proposed Airport Business Park rezoning.

The Preliminary Probity report covered the period from 16 March 2016 to 7 November 2018 and concluded that Cardno had not observed or detected evidence of partiality, bias or probity issues of concern in the planning process leading up to the presentation of the 21 November 2018 report to Council.

A Final Probity report will review Council's processes for a Business Park Planning Proposal against the ICAC guideline. In particular, the report will address whether or not there are any probity issues of concern in relation to the exhibition and



assessment processes involved in preparing a Planning Proposal and the final recommendations to Council.

#### Preparation of a Planning Proposal

Following Council's November 2018 resolution, the proponent King and Campbell Pty Ltd, was invited to submit the basis for a Planning Proposal to meet the requirements of the Department of Planning and Environment's *A Guide to Preparing Planning Proposals 2018*. A draft Planning Proposal was received from King and Campbell Pty Ltd on 4 June 2019 and has been reviewed by Council's D&E Division.

Consultation has taken place with the proponent in relation to potential planning controls for the proposed Business Park zoning, including zone extent and configuration, lot size, height of buildings, floor space ratios and permitted uses. The proponent has requested that in addition to the proposed Business Park zoning, the Planning Proposal should implement the Biodiversity Certification outcomes approved by the NSW Minister for the Environment for Council's Airport and Thrumster lands.

This report provides a summary of the proponent's Planning Proposal request, followed by an assessment by Council's D&E Division to inform the content of the Planning Proposal that will be put forward for Gateway Determination by Council, as the Planning Proposal Authority.

#### The Proponent's Planning Proposal Request

The objectives and intended outcomes of the proponent's Planning Proposal can be summarised as follows:

- To provide for a reconfigured and expanded Business Park area east of Boundary Street to reflect the importance of the Port Macquarie Airport as a regional hub
- To consolidate existing airport infrastructure with future airside and general aviation land uses generally west of Boundary Street, and
- To reflect the Biodiversity Certification Assessment outcomes for clearing and conservation of native vegetation within the Port Macquarie Airport and adjoining Council-owned Thrumster lands.

Figure 1 shows the site included in proponent's Planning Proposal. The site covers an area of approximately 760 ha and includes the Port Macquarie Airport and Council's Thrumster lands, together with a small area of Crown Land impacted by the Airport Obstacle Limitation Surface (OLS).

It falls within a larger area that has undergone a Biodiversity Certification Assessment approved by the Minister for the Environment on 7 September 2018. Figure 1 also shows the total area covered by the Biodiversity Certification Assessment.

Areas within the site referred to in the proponent's Planning Proposal as 'Airport Business Park', 'Airport Lands' and 'Thrumster Lands' are shown shaded blue, yellow and red, respectively.

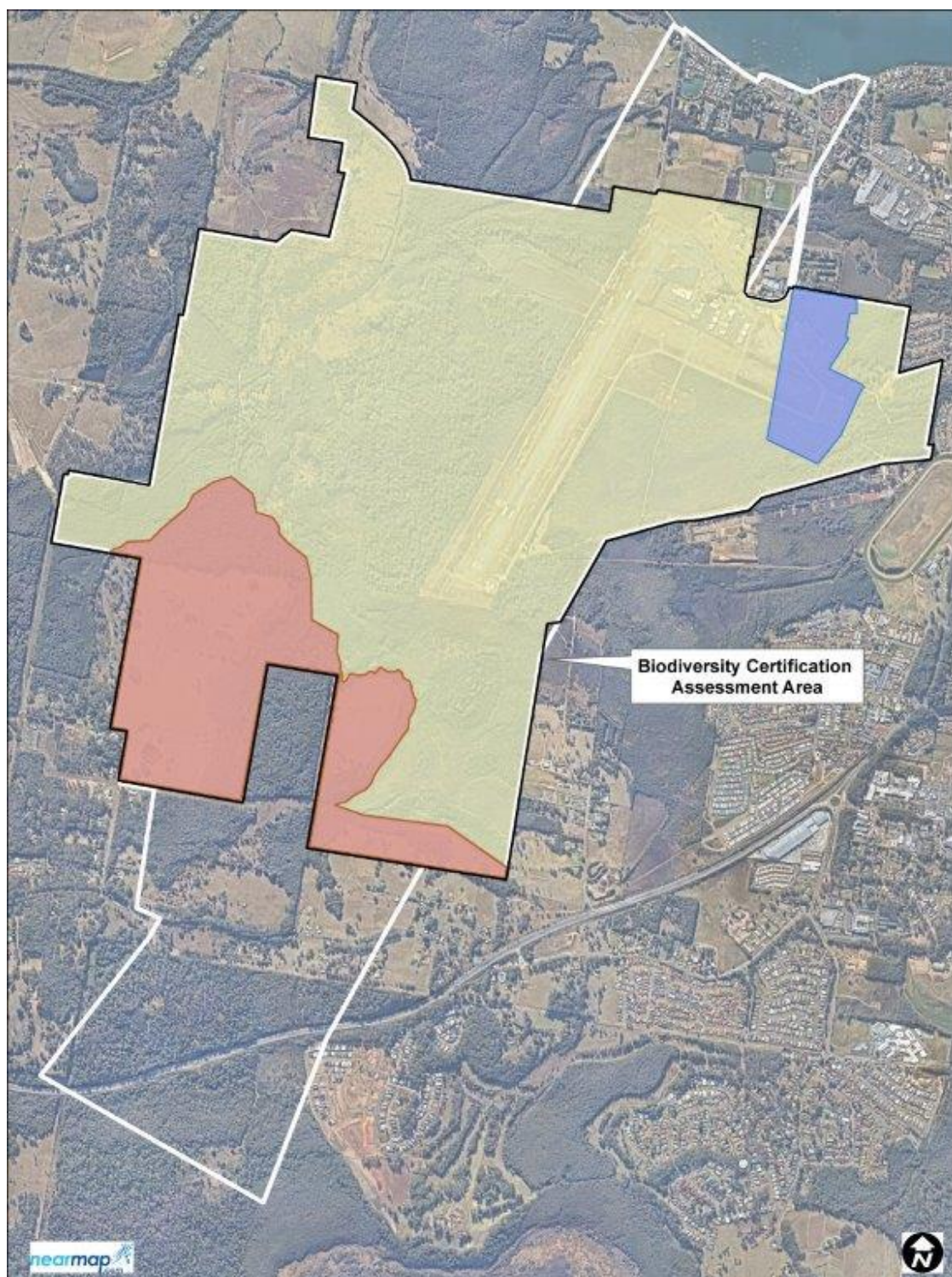


Figure 1: Areas within the site (Source: King & Campbell Pty Ltd, Planning Proposal Request)



Figures 2 and 3 show the existing and the proposed zoning of the land.

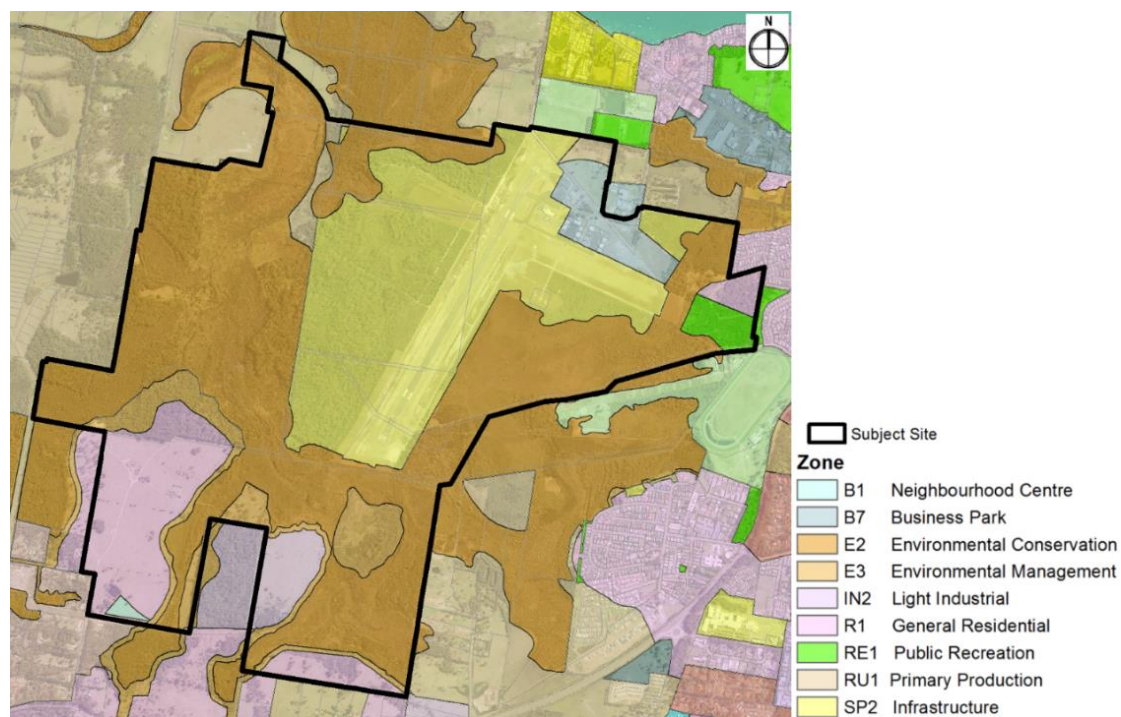


Figure 2: Existing Land Zone

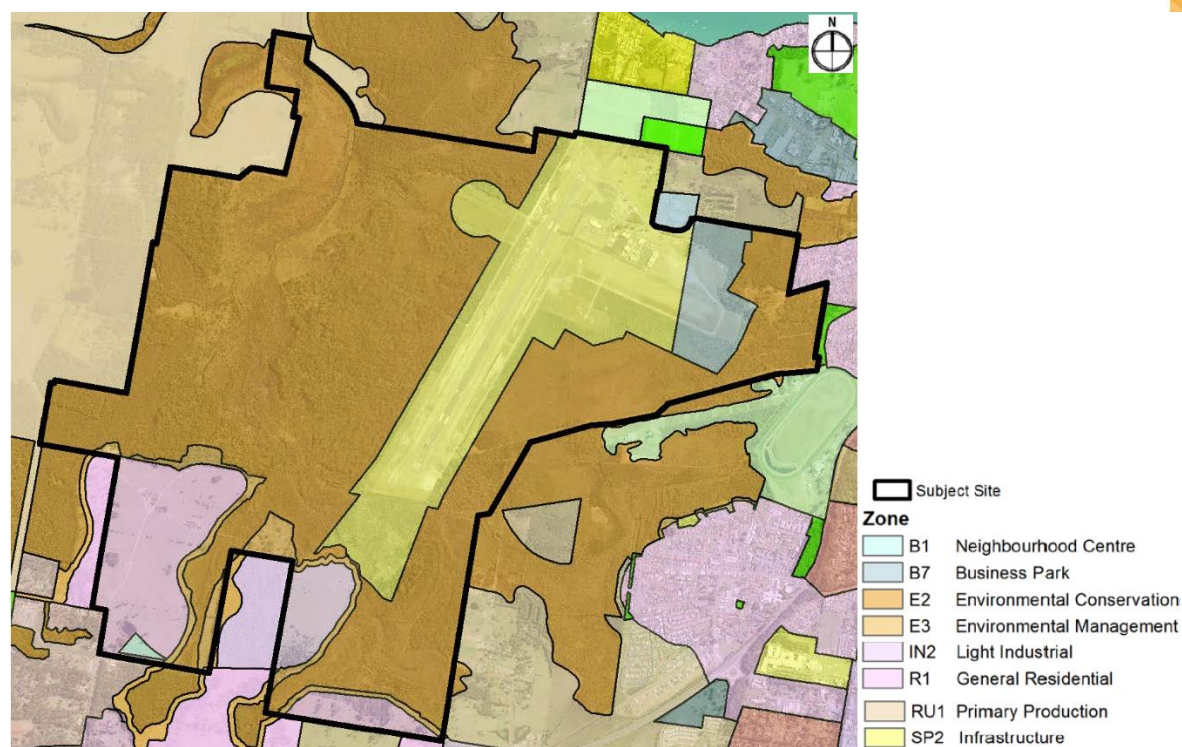


Figure 3: Proposed Land Zone (Data source: King & Campbell Pty Ltd)

The proponent requests the following Land Zone Map amendments to the *Port Macquarie-Hastings Local Environmental Plan (PMH LEP) 2011* to achieve the intended outcomes:

- Zone B7 Business Park to 19.1 hectares (ha) of land on the eastern side of Boundary Street. When combined with the existing 4.65 ha of Zone B7 on the western side of Boundary Street, the reconfigured Business Park will have a total area of 23.75 ha, resulting in an overall increase of 10.45 ha of Zone B7 compared to the existing situation.
- Zone SP2 Infrastructure (Air transport facility) to the Airport Lands:
  - required to be cleared to satisfy Commonwealth Government Civil Aviation Safety Authority (CASA) Code 4C aerodrome standards for the OLS, and
  - generally west of Boundary Street to incorporate existing airport infrastructure with future airside and general aviation uses. This includes 17 ha of existing Zone B7, of which 8.4 ha is currently occupied by Airport related uses.
- Zone E2 Environmental Conservation to the Biodiversity Certified conservation lands within the Airport and Thrumster Lands (i.e. future Biobank Site). This includes areas identified for clearing and or conservation cropping adjacent to the Airport runway, and areas identified for essential infrastructure within the Biobank site (i.e. roads, fire trails, services corridors), as permitted by the Biodiversity Certification Assessment.
- Zone E3 Environmental Management to the northern extent of the Partridge Creek Residential Precinct in Thrumster to reflect the intended use of this land for Asset Protection Zones and public open space, consistent with existing zoning in the Thrumster Urban Release Area.

The proponent also requests Land Use Table amendments in relation to the B7 zone to:

- Strengthen the zone objectives to confirm the strategic intent of the proposed Business Park and recognise its place in the retail hierarchy for the region. The proposed changes are shown in red text:

1 Objectives of zone

- To provide a range of office and light industrial uses, *within large scale/format developments.*
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- *To create business park employment opportunities within large scale/format developments that are of a high visual quality and that will respect the natural environment within which they are located.*
- To ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings region and the

*role of the Greater Port Macquarie Central Business District as the focal point for subregional functions and service delivery.*

- Revise permitted land uses in Zone B7 to ensure that the proposed Business Park will support a range of land uses that are consistent with the zone objectives, as follows:

Delete permitted uses:

- Landscaping material supplies
- Plant nurseries
- Takeaway food and drink premises
- Timber yards

Include additional permitted uses:

- + Food and drink premises
- + Self-storage units

Delete prohibited uses:

- Electricity generating works
- Function centres, and
- Industrial training facilities

In addition, the proponent has requested:

- Amendments to the Lot Size, Floor Space Ratio and Height of Buildings Maps for the proposed Zone B7 to permit:
  - A minimum lot size of 2,000sqm to encourage large scale/format developments consistent with the revised Zone B7 objectives
  - A maximum floor space ratio of 0.65:1 to ensure consistency with the traffic studies undertaken in support of the Airport Business Park, and
  - A maximum building height of 11.5m to support the desired outcome for large scale/format developments.
- Schedule 1 amendment to permit vegetation clearing and/or conservation cropping adjacent to the Airport runway as an additional use, to the extent that this use is permitted under the Biodiversity Certification approval.
- Amendment to the Additional Permitted Uses Map in connection with the Schedule 1 amendment above.
- New clause to Part 7 'Additional local provisions' to confirm that the site is subject to Biodiversity Certification approval, as follows:

*7.17 Port Macquarie Airport and surrounding lands*

*(1) The objectives of this clause are as follows:*



- (a) *to identify land that has been conferred for biodiversity certification under section 26 H of the Threatened Species Conservation Act 1995*
    - (b) *to allow development for essential infrastructure, including roads, fire trails and sewerage services on the lands that have been identified as certified;*
  - (2) *This clause applies to:*
    - (a) *land that is shown as “Certified Land” on the Biodiversity Certification Land Map.*
  - (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
    - (a) *is consistent with the Order conferring biodiversity certification - Port Macquarie Airport and surrounding lands (NSW Government Gazette No. 87 of 7 September 2018).*
- New Biodiversity Certification Land Map Sheet in connection with the new clause above.

As background to and in support of the Planning Proposal request, the proponent has submitted:

- Economic Impact Assessments
- Traffic Impact Assessments
- Biodiversity Certification
- Aboriginal Archaeology Assessment
- Geotechnical Assessments
- Sewerage Services Strategy
- Stormwater Management Strategy
- Water Supply Infrastructure Strategy

The majority of this work was completed ahead of the proposed Business Park site selection process, as reported to Council in November 2018. These reports are available on request.

#### **PLANNING ASSESSMENT (D&E DIVISION)**

To assist in determining the strategic and site-specific merit of a Planning Proposal request, and justification for the preparation of a Planning Proposal, the NSW Department of Planning Industry and Environment have established the following assessment criteria.

Note: As the proposed rezoning of the Airport Lands and Thrumster Lands reflects the approved Biodiversity Certification, the assessment primarily focuses on the proposed Airport Business Park.

**A. Does the proposal have strategic merit?****1. Will it give effect to the relevant regional plan (i.e. North Coast Regional Plan 2036)?**

The Regional Plan City Map for Port Macquarie identifies the existing Airport Business Park as 'Business Centre'. Proposed Business Park zoning outside this area is mapped as 'Investigation Area – Employment Land'.

Action 6.1 of the Regional Plan recommends that in planning for economic growth around airports, Councils consider new infrastructure needs and introduce planning controls that encourage clusters of related activity. Also recommended is the need to promote new job opportunities that complement existing employment nodes around airport precincts, and the need to deliver infrastructure and coordinate the most appropriate staging and sequencing of development (Action 7.1).

The retention of Zone SP2 Airport related uses west of Boundary Street and consolidation of Zone B7 Business Park uses east of Boundary Street recognises the close linkage between the existing and proposed Airport lands and the current and future Airport operations.

Direction 6 of the Regional Plan requires that new commercial precincts, outside of centres, be of an appropriate size and scale relative to the area they will be servicing to deliver positive social and economic benefits for the wider community and maintain the strength of the regional economy. This matter is discussed in more detail under Question 2 below in context of the centres hierarchy.

**2. Will it give effect to a relevant local strategic planning statement/strategy that has been endorsed by the department (i.e. Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036)?**

The Regional Plan and the *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036* (UGMS) present a strong case to prepare a Planning Proposal to facilitate an expanded Business Park at the Airport. Planning for the development of an expanded Business Park at the Port Macquarie Airport to create opportunities for technology and airport related businesses, is listed as a priority economic development action in the UGMS (Action 15).

A key aim in the UGMS is to maintain the primacy of the Port Macquarie CBD and the existing hierarchy of centres in the Port Macquarie-Hastings region. Office uses are particularly important to the vibrancy, function and attractiveness of the CBD as a Regional City. Council will also focus on opportunities for office uses associated with the establishment of an expanded Business Park at the Airport and in the proposed Health and Education Precinct.

Consistent with the Regional Plan (Direction 6), new commercial precincts outside of centres are required to be of an appropriate size to maintain the strength of the regional economy. The UGMS requires that Council review detailed economic assessments as part of investigations for proposed Business zones to ensure that a balanced approach to supply and demand is achieved.

In order to assess the appropriate level of opportunity for office space at the Airport, Council's D&E Division commissioned Hill PDA consultants to provide advice on the

relationship between a proposed Airport Business Park expansion and the existing hierarchy of business centres in the Port Macquarie-Hastings.

The Hill PDA report is based on a survey of floor space and assessment of employment trends and population forecasts, as well as modelling of low and medium growth scenarios to project business park office space demand and land requirements for the Port Macquarie-Hastings LGA to 2036. Hill PDA has concluded that from a centres hierarchy perspective, the maximum amount of B7 Business Park land that can be recommended in the expanded Airport Business Park is 20 ha gross developable land.

In addition, the proponent has commissioned Gillespie Economics and Augusta consultants to consider the opportunity for commercial development at the Airport Business Park. Both of these reports, together with the Hill PDA assessment conclude that there are significant commercial development opportunities in the proposed Business Park.

The proponent's Planning Proposal seeks to reinforce the unique location and characteristics of the proposed B7 Airport Business Park, while ensuring that potential impacts on the centres hierarchy are mitigated through:

- Amended B7 Business Park zone objectives to place additional emphasis on large-scale floorplate development
- Changes to the land uses permitted with consent in the B7 zone to ensure that the precinct functions as a Business Park, different to a town centre.
- A minimum 2,000sqm lot size which is larger than that typically provided in other commercial and industrial zones (i.e. 1,000sqm), and
- A maximum 0.65:1 Floor Space Ratio (FSR) for development of the site to ensure that future traffic generation is within the capacity of the road network, noting that the hypothetical development scenario used to inform traffic modelling for the Airport Business Park selection process is based on a maximum FSR of 0.7:1.

The scale of the Business Park has been considered by Council's D&E Division and having regard to the revised permitted uses, strengthened B7 zone objectives and proposed lot sizes and floor space ratio controls, it is considered that the proposed 23.75 ha of B7 zoning at the Airport is unlikely to result in significant economic impacts on the centres hierarchy.

**B. Does the proposal have site-specific merit, having regard to the following?**

1. *The natural environment (including known significant environmental values, resources or hazards)*

Biodiversity impacts associated with rezoning and developing the Airport Lands, Thrumster Lands and proposed Business Park Area have been addressed in the Biodiversity Certification Assessment approved by the Minister for the Environment in September 2018.

Under *State Environmental Planning Policy (Coastal Management) 2018*, a large extent of the site is mapped as either 'Coastal Wetlands' or 'Proximity Area for Coastal Wetlands'. With the exception of environmental protection works and

emergency or routine maintenance works, all works within the mapped area will be designated development for the purposes of the *Environmental Planning and Assessment Act 1979*. Where development is designated development, an Environmental Impact Statement is to be prepared and submitted with a Development Application.

The existing vegetated areas within the proposed Business Park area are mapped as bushfire prone land. This vegetation has been Biodiversity Certified and will be cleared as development occurs. Future development of the Business Park will need to provide adequate Asset Protection Zones to the Biobank lands (i.e. future E2 zones to the east and south) and to rural land adjoining to the north. Subject to receiving a Gateway Determination, consultation on this matter will be required with the NSW Rural Fire Service.

The site includes lands mapped as Classes 2, 3 and 5 Acid Sulfate Soils (ASS). Groundwater assessments completed on behalf of the proponent by Regional Geotechnical Solutions in October 2015 and November 2017 to inform the development potential of the proposed Business Park land, confirmed the presence of both Actual and Potential ASS. An ASS Management Plan will be required prior to any on-site works where groundwater will be present. The proponent's Planning Proposal notes that a proposed Low-Pressure Sewerage Scheme will minimise potential issues associated with the Actual and Potential ASS, as deep excavation will not be required.

The Planning Proposal notes that only minor filling (1,500m<sup>3</sup>) will be required to achieve flood-planning levels for fringe areas in the north and south of the proposed Business Park to comply with Council's *Hastings River Flood Study 2018*.

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

Rural lands adjoin the site to the north and west, the Thrumster Urban Release area to the south and established residential to the east. Newman Senior Technical College is located within the existing B7 Airport Business Park area with frontage to Boundary Street. The college is a senior secondary school (students in Years 11 & 12) that provides vocational education and training. The Port Macquarie shooting range adjoins the site to the southeast and is zoned RE2 Private Recreation. The proposed Business Park is generally compatible with and/or sufficiently buffered from these adjoining uses.

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

Road Infrastructure Capacity

In the absence of any certainty regarding a future alternative road access, it is assumed that all access to the proposed Business Park will be via Boundary Street.

In the lead up to the site selection process, the proponent commissioned a Traffic Engineering report by TPS Group (June 2016) to address traffic planning for development of the Airport Precinct Investigation Area for Business Park purposes.



Based on an indicative Hastings River Drive/Boundary Street intersection design prepared by Council's Transport and Stormwater Network (T&SN) Section, TPS Group 'reverse engineered' their traffic modelling to determine the future capacity of the intersection. TPS also estimated the amount of land in the investigation area that could be developed for Business Park, using the existing road network.

The TPS Group report modelled traffic generation assuming a hypothetical Business Park mix of uses across the total investigation area and concluded that the intersection, with a modified lane arrangement, would be capable of accommodating 100% of the proposed Business Park development traffic in 2030 (i.e. approx. 20,000 vehicles/day).

Council's Transport and Stormwater Network (T&SN) Section reviewed the TPS Group report and concluded that the TPS Group land use scenarios did not meet all of Council's normal Level of Service and Degree of Saturation targets. Council's T&SN modelling concluded that a maximum 50% of the investigation area (i.e. 20.5 ha) could be developed for Business Park, until such time as a secondary access to the Port Macquarie Airport becomes available.

The proponent engaged SLR consultants to peer review the TPS Group report and Council's T&SN review of that report. SLR agreed with TPS Group's conclusion that the full Business Park development can be catered for at 2030 with a modified lane arrangement for the Hastings River Drive/Boundary Street intersection.

After reviewing the SLR report and noting that the constraining factor is the capacity of the intersection, Council's T&SN restated their earlier conclusion that the proposed upgraded intersection would only have capacity to provide for 50% (i.e. 20.5ha) of the investigation area for Business Park development.

The proponent's Planning Proposal request contends that the proposed rezoning of an expanded Airport Business Park footprint to 23.75 ha is not likely to have unacceptable impacts on the capacity of existing road infrastructure.

King and Campbell, note that the proposed Airport Business Park footprint (23.75 ha) will result in an estimated 16.03 ha of net developable land, which represents 58% of the net developable area modelled by TPS Group. King and Campbell note that this represents a 14% increase in the net developable area that will ultimately be achieved at the Airport Business Park and consider this a minor increase to the footprint and traffic volumes accepted by T&SN for the proposed Airport Business Park.

The Planning Proposal request notes that the proposed maximum Floor Space Ratio of 0.65:1 is less than that assumed for the traffic modelling (i.e. 0.7:1). This represents a 2% reduction in modelled traffic volumes.

Also noted is that the traffic modelling undertaken of the 2030 performance of the Hastings River Drive/Boundary Street intersection is a model of a long-term outcome. There are many parameters in the broader road network (e.g. decisions with respect to other road and intersection upgrades and development rates across the LGA) that will also impact the performance of the intersection and therefore, the results of the future modelling. Various traffic engineering parameters are inputs into the modelling of the future performance of the intersection.



Having regard to the above, Council's T&SN has accepted that on balance, the impact of a 14% increase in the footprint of net developable B7 zone is within the accuracy limits that can be expected to be achieved with the modelling of the future traffic outcomes.

#### Infrastructure Funding

The TPS Group and SLR reports together with Council's T&SN Section review of these reports recognise that development of the proposed Business Park, together with an assumed doubling of traffic generated by existing land uses in the area, will require upgrading of the Hastings River Drive/Boundary Street intersection and improvements to Boundary Street. These works are currently not listed in Council's future works program.

The Planning Proposal request acknowledges that in the absence of a local roads contribution plan, it is anticipated that the intersection improvements will be specified as a condition of development consent for the establishment of the Airport Business Park, including details of a proposed trigger for these works. King and Campbell expect that apportionment of the share of the costs of the intersection works between the Business Park and other development would be negotiated through a Works in Kind Agreement at that time.

The D&E Division assessment is that an upgrade of Boundary Street is a fundamental requirement for the proposed Business Park, which will generate a significant proportion of demand for the upgrade. In this case, Council cannot enter into a Planning Agreement to obtain a commitment in relation to road upgrades. Any sale of the Council owned Business Park land could be contingent upon a Planning Agreement to demonstrate to the community, that the development of Council owned land has been treated in the same way as any other proposed development. This in-principle commitment is shown as Part 5 of the recommendation.

In addition, it is proposed that Council's D&E Division prepare a draft Section 9.11 Contributions Plan to enable collection of developer contributions towards road infrastructure required to service the proposed Airport Business Park. The draft Plan will identify the level of developer contributions applicable to road and intersection works to accommodate future development of the proposed Business Park area overtime and can be referenced in any future Planning Agreements. The proposed Contributions Pan will need to be in place prior to development of the Business Park but need not delay the proposed referral of a Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination.

#### Sewerage

The Planning Proposal request presents two options for sewerage infrastructure, being a conventional gravity sewerage scheme and a low-pressure sewerage scheme. The options have been assessed by Council's Water and Sewer Section and are considered to adequately demonstrate that it will be possible to service the proposed Business Park land in the future. A decision on which option to progress will be determined at the later Development Application stage.

Water supply

The Port Macquarie Airport and existing developed Business Park lands are currently serviced by reticulated water supply. Based on modelling undertaken by Council's Water and Sewer section and assuming preliminary densities provided by the proponent, the proposed Business Park can be serviced by water supply subject to augmentation of connection from the Oxley Highway ultimately linking to the existing infrastructure in Boundary Street.

Stormwater drainage

King and Campbell has submitted a Stormwater Management Plan in support of the proposed Business Park rezoning. The Plan recommends a stormwater treatment train approach, primarily using bio-retention basins/swales centrally located within the proposed road network. The concept has been assessed by Council's Transport and Stormwater Network Section and is considered to provide a satisfactory response to stormwater management issues to support a Planning Proposal.

***C. Will the proposal give effect to any endorsed local strategies or strategic plans?***

In addition to the UGMS as discussed in Question A2, the proposal will give effect to the following endorsed Council strategies:

Towards 2030 Community Strategic Plan

The Planning Proposal satisfies the key strategies of this Plan for both 'business and industry' and 'natural and built environment' in that it will:

- Provide for employment lands in close proximity to a transport hub
- Attract investment to a location that is well serviced and connected to the greater Port Macquarie area
- Provide for effective management and maintenance of urban infrastructure and services
- Facilitate development that is compatible with the natural and built environment
- Provide for the effective integration of transport systems, and
- Restore and protect natural areas, consistent with the approved Biodiversity Certification of the Port Macquarie Airport and surrounding lands.

Economic Development Strategy 2017 – 2021

The Mission of this Strategy is *'To lead, create and proactively support an environment that stimulates sustainable industry, business and investment growth.'*

Strategic objective 5 *'Ensure appropriately zoned land and precinct planning to encourage business investment and the development of new industries'*, and strategic objective 18 *'Support the growth of the Port Macquarie Airport precinct'* are relevant to the Planning Proposal.

The Planning Proposal satisfies these objectives by proposing that all Council owned land on the eastern side of Boundary Street be zoned SP2 Airport Infrastructure for use in conjunction with Airport operations and that a reconfigured and expanded B7

Business Park area be provided on the western side of Boundary Street with close proximity to the Airport.

Port Macquarie Airport Master Plan 2010 and Addendum Report 2013

Known as the 'Airport Master Plan', these documents set out a 20-year vision for the Airport and provide the strategic direction to guide future development to reinforce the region's economic development and tourism potential. Priority objectives are:

- To provide adequate infrastructure and facilities to meet forecast demand for future regular public transport airline operations, and
- To provide opportunity for commercial property development to promote employment opportunities, facilitate economic development, and support the long-term financial viability and sustainability of the Airport business.

Implementation of the approved Biodiversity Certification is necessary to meeting current CASA standards. The Master Plan also identified areas to the north and east of the Existing Airport facilities for non-aviation uses, including a proposed Business Park, subject to detailed investigation are rezoning.

**Other Planning Matters for Consideration**

*1. Existing B7 Business Park zone planning controls*

GEM Planning on behalf of Lewis Land Group for Sovereign Hills Project raised the lack of land use planning controls applying to the existing B7 Business Park area compared to other business areas in the Local Government Area when the Airport Biodiversity Certification Assessment and Strategy was exhibited for public comment in 2016.

The Newman College site forms part of the existing B7 Business Park lands and no planning controls apply to the land with exception of a 0.65:1 Floor Space Ratio control. Pending advice from King and Campbell, it is considered reasonable that a minimum 2,000sqm lot size and maximum 11.5m building height, also apply to the Newman College site for consistency with the proposed B7 Business Park area.

*2. Proposed Additional Local Provision and Biodiversity Certified Land Map*

The proponent's draft LEP provision in relation to Biodiversity Certified land is specific to the Airport and Thrumster Lands, which represents approximately 74% of a larger land area that is subject to the Biodiversity Certification approval (i.e. *Order conferring biodiversity certification – Port Macquarie Airport and surrounding lands*) gazetted on 7 September 2018. The footprint covered by the Order is shown in Figure 1.

To ensure that all Biodiversity Certified land is identified now, and in the future if needed, a more generic provision is proposed. A general explanation of the intent of the provision can be included in the Planning Proposal to enable Parliamentary Counsel to draft a suitable clause prior to notification of the LEP.

Consultation will be required with the Department of Planning Industry and Environment regarding technical mapping requirements for the proposed Biodiversity Certified Land Map.

### 3. *Proposed Schedule 1 amendment*

Vegetation clearing and conservation cropping are not land uses that can be included in the land use tables of the Standard Instrument LEP. Therefore, the proposed use of schedule 1 to permit these works is not appropriate. Clearing and conservation cropping adjacent to the Airport runway is permitted under the Biodiversity Certification Assessment and will be included in the LEP via the additional local provision and inclusion of the land on the proposed Biodiversity Certified Land Map.

### 4. *Preparation of Development Control Plan Provisions*

It is proposed that Council's D&E Division prepare draft development control plan (DCP) provisions in consultation with the proponent, to guide future development of the proposed Airport Business Park with the aim of facilitating higher amenity office and commercial uses.

The draft controls will comprise, but not be limited to, provisions related to streetscape and building form, building setbacks, landform, vehicle access, landscaping, and Airport operational requirements. It is recommended that the draft controls be concurrently exhibited with the Planning Proposal.

#### Recommended Planning Proposal

Having regard to the strategic and site-specific merit of the Planning Proposal as outlined above, Council's D&E Division has prepared a formal Planning Proposal (at **Attachment 1**) to amend the PMH LEP 2011. The land to which the Planning Proposal relates comprises all land subject to the Biodiversity Certification, in addition to Newman College, pending receipt of advice from King and Campbell.

The Planning Proposal seeks to amend the *Port Macquarie-Hastings LEP 2011* as follows:

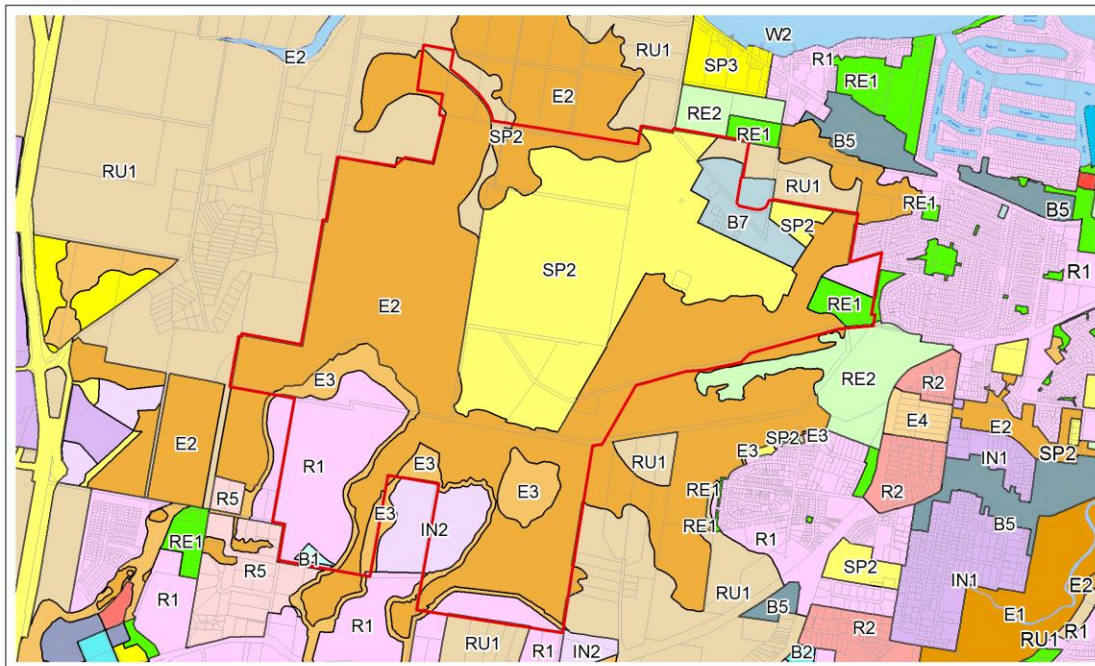
- Amend the Land Zone Map to rezone the Port Macquarie Airport and Council-owned Thrumster lands to provide for a reconfigured and expanded Business Park area of 23.75 ha and to reflect the Biodiversity Certification Assessment outcomes, as shown in Figure 4.
- Amend the Lot Size Map to permit a minimum lot size of 2,000sqm for the proposed B7 Business Park land and Newman College, as shown in Figure 5.
- Amend the Lot Size Map to permit a minimum lot size of 40 hectares for the proposed E2 Environmental Conservation and E3 Environmental Management lands over the Airport Lands and northern extent of the Thrumster Lands, as shown in Figure 5.
- Amend the Height of Buildings Map to permit a maximum building height of 11.5 metres for the proposed B7 Business Park land and Newman College, as shown in Figure 6.



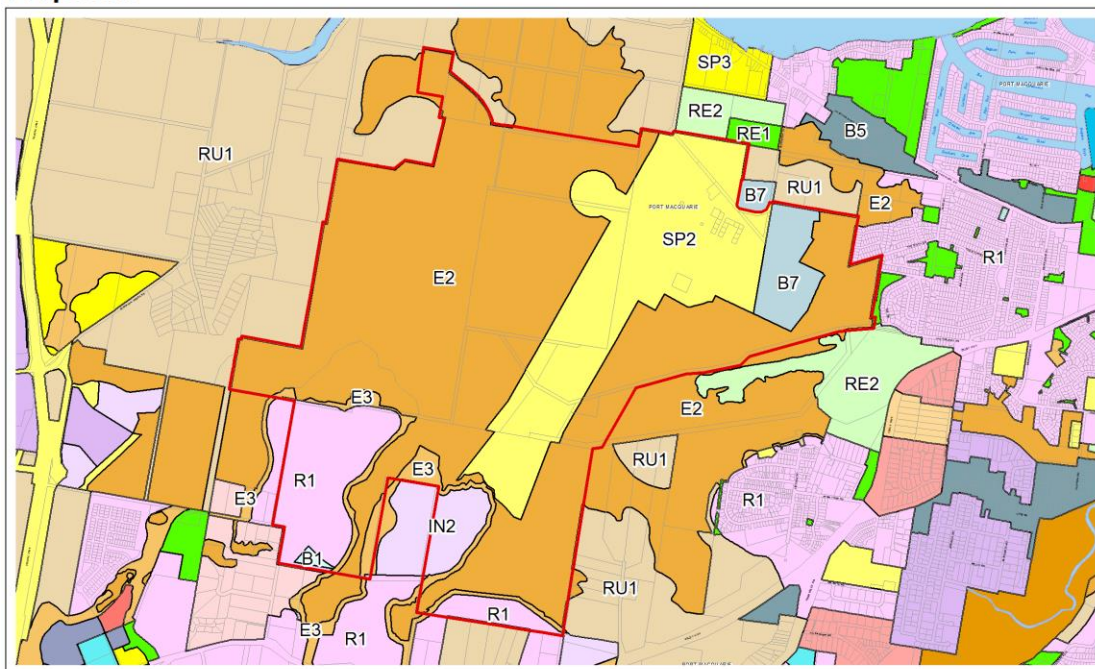
- Amend the Floor Space Ratio Map to permit a maximum floor space ratio of 0.65:1 for the proposed B7 Business Park land and Newman College, as shown in Figure 7.
- Amend the permitted uses in the Zone B7 Land Use Table, as specified in the proponent's Planning Proposal request.
- Include an additional clause under Part 7 'Additional local provisions' to identify land that is subject to Biodiversity Certification. The general intent of this clause is outlined in the Planning Proposal. Parliamentary Counsel will draft the provision prior to the making of the LEP.
- Include a Biodiversity Certification Assessment Land Map to identify Biodiversity Certified land in connection with the proposed additional local provision. Consultation will occur with the Department of Planning, Industry and Environment to determine technical mapping requirements.



Current



Proposed



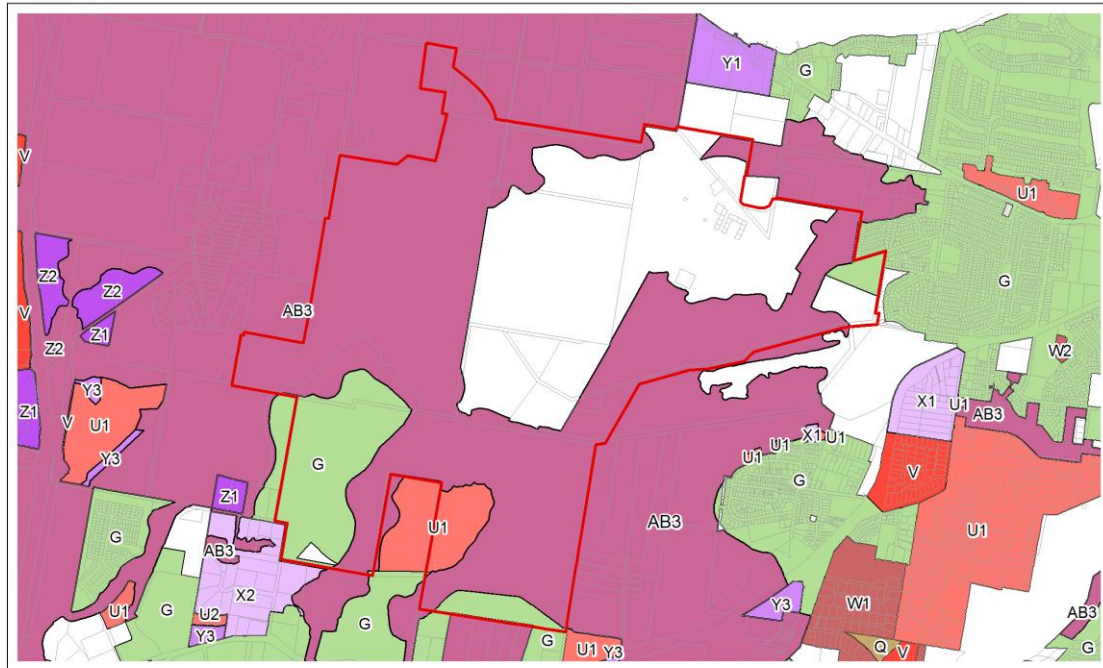
Zone Codes

B1 Neighbourhood Centre	E3 Environmental Management	RU1 Primary Production
B7 Business Park	IN2 Light Industrial	SP2 Infrastructure
E2 Environmental Conservation	R1 General Residential	

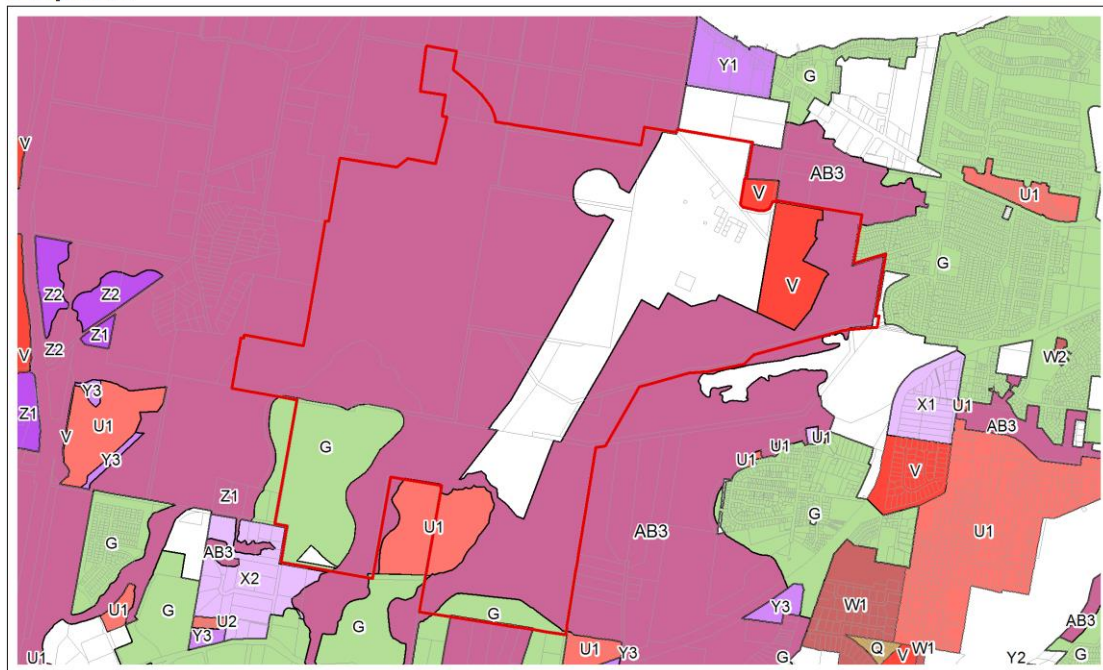
Figure 4: Existing and proposed Land Zone



Current



Proposed



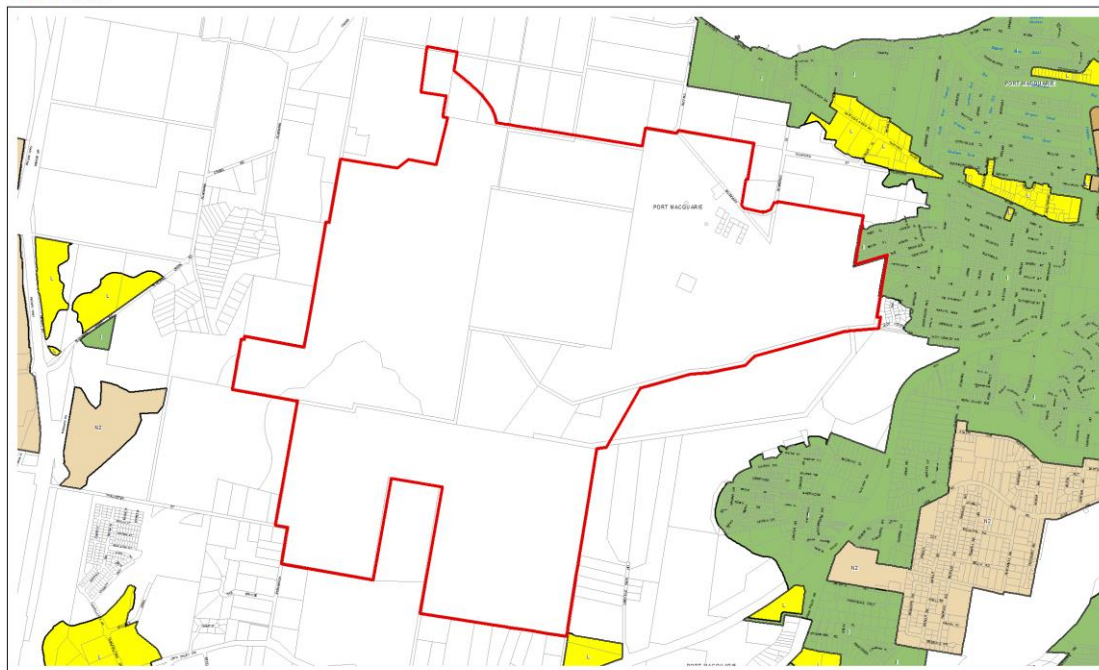
Minimum Lot Size

V	2000 sqm	U1	1000 sqm
G	450 sqm		
AB3	40 ha		
Blank	no maximum		

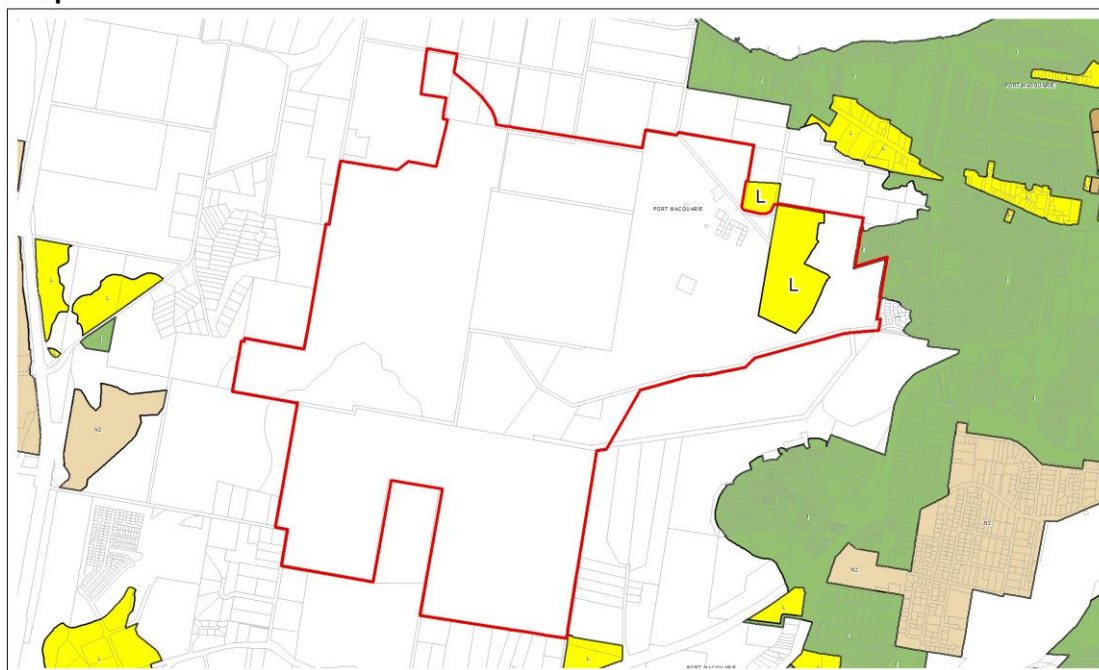
Refer to LEP Text for definition of  
Maximum lot size

Figure 5: Existing and proposed Lot Size

Current



Proposed



Maximum height of buildings

L 11.5m

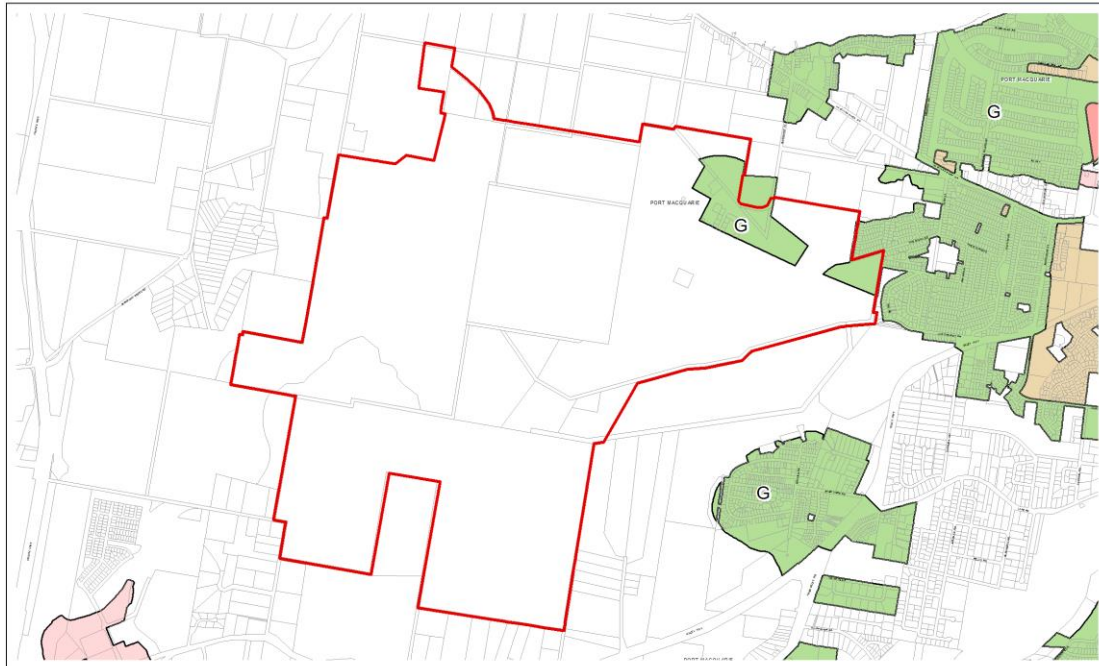
Blank - no maximum

Refer to LEP Text for definition of  
Maximum building height

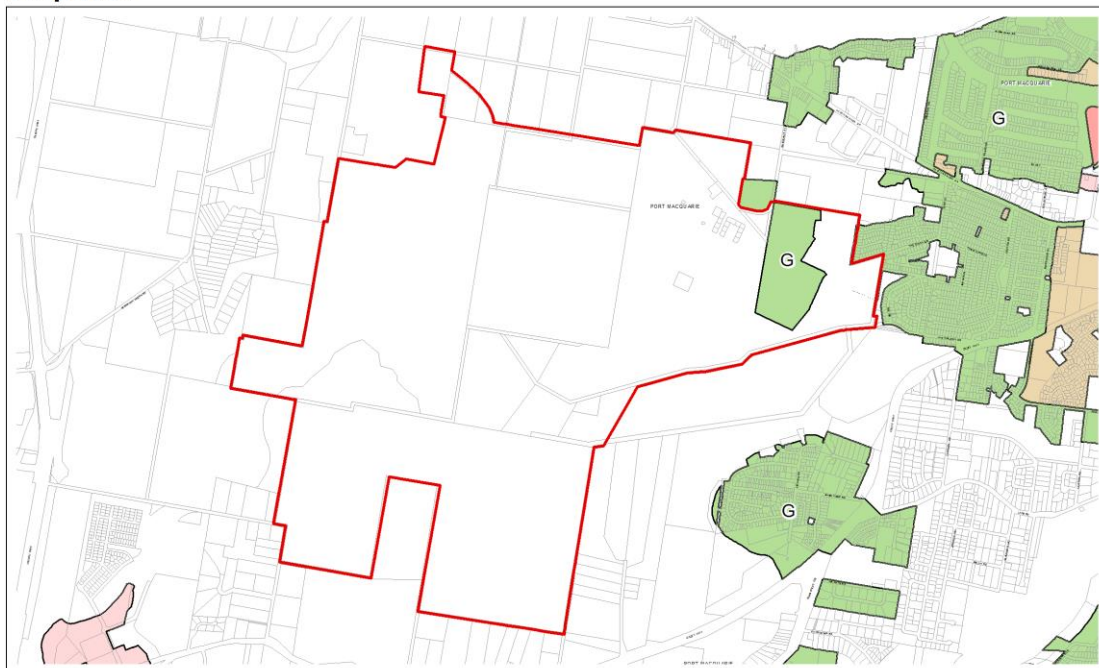
**Figure 6:** Existing and proposed Height of Buildings



Current



Proposed



Maximum Floor Space Ratio (n:1)

G 0.65

Refer to LEP Text for definition of  
Floor space ratio

Blank - no maximum

**Figure 7:** Existing and proposed Floor Space Ratio

### Options

The following options are available to Council:

1. Endorse the Planning Proposal as shown in Attachment 3, as recommended.
2. Endorse the recommended Planning Proposal with amendments.
3. Defer or not support the preparation of a Planning Proposal.

The Planning Proposal (**Attachment 1**) has been prepared to address the requirements of the Environmental Planning and Assessment Act, in accordance with the State Government's Guidelines for the preparation of Planning Proposals. Option 1 is recommended.

### Community Engagement & Internal Consultation

Should Council resolve to proceed with the preparation of a Planning Proposal, as recommended, public consultation will take place following referral to the NSW Department of Planning Industry and Environment's Gateway in accordance with the normal requirements of *Environmental Planning and Assessment Act 1979*.

Subject to the Planning Proposal proceeding to public exhibition (post-Gateway), Council's D&E Division will write to all adjoining and adjacent landowners including, the three adjoining landowners in the Airport Business Park Investigation Area, advising of the Planning Proposal and inviting submissions as part of the public exhibition process.

As detailed in Council's D&E Division report to the 10 August 2016 Ordinary Council Meeting, Council's D&E Division will also invite submissions from Mr John Jeayes and Lewis Land Group for Sovereign Hills Project (represented by GEM Planning). This will ensure that any actual or perceived overlapping and/or outstanding issues can be considered and addressed prior to a final decision on the Planning Proposal.

For the purpose of the public exhibition, a *Statement of Council Interest* will be included in the Planning Proposal, consistent with the Department of Planning Industry and Environment's *Best Practice Guideline - LEPs and Council Land 1997*.

The draft development provisions for the Airport Business Park and draft Contributions Plan will be reported back to Council for endorsement prior to being concurrently exhibited with the Planning Proposal.

Internal consultation in relation to this matter has occurred with managers and staff of Council's Transport and Stormwater Network, Sewer and Water, Natural Resources and Contributions Planning sections.

### Planning & Policy Implications

The proposal to rezone land within the Airport Precinct investigation area for Business Park development is consistent with the *North Coast Regional Plan 2036* and the *Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036*.



The proposed rezoning of the remainder of the Airport Lands and Council's adjoining Thrumster Lands is consistent with the approved Biodiversity Certification Assessment.

In terms of the proposed B7 Business Park zoning, under the *Port Macquarie-Hastings Local Environmental Plan 2011* the B7 zone allows office premises as well as light industrial uses. This use of the zone is a response to the changing nature of manufacturing, industry and business services in NSW and is considered appropriate, based on the assessment of the centres hierarchy, to optimise the future employment generating potential of the Airport precinct.

The proposed draft Development Control Plan provisions will provide detailed guidance for future development of the precinct, including policy for urban design and landscaping, having regard to operational requirements of the Airport and the gateway status of the precinct.

The proposed Contributions Plan will enable the collection of developer contributions towards the provision of essential road infrastructure required to service the proposed Business Park.

Given the direct interest of Council as both the landowner and the proponent in respect of the proposal, it is recommended that Council not seek delegation from the Department of Planning, Industry and Environment to be the local plan-making authority for the Planning Proposal.

Cardno's Final Probity report will address whether or not there are any probity issues of concern in relation to the exhibition and assessment processes involved in preparing a Planning Proposal and the final recommendations to Council.

### **Financial & Economic Implications**

As discussed in the report, there are no significant economic impacts expected on the existing and proposed hierarchy of business centres in the Port Macquarie-Hastings because of the proposed Airport Business Park rezoning.

The cost of servicing development of the proposed Business Park and the risk associated with the upfront funding of servicing will be significant, particularly for roads. This risk is to be mitigated through the development of a Contributions Plan for roads infrastructure.

Other major infrastructure costs in developing the proposed Business Park relate to sewer servicing, water supply and stormwater management. These requirements will need to be assessed and resolved in conjunction with a future application to develop the proposed Business Park.

In relation to the planning process, the proponent has paid the stage 1 rezoning fee in accordance with Council's current Schedule of Fees and Charges. A stage 2 fee will be payable when the Planning Proposal proceeds to public exhibition.

The Probity Report has been funded by Council's Development and Environment Division as part of the assessment process.

The preparation of the Planning Proposal, draft Development Control Plan and draft Contributions Plan will be completed by Council staff as part of Council's Strategic Land Use Planning program.

**Attachments**

1 [View](#). Planning Proposal - Airport Business Park

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**Item: 13.06**

**Subject: HIBBARD PRECINCT FLOOD STUDY - PUBLIC EXHIBITION  
SUBMISSIONS REPORT**

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

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### **Alignment with Delivery Program**

4.2.1 Develop and implement coastal, estuary, floodplain, and bushfire management plans.

### **RECOMMENDATION**

**That Council:**

- 1. Adopt the *Hibbard Precinct Flood Study (2019)* report (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. Proceed with the Floodplain Risk Management Study (FRMS) phase.**

### **Executive Summary**

The purpose of this report is to provide details and feedback relating to the submissions received as a result of the public exhibition of the draft *Hibbard Precinct Flood Study (2019)*.

This Flood Study refines the *Hastings River Flood Study Update (2018)* model with more detailed local data of the floodplain within the Hibbard Precinct.

The updated hydraulic model has been calibrated to historical floods confirming its ability to reproduce historical flood behaviour on the catchment.

The *Hibbard Precinct Flood Study* used a two stage approach to define the floodway corridor through the Hibbard precinct. The Study also provides Council with a suitable platform for undertaking the subsequent stages of the Floodplain Management process, flood planning, and development of flood risk management strategies for the study area.

At its meeting on 15 May 2019, Council resolved to publicly exhibit the draft *Hibbard Precinct Flood Study* report for a minimum of 28 days. The report was placed on public exhibition from 20 May to 17 June 2019 (29 days) and a total of two submissions were received.

Both submissions were in support of the Flood study findings.

This report summarises the stage 1 *Hibbard Precinct Flood Study* investigations and provides a summary of the public exhibition process and submissions received during this phase.

This report recommends that Council proceed to endorse the *Hibbard Precinct Flood Study (2019)* (Attachment 1) and notes that there will be no change to the Flood Planning Area (FPA) extents as defined under the *Hastings River Flood Study Update (2018)*.

## Discussion

### Flood Study Update Overview

In late 2016 Council engaged Advisian to undertake the Floodplain Management Process for the Hibbard Precinct. Part of the Floodplain Management Plan is to determine the nature and extent of the flooding in this area, i.e. the preparation of a Flood Study.

The primary goal of the *Hibbard Precinct Flood Study* is to determine the nature and extent of the flooding in this area, confirm whether the floodway exists in this area, and if so, define the extent of the floodway at a local scale.

The flood study will then be used to undertake a detailed investigation to assess options for maintaining the floodway into the future and for mitigating impacts associated with its adoption on affected landowners.

### Flood Study Update

The existing two-dimensional RMA-2 hydraulic model (last modified for the *Hastings River Flood Study Update 2018*) was refined to incorporate additional topographic detail and physical features across the Hibbard Precinct. The upgraded flood model was used to confirm the importance of the floodway and will be used to assess options for maintaining the flood function of this area of the floodplain when the Stage 2 (options) assessment commences.

### Refined Floodway Assessment

The existing floodway corridor was identified using a broad scale flood model developed as part of the lower *Hastings River Flood Study (2006)*.

Local scale details have been incorporated into the Hibbard Precinct flood model including buildings, fences and road embankments.

With this new information available, a reassessment of the floodway corridor was undertaken by applying a two stage analysis. Stage 1 involved a preliminary floodway analysis and Stage 2 involved an encroachment/blockage testing analysis.

The Stage 1 analysis involved identifying those parts of the floodplain across which velocities, depths and the velocity-depth product were 'locally' high and indicative of an area with high hydraulic importance and/or an area conveying a significant amount of the flow occurring 'locally'. The Stage 1 analysis defined a 'preliminary' floodway extent through Hibbard.

The Stage 2 analysis involved encroachment/blockage modelling of the Stage 1 floodway corridor to assess whether the corridor was sufficiently sized to ensure local flows could be conveyed without causing flood level increases of greater than



100mm. The threshold of 100mm is widely used in floodplain management and is referenced in OEHS guideline document, *Floodplain Risk Management Guideline – Floodway Definition* (2007).

Based on the results of the Stage 2 encroachment modelling it is proposed that the floodway corridor delineated through the Stage 1 analysis be adopted for the Hibbard Precinct. Refer to **Figure 1** below.



**Figure 1:** Proposed Hydraulic Category Mapping recommended for adoption.

### Exhibition

At its meeting on 15 May 2019, Council resolved to publicly exhibit the draft *Hibbard Precinct Flood Study* report for a minimum of 28 days. The report was placed on public exhibition from 20 May to 17 June 2019 (29 days).

As part of the public exhibition process:

- Letters were sent to property owners within the Hibbard Precinct to advise them of the Draft Flood Study (approx. 120 properties);
- Notified key local development and construction industry representatives via the *Construction Industry Connect* newsletter;
- Held a public 'drop-in-session' that was attended by staff from Advisian (flood consultant);
- Hosted a 'Have Your Say' webpage on the PMHC website,
- Published 'Community Now' notices in local newspapers, and;
- Posted the Draft Flood Study on Council's social media account.



## Options

The NSW State Government's *Flood Prone Lands Policy* and *Floodplain Development Manual (2005)* provides a framework to ensure the sustainable use of floodplain environments. The *Flood Prone Lands Policy* (among other things) provides a means of ensuring that any new development is compatible with the flood hazard and does not create additional flooding problems in other areas.

Under the *Flood Prone Lands Policy*, the management of *flood liable land* remains the responsibility of Local Government. The State Government subsidises flood mitigation works to alleviate existing problems to assist Councils in their floodplain management responsibilities, but only where the State Government floodplain management process has been followed.

The draft *Hibbard Precinct Flood Study (2019)* has been developed in accordance with the NSW Government's *Flood Prone Lands Policy* and *Floodplain Development Manual (2005)*.

It is recommended that Council:

- Endorse the *Hibbard Precinct Flood Study (2019)*,
- Proceed to the Floodplain Risk Management Study phase.

Options available to Council include:

1. Approve the draft Flood Study.
2. Not approve the draft Flood Study.

## Community Engagement & Internal Consultation

The following details the consultation undertaken for this project.

### Have Your Say

During the public exhibition period 157 people viewed the PMHC *Have Your Say* site. 65 people downloaded the documentation and 33 viewed the online information, however no submissions were made via the website. At the close of the public exhibition period 110 people were *aware*, 44 participants were *informed*, however 0 were *engaged*, accordingly no submissions were received via PMHC *Have Your Say* site.

### Drop-in Session

Five people attended the public drop-in session. Attendees were made aware of the submission process and hard-copy submission forms were made available during the meeting. No submissions were received from the drop-in session.

### Construction & Industry

Key construction and industry stakeholders were made aware of the public exhibition period via the CIAG group newsletter. No submissions were received from the newsletter.

### Individual Submissions

During the public consultation period a total of two submissions were received.

Table 1 below summarises the main issues raised in the submissions and provides comments in respect of the issues. NB: Councillors have been provided with full copies of the submissions under separate cover.

<b>Table 1 - Summary of issues</b>		
	<b>King &amp; Campbell Pty Ltd on behalf of a landholder</b>	
<b>Issue</b>	The landowner's property has previously been included in both state government regional strategies and PMHC urban growth strategies for future investigation as infill residential land including the potential for well-located land suitable for affordable housing.	
	<b>Council Response/ Comment:</b>	<p>Noted.</p> <p>The <i>Hibbard Precinct Flood Study</i> has confirmed that a floodway corridor does indeed exist through the Hibbard Precinct. The flood modelling and blockage scenarios have confirmed that if a floodway is not retained then the flood problem within the area will be made worse.</p> <p>However the study also confirms that there are areas in the Hibbard Precinct that are not within the revised floodway alignment, and therefore may be investigated for future development.</p> <p>Detailed local scale site investigation studies will still be required to support development for those areas located outside the floodway alignment. Given the location of this property, the site specific studies will need to consider the results of the FRMS &amp; FRMP findings.</p>
<b>Issue</b>	Acknowledge the findings of the Hibbard Precinct Flood Study the primary purpose of which was to define the extent of the floodway within the Hibbard Precinct at a local scale.	
	<b>Council Response/ Comment:</b>	Noted.
<b>Issue</b>	Confirm the landowner's interest in the next stage of Hibbard Precinct Flood planning. Specifically, the landowners seek PMHC's support to include future investigations for potential infill residential uses on that part of the subject property outside the footprint of the Floodway determined in the Precinct Study as part of the floodplain risk management study phase for the Hibbard Precinct.	
	<b>Council Response/ Comment:</b>	<p>The next stage of the Hibbard Precinct Flood planning process is the Floodplain Risk Management Study (FRMS). The FRMS will investigate various options to manage flood risk within the catchment. Future investigations for potential infill development on land outside the footprint of the revised</p>

**Table 1 - Summary of issues**

		<p>floodway alignment may be considered as part of the FRMS phase.</p> <p>In this regard, site specific investigations for particular uses will not be considered during the FRMS, however pragmatic solutions for holistic uses of those areas outside the floodway area will be considered.</p> <p>However it is noted that even following the findings of the FRMS &amp; FRMP phase, detailed flood investigations by individual landowners may still need to be undertaken to support site specific developments.</p>
<b>Issue</b>	<p>The landowner's property has been the subject of a site-specific Flood Impact Assessment by Patterson Britton &amp; Partners in June 2007 and Additional Floodplain Risk Management Advice prepared by Worley Parsons in August 2008. The conclusions of these site-specific assessments had previously indicated that:</p> <ul style="list-style-type: none"> <li>• The eastern part of the subject land could be filled for development while resulting in minor localised increases in peak 100 year recurrence flood levels.</li> <li>• Investigations demonstrated that provisions can be made for successful evacuation of residents from the subject site in the event of a major flooding of the Hastings River.</li> </ul> <p>It is acknowledged that PMHC has completed substantive Hastings River Floodplain Management Study (specifically the Updated Hastings River Flood Study (2018) and the Hibbard Precinct Flood Study (2019)) since the site specific assessments were undertaken. However the information in the site specific assessments is provided in this submission as a starting point for consideration of the potential development of the area mapped as flood storage within the subject property as part of the Floodplain Risk Management Study phase for Hibbard Precinct.</p>	
	<p><b>Council Response/</b></p> <p><b>Comment:</b></p>	<p>Refer to above response for consideration of future development within the precinct.</p> <p>Previous investigations may be used to inform future developments within the study area, however should be treated with caution.</p> <p>With this in mind, there have been significant changes to the flood studies and Flood Policy provisions that apply to development within the floodplain which have been made in the past 10 years. Whilst the new flood studies and Flood Policy have impacted upon the floodplains more broadly, there are specific measures that this site will need to be considered within the Hibbard Precinct due to the unique flooding constraints that are present in this area and the location of the landowner's site.</p> <p>The landowner commissioned (2007 &amp; 2008) reports will need to consider the information contained within the new</p>

**Table 1 - Summary of issues**

		Flood Policy and flood study documents that have been developed and implemented since 2008.
	<b>King &amp; Campbell Pty Ltd on behalf of a client (regarding Newman Senior College)</b>	
<b>Issue</b>	<ul style="list-style-type: none"> <li>Acknowledge the findings of the Hibbard Precinct Flood Study (Rev B) with respect to the updated modelling based on a refinement of the RMA-2 flood model that now incorporates additional topographic detail and physical features across the Hibbard Precinct; and</li> <li>Confirm (the submitters) support for the recommendations which include proceeding to the floodplain risk management phase for the Hibbard Precinct.</li> </ul>	
	<b>Council Response/ Comment:</b>	<p>Noted.</p> <p>Pending support for the recommendations of this report, staff anticipate that the project can proceed to the next phase.</p>
<b>Issue</b>	<p>For the purposes of the revised Hydraulic Categories (recommendation (iii)), we note that the land (the subject of the submission) is mapped as flood free and the northern adjoining land is primarily mapped as Flood Storage, with a small area mapped as Flood Fringe. The south-western corner of the adjoining land is mapped as flood free</p> <p>It is noted that Clause 7.2 of the current flood policy includes the following provisions:</p> <ul style="list-style-type: none"> <li>No filling of land is permitted west of Boundary Street until the Hibbard Precinct Floodway Refinement Study has been undertaken. Refer to Ordinary Council Meeting 17 February 2010, Item 06.1).</li> <li>Development (excluding filling) must be limited to areas outside the provisional Floodway area as shown on Figure 3; and</li> <li>All development within the Hibbard (West) Precinct must be accompanied by a Flood Risk Assessment and Flood Impact Assessment.</li> </ul> <p>The completion of the subject Hibbard Precinct Flood Study (referred to in the Flood Policy as the Hibbard Precinct Floodway Refinement Study) has confirmed the extent of the Floodway area within the Hibbard Precinct. The requirement of the first part of Clause 7.2 has now been satisfied.</p> <p>The Hibbard Precinct Flood Study has confirmed the need for the retention of the Floodway the extent of which is shown on Figure 8.9 of the Study.</p> <p>The Hibbard Precinct Flood Study also provides the basis for reconsideration of Clause 7.2 of the current flood policy to allow for development (including filling) on the western side of Boundary Street in</p>	



**Table 1 - Summary of issues**

	<p>areas that are clear of the Floodway Area determined by more detailed local Study.</p> <p>This submission seeks PMHC's consideration of amendment to the Flood Policy to allow for development on the western side of Boundary Street (including filling) subject to the preparation of Flood Risk and Flood Impact Assessments as required by the Policy.</p>
<p><b>Council Response/ Comment:</b></p>	<p>It is acknowledged that the draft Hibbard Precinct Flood Study more accurately defines the floodway in the area. However, council is yet to complete the Flood Risk Management Study where management options are identified and assessed. At this stage it is unclear what works or land may be required to accommodate any future options.</p> <p>It is prudent to maintain the filling moratorium until the Management Study phase has considered all options and a final option is recommended. The Flood Policy would also then be revised to reflect the final management option(s) and the lifting of the fill moratorium.</p>

### Planning & Policy Implications

The draft *Hibbard Precinct Flood Study* (2019) define a Floodway and assist in the assuagement of future management options.

The floodway definition will guide new development located within the Hibbard Precinct that may be affected by flooding. The updated flood information will result in more accurate planning controls in areas subject to flooding under the LEP & Flood Policy.

The proposed controls remain consistent with Council's strategic land use planning framework, notably the Local Environmental Plan and state based floodplain management planning provisions, specifically the *NSW Flood Policy* & *NSW Floodplain Development Manual* (2005).

The existing Development (Filling) Moratorium imposed in February 2010 to restrict fill and development west of Boundary Street until such time that the refined Hibbard Floodway Investigation had been completed is still relevant and necessary.

This Moratorium is reflected in Council's adopted *Flood Policy* (2018) as follows:

- *No filling of land is permitted west of Boundary Street until the Hibbard Precinct Floodway Refinement Study has been undertaken. Refer to Ordinary Council Meeting 17 February 2010, Item 06.1).*
- *Development (excluding filling) must be limited to areas outside the provisional Floodway area; and*
- *All development within the Hibbard (West) Precinct must be accompanied by a Flood Risk Assessment and Flood Impact Assessment.*



While the draft Hibbard Precinct Flood Study has more accurately defined the floodway in the area, Council is yet to complete the Flood Risk Management Study where management options are identified and assessed.

Future options may require works on land that have yet to be identified. It is prudent to maintain the filling moratorium until the Management Study phase has considered all options and a final option is recommended.

**Financial & Economic Implications**

There are significant financial implications for Council if the Flood Study is not adopted.

Should the Flood Study not be adopted, Council will not be able to proceed with the Floodplain Risk Management Study (FRMS) and Floodplain Risk Management Plan (FRMP) phases of the project. The FRMS & FRMP phases have been 2:1 funded (State: Council) and form part of the contractual arrangement with Advisian.

Further, NSW state government grant funding (2:1 funding from State: Council respectively) is not available for future flood related works without a FRMP and this is not possible without the adoption of this Flood Study. If Council chooses not to adopt the Flood Study any works to alleviate flooding will need to be fully (100%) funded by Council.

In addition, the new Flood Study more accurately reflects the present day flood characteristics of the catchment. Accordingly, incorporating the refined flood mapping into planning provisions has the potential to positively impact future development, while mitigating present day and future flood damage costs to the community.

**Attachments**

1 [View](#). Hibbard Precinct Flood Study - Final Draft (2019)

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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 Review of Organisation Structure**

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, which permits the Meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than Councillors).

**Item 15.02 T-19-15 Sports Field Lighting Installation**

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

**Item 15.03 EOI-19-01 Independent Members of the Economic Development Steering Group**

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-19-23 Design - John Oxley Drive - Kingfisher Road to The Ruins Way**

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

**Item 15.05 T-19-46 Kendall Emergency Water Trunk Main**

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

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

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

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**RECOMMENDATION**

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

**Item 15.01 Review of Organisation Structure**

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