

Ordinary Council Meeting

Meeting Date: 28/10/2009 - Ordinary Council Meeting

Item 00

Subject NOTICE OF ORDINARY COUNCIL MEETING - 28/10/09

Director

RECOMMENDATION

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PORT MACQUARIE
HASTINGS

**Notice is given that the next Ordinary Council Meeting
will be held on
Wednesday, 28 October 2009 at 5.30 pm
in the Council Chambers, Port Macquarie**

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Andrew Roach, General Manager

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



Council's Vision

"A sustainable high quality of life for all".

Council's Mission

"To provide regional leadership and meet the community's needs in an equitable and inclusive way that enhances the area's environmental, social and economic qualities".

Council's Corporate Values

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

Council's Corporate Programmes

Social:

To facilitate access to a range of services and facilities, recognising the importance of social well-being and ensuring a safe, inclusive and equitable community.

Governance:

To provide leadership and effective decision making, sound financial and resource management. To undertake the role of advocacy and promote communication and consultation. To provide a safe working environment and value teamwork in all that we do.

Environment:

To protect and enhance environmental values and provide for sustainable growth and development.

Economic:

To facilitate economic growth through the provision of quality services, strategies and infrastructure for the betterment of the community.

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

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

1. *Addressing Council on an Agenda Item*

If the matter **is** listed in the Council Business Paper, you are required to complete the form "*Request to Speak on an Agenda Item at a Council Meeting*" (Form A1/OCM3). This form can be obtained from any of Council's Offices, by downloading from Council's website or by telephoning Council's Call Centre on 6581 8111. The form can also be faxed to 6581 8100.

The Request Form must be received by Council no later than **4.30pm on the day prior to the Council Meeting.**

Council's Code of Meeting Practice sets out the following guidelines for addressing Council:

- Addresses will be limited to 5 minutes.
- If you wish any written information, drawings or photos to be distributed to the Council to support the address, two (2) copies should be provided to the Manager Governance & Executive Services prior to the commencement of the meeting.
- Where speakers wish to make an audio visual presentation, a copy is to be provided to the Manager Governance & Executive Services by 12 noon on the day of the Council Meeting.
- Council will permit only two (2) speakers "For" and two (2) speakers "Against" the *Recommendation* contained in the Business Paper. If there are more than two speakers for and against, the Administrator will request the speakers to determine who will address Council

2. *Addressing Council in the Public Forum*

If the matter **is not** listed in the Council Business Paper, residents are able to address Council in the Public Forum session on Council related issues. The Public Forum is the first item of the Council meeting and a maximum of five (5) speakers will be heard.

If you wish to address Council in the Public Forum, you are required to complete the form "*Request to Speak in Public Forum at Ordinary Council Meeting*" (Form PF/OCM1). This form can be obtained from any of Council's Offices, by downloading from Council's website or by telephoning Council's Call Centre on 6581 8111. The form can also be faxed to 6581 8100.

The Request Form must be received by Council no later than **4.30pm on the day prior to the Council Meeting.**

Each speaker will be limited to 5 minutes in the Public Forum. Council may ask questions of speakers but speakers *cannot* ask questions of Council.

Council will not determine matters raised in the Public Forum session, however may resolve to call for a further report, when appropriate.

Speakers will be allowed to address Council in the Public Forum on the same issue no more than three (3) times in each calendar year. (Representatives of incorporated community groups may be exempted from this restriction).

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Item **000**














Subject **INDEX - ORDINARY COUNCIL MEETING - 28/10/09**

Director

RECOMMENDATION

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			ITEM NO: 000 SUBJECT:INDEX - ORDINARY COUNCIL MEETING - 28/10/09
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			ITEM NO: 01 SUBJECT:ACKNOWLEDGEMENT OF COUNTRY
		01	Acknowledgement of Country.
			ITEM NO: 02 SUBJECT:LOCAL GOVERNMENT PRAYER
		02	That Father ** from St Agnes' Catholic Church, be invited to deliver the Local Government Prayer.
			ITEM NO: 03 SUBJECT:CONFIRMATION OF MINUTES
		03	That the Minutes of the Ordinary Council Meeting held on 23 September 2009 and the Minutes of the Extra-Ordinary Council Meeting held on 6 October 2009 be confirmed.
			ITEM NO: 04 SUBJECT:DISCLOSURES OF INTEREST
		04	That the disclosures of interest be presented.
			ITEM NO: 05 SUBJECT:PUBLIC FORUM
		05	Public Forum
			ITEM NO: 06 SUBJECT:ADMINISTRATOR'S MINUTES
		06	That the Administrator's Minutes be received.
28/10/2009 - Social			
			ITEM NO: 07 SUBJECT:GLASSHOUSE CLEANING SERVICES
		07	1. That Council accept the lump sum price of \$123,851.80 per annum (excluding GST) for a period of five years for the cleaning of the Glasshouse as negotiated with ISS Facility Services (Australia) Limited. 2. That Council accept the schedule
28/10/2009 - Governance			
			ITEM NO: 08 SUBJECT:COMPLAINTS HANDLING REPORT
		08	That the report be received.
			ITEM NO: 09 SUBJECT:INVESTMENTS - SEPTEMBER 2009
		09	That the report be received and noted.
			ITEM NO: 10 SUBJECT:MONTHLY REVIEW OF FINANCIAL POSITION - SEPTEMBER 2009

	10	That the adjustments in the "Financial Implications" section of the report be adopted.
ITEM NO: 11 SUBJECT:STATUS OF OUTSTANDING REPORTS TO COUNCIL		
	11	That the report be received and noted.
ITEM NO: 12 SUBJECT:PECUNIARY INTEREST RETURN REGISTER 2008/09		
	12	That the register be tabled.
ITEM NO: 13 SUBJECT:RECOGNITION OF COMPLIMENTS TO COUNCIL STAFF		
	13	That the information be noted and Council's appreciation of the staff performance and efforts be recorded with thanks.
ITEM NO: 14 SUBJECT:REVIEW OF COUNCIL COMMITTEES		
	14	1. That the Committees listed in Group A be retained. 2. That the Committees listed in Group B be disbanded or removed from Council's Committee register. 3. That the charter/ aims/objectives/committee representatives/voting rights and template for
ITEM NO: 15 SUBJECT:SUB-COMMITTEE CODE AMENDMENTS		
	15	That PMHC LGA Coasts & Estuaries Sub-Committee Code and the PMHC LGA Floodplain Sub-Committee Code be amended as proposed in this report.
28/10/2009 - Environment		
ITEM NO: 16 SUBJECT:FUNDING OFFERS FOR JOINT NATURAL RESOURCE AND PARKS AND RECREATION MANAGEMENT		
	16	That Council accept the grant offers of \$100,000 and \$10,000 from the Northern Rivers Catchment Management Authority and \$388,456 from the Federal Jobs Funds Program and that the budget be adjusted to reflect the grants.
ITEM NO: 17 SUBJECT:SECTION 68 SUBMISSION LOT 21 DP245751, BULLOCK DRIVE WAUCHOPE AND PART LOT 1 DP1125021 (FORMERLY LOT 1 DP1015954) AND PART LOT 12 DP812134, BEECHWOOD ROAD WAUCHOPE		
	17	1. That Council submit Draft Hastings Local Environmental Plan 2001 (Amendment No 69) to the Department of Planning in accordance with Section 69(1) of the Environmental Planning and Assessment Act 1979 seeking finalisation of the draft LEP. 2. That
ITEM NO: 18 SUBJECT:PROPOSAL TO REZONE LAND FROM 1(A1) RURAL TO 2(A1) RESIDENTIAL AT LOT 100 DP1101027 JOHN FRASER PLACE, PORT MACQUARIE		
	18	1. That Council prepare a Planning Proposal under s55 of the EP&A Act to rezone land at Lot 100 DP1101027 John Fraser Place, Port Macquarie from 1(a1) Rural to 2(a1) Residential. 2. That Council undertake community consultation in accordance with the
ITEM NO: 19 SUBJECT:USE OF PUBLIC LAND FOR DEVELOPMENT RELATED VEGETATION OFF-SETS		
	19	That the draft Policy, Use of Public Land for Vegetation Off-Sets, be placed on public exhibition for a period of 14 days.
ITEM NO: 20 SUBJECT:WAUCHOPE TOWN CENTRE URBAN DESIGN FRAMEWORK		
	20	1. That Council adopt the Wauchope Urban Design Town Centre Framework and a copy of the adopted Framework be forwarded to the NSW Department of Planning for reference. 2. That Council delegate authority to the Director of Development and Environmenta
ITEM NO: 21 PROPERTY: DA 2009/0011 - LOT 24, DP 704897, 2322 COMBOYNE ROAD, COMBOYNE SUBJECT: RURAL WORKERS DWELLING INCLUDING SEPP 1 OBJECTION TO CLAUSE 18 OF THE HLEP 2001 DA 2009/0011 APPLICANT AND DEVELOPER: HOPKINS CONSULTANTS PTY LTD		
	21	That development application 2009/0011 under SEPP 1 to vary Council's development standard relating to allotment size, being Clause 18(3) of the Hastings Local Environmental Plan 2001, for a rural worker's dwelling on Lot 24 DP 704897, 2332 Comboyne
28/10/2009 - Economic		
ITEM NO: 22 SUBJECT:MEMORANDUM OF UNDERSTANDING - LORD HOWE ISLAND		
	22	1. That Council enter into a Memorandum of Understanding with the Lord Howe Island Board to provide a framework for collaborative trade and service delivery.

				2. That Council establish a Working Party to monitor current arrangements, identify areas fo
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Ordinary Council Meeting

Meeting Date: 28/10/2009 - Ordinary Council Meeting

Item 01

Subject ACKNOWLEDGEMENT OF COUNTRY

Director

RECOMMENDATION

Acknowledgement of Country.

Ordinary Council Meeting

Meeting Date: 28/10/2009 - Ordinary Council Meeting

Item 02

Subject LOCAL GOVERNMENT PRAYER

Director

RECOMMENDATION

That Father ** from St Agnes' Catholic Church, be invited to deliver the Local Government Prayer.

Ordinary Council Meeting

Meeting Date: 28/10/2009 - Ordinary Council Meeting

Item 03

Subject CONFIRMATION OF MINUTES

Director

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 23 September 2009 and the Minutes of the Extra-Ordinary Council Meeting held on 6 October 2009 be confirmed.

Ordinary Council Meeting

Meeting Date: 28/10/2009 - Ordinary Council Meeting

Item 04
Subject DISCLOSURES OF INTEREST
Director

RECOMMENDATION

That the disclosures of interest be presented.



DISCLOSURE OF INTEREST AT ORDINARY COUNCIL MEETING

Meeting Date:
Item Number:
Subject:
.....

I, declare the following interest:

Pecuniary:
Must leave Chamber, take no part in the discussion and voting.

Non-Pecuniary - Significant Conflict:
Recommended that affected person leaves Chamber, takes no part in discussion and voting.

Non-Pecuniary - Insignificant Conflict:
Affected person may choose to remain in Chamber and participate in discussion and voting.

For the reason that:
.....

Signed: Date:
(Definitions are provided on the next page)

Definitions

(Local Government Act and Code of Conduct)

Pecuniary - An interest that a person has in a matter because of a reasonable likelihood or expectation or appreciable financial gain or loss to the person or another person with whom the person is associated.

(Local Government Act, 1993 Sections 442 and 443).

A Councillor or other member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Councillor or other member must not take part in the consideration or discussion on the matter and must not vote on any question relating to that matter.

(Section 451)

Non-Pecuniary - A private or personal interest the council official has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

If you have declared a non-pecuniary conflict of interest you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. You must deal with a non-pecuniary conflict of interest in at least one of these ways.

- It may be appropriate that no action is taken where the potential for conflict is minimal. However, Council officials should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply (particularly if you have a significant non-pecuniary conflict of interest).

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Item 05
Subject PUBLIC FORUM
Director

RECOMMENDATION

That Council consider the requests to address the Public Forum.

Ordinary Council Meeting

Meeting Date: 28/10/2009 - Ordinary Council Meeting

Item 06

Subject ADMINISTRATOR'S MINUTES

Director

RECOMMENDATION

That the Administrator's Minutes be received.

Social

Meeting Date: 28/10/2009 - Social

Item 07

Subject GLASSHOUSE CLEANING SERVICES

Director JEFFERY SHARP (INFRA)

Negotiations have been completed with ISS Facility Services (Australia)Limited for the cleaning of the Glasshouse .

RECOMMENDATION

- 1. That Council accept the lump sum price of \$123,851.80 per annum (excluding GST) for a period of five years for the cleaning of the Glasshouse as negotiated with ISS Facility Services (Australia) Limited.**
- 2. That Council accept the schedule of rates as submitted by ISS Facilities Services (Australia) Limited in tender T 09-17 for " on request" additional cleaning services for the Glasshouse**
- 3. That Council accept the price of \$ 10,388.80 (excluding GST) for the application of protective coatings on nominated Bluestone, Concrete, Timber and Stainless Steel surfaces at the Glasshouse as negotiated with ISS Facilities Services (Australia) Limited**
- 4. That approval be given for the execution of the necessary documents under Council seal.**

Background

A report was presented to Council's Extra Ordinary meeting held on 6th October 2009 that considered tenders for the cleaning of the Glasshouse. The report detailed the tender process, but concluded that a revision of the contract term should be pursued. As a result, the resolution of the meeting was -

- 1. That Council reject all tenders for the cleaning of the Glasshouse due to a revision of the term of the Contract.*
- 2. That Council decline to invite new tenders for the cleaning of the Glasshouse because, in the opinion of the tender evaluation panel, the optimum outcome could be achieved by negotiating with the lowest tenderer.*
- 3. That Council enter into negotiations with the company offering the lowest tendered price for the cleaning of the Glasshouse, that is, ISS Facility Services (Australia) Limited, with the intention of entering into a contract.*

Discussion

A meeting was held on the 12th October 2009 with nominated Council Officers and representatives of ISS Facilities Services (Australia) Limited with the aim of negotiating a revised contract term and to examine options that would deliver improved cleaning services to the Glasshouse.

Both parties agreed to a revised contract term of five years and that the tendered lump sum submitted by ISS Facilities Services (Australia) Limited of \$123,851.80 plus GST and the schedule of rates as proposed in tender T-09-17 would apply to the revised contract term.

ISS Facilities Services (Australia) Limited suggested that the cleaning service could be improved if protective coatings were applied to the following surfaces that were not identified in the tender specification -

- clean and seal the internal Bluestone flooring
- clean and seal the external Bluestone side steps and main entrance
- clean and seal the internal concrete columns
- seal the stainless steel lift and surrounds
- seal timber flooring

The lump sum proposed for these works totalled \$10,388.80 (excluding GST)

Council's negotiating staff formed the view that these additional works would be necessary to ensure the preservation and protection of the surfaces and would contribute to an improved cleaning service.

Consultation

Consultation occurred with Directors and officers from Infrastructure's Building Services & Community & Cultural Development prior to entering into negotiations with ISS Facilities Services (Australia) Limited.

Alignment With Strategic Direction

The provision of contract cleaning services will ensure that Council is able to provide on-going performance based cleaning of the Glasshouse, which is in line with current Building Service's, Buildings Asset Management Plan (BAMP).

Planning and Policy Impact

The proposed implementation of the cleaning contract will have no policy nor planning impacts.

Financial & Economic Implications

An allocation for Glasshouse cleaning was established in the original operational budget for the Glasshouse. Entering into this contract will require additional funding to be made available and ultimately increase the forecast deficit for 2009/10 by the additional amount. A report to Council regarding the first three months of operation of the Glasshouse and future operation expenditure, including this cleaning contract, is anticipated for the November meeting.

Options

Council could choose not to accept the negotiated tender, to re-tender or undertake the work by day labour.

Governance

Meeting Date: 28/10/2009 - Council Meeting

Item 08

Subject COMPLAINTS HANDLING REPORT
Director LESLEY ATKINSON (CCD)

This report advises Council of complaints received by Council in the period July to September 2009

RECOMMENDATION

That the report be received.

Discussion

Council last considered the Complaints Handling statistics at the July 2009 Council meeting. It is the practice to report these statistics on a quarterly basis for Council's consideration. The following two reports relate to complaints received in the period July to September 2009.

The first report is "Complaint Statistics June 2009" and summarises the complaints by category and indicates that a total of 30 complaints have been received and dealt with in the third quarter of 2009. There were four active complaints at the end of September with all but two of the 30 complaints finalised within 28 days.



Complaint Stats Sept 09.pdf

The second report provides brief details of each of the complaints, the action taken by Council in response to the complaints and whether the customer was satisfied with Council's Handling of the complaint. This report covers the reporting period July to September 2009.



Complaints July_Sep 09.pdf

Of the complaints received in the three month period, five customers were not satisfied with the outcome. Only one of these related to requests for tree/branch removal. This is a significant reduction in this type of complaint and this situation will be continue to be monitored over the next six months.

Two of the other four complaints resulting in customer dissatisfaction relate to rural road maintenance issues. Both customers are concerned at the delay in the carrying out of maintenance and the lack of perceived priority for rural road maintenance.

One customer is unhappy upon receiving a final notice fee and considers there was no warning given that a fee would be charged. However, the notice provided previously to the customer clearly stated the final notice fee would be charged if payment was not received by the due date.

The final complaint relates to a customer who is unhappy with his neighbour applying fill to his land. Council staff have visited the site and required the neighbour to remove some of the soil and now the filling work complies with Council's requirements. However the complainant is still unhappy that some soil still remains on the neighbouring property.

Consultation

Consultation has taken place with the the Community Development Director in the writing of this report.

Alignment With Strategic Direction

Aligns with Councils Openness and Accountability Value and Governance Focus Area.

Planning and Policy Impact

None as a result of this report.

Financial & Economic Implications

None as a result of this report.

Options

Council has the option of making its own determination in this matter.

Governance

Meeting Date: 28/10/2009 - Council Meeting

Item 09

Subject INVESTMENTS - SEPTEMBER 2009

Director TONY LEAHY (CBS)

Investment management performance for the month of September 2009.

RECOMMENDATION

That the report be received and noted.

Discussion

This report provides details of all funds that the Council has invested under Section 625 of the Local Government Act, for the period of September 2009.

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

Developments

- Several of Council's CDOs are now critically close to losing some of their invested capital. Advice from Oakvale Capital is that Scarborough (maturity Jun 2014) & Torquay (maturity June 2013) are at particular risk of default. Council wrote down the book value these investments to nominal levels
- With regard to the action against Lehman Brothers Australia Limited, on 2 October 2009 Justice Rares of the Federal Court made the orders that the Deed of Company Arrangement dated 12 June 2009 is declared void and that Lehman Brothers Australia Limited be wound up. This was the outcome that Council was hoping for in that it may eventually lead to an improved return on invested funds (than offered under the DOCA). Proceedings continue.
- Staff continue to monitor opportunities to switch to allowable alternate investments with a greater forecast investment return to maturity.
- Council's total investment portfolio performed **1.62%** above the benchmark (4.84% against 3.22%) for September 2009. Accrued investment income is **77.27%** above the year-to-date budget. Whilst this variance may normalise somewhat, the investment income assumption in the budget is very conservative in recognition of the risk attached to the CDO component of the portfolio.

PORT MACQUARIE-HASTINGS COUNCIL

Port Macquarie Hastings Council
Investment Summary
As at 30 September 2009

Alternative Investment Group										
Investment	Counter	Rating	Maturity	Face value \$	Current value \$	Unrealised Gain / (Loss)	% total current	Date Last coupon	Yield to Date (%pa)	Comments
CBA Hedge Fund <i>Shield 21</i>	CBA	AA	28-Feb-11	1,000,000	1,153,540.00	153,540	2.3%	n/a	0.00%	Delever - CBA zero coup bond
Longreach Series 7	LCM	A+	06-Jul-11	1,000,000	901,400.00	(98,600)	1.8%	07-Jul-08	4.872%	Delever - UBS zero coup bond
Octagon Limited Series 20 <i>Emu</i>	FIIG	AAA	30-Oct-15	1,000,000	763,700.00	(236,300)	1.5%	30-Jun-08	3.620%	Delever - IBRD zero coup bonds
Longreach Series 12	LCM	A+	29-Sep-11	1,000,000	896,250.00	(103,750)	1.8%	30-Mar-10	4.240%	Capital protected, UBS
Westpac Ethical Note	WBC	AA-	05-Jul-12	1,000,000	880,620.00	(119,380)	1.8%	05-Jan-09	5.222%	Delever - Westpac zero coup bond
Westpac Global Property Note	WBC	AA-	17-Sep-12	1,000,000	855,110.00	(144,890)	1.7%	14-Sep-08	2.529%	Delever - Westpac zero coup bond
Longreach Series 24	LCM	A+	13-Dec-12	3,000,000	2,517,300.00	(482,700)	5.1%	13-Dec-07	2.317%	Delever - Deutsche zero coup bond
ANZ Asprit	ANZ	AA-	23-Nov-12	1,000,000	878,500.00	(121,500)	1.8%	20-Jul-07	2.889%	Delever - ANZ zero coup bond
Longreach Series 32	LCM	A+	23-Nov-14	3,000,000	2,047,800.00	(952,200)	4.1%	02-Jun-08	1.883%	Capital protected, UBS
Westpac Focus Note	WBC	AA-	20-Dec-12	1,000,000	872,500.00	(127,500)	1.8%	20-Dec-08	3.754%	Delever - Westpac zero coup bond
				14,000,000	11,766,720	(2,233,280)	23.7%			
Pooled Managed Investment Group										
Investment	Counter	Rating	Maturity	Face value \$	Current value \$	Unrealised Gain / (Loss)	% total current		Current Yield	
BT Institutional Managed Cash Fund	BT	AAA	At call	441	440.50	0	0.0%		3.17%	Operating surplus cash account
				441	441	0	0.0%			
Current Account Investment Group										
Investment	Counter	Rating	Maturity	Face value \$	Current value \$	Unrealised Gain / (Loss)	% total current		Current Yield	
Westpac Maxi Account	Westpac	A-1+	At call	6,269,012	6,269,012.22	0	12.7%		3.05%	
				6,269,012	6,269,012	0	12.7%			
Term Investment Group										
Investment	Counter	Rating	Maturity	Face value \$	Current value \$	Unrealised Gain / (Loss)	% total current		Current Yield	
Westpac Banking Corporation	Westpac	A-1+	07-Jan-10	2,000,000	2,012,063.95	12,064	4.1%		4.47%	
Westpac Banking Corporation	Westpac	A-1+	05-Feb-10	1,000,000	1,008,053.05	8,053	2.0%		4.86%	
Westpac Banking Corporation	Westpac	A-1+	07-Apr-10	2,000,000	2,017,641.65	17,642	4.1%		4.86%	
Newcastle Permanent Building Society	Newcastle	A-2	08-Dec-09	1,000,000	1,005,824.82	5,825	2.0%		4.72%	
Newcastle Permanent Building Society	Newcastle	A-2	09-Dec-09	3,000,000	3,015,792.07	15,792	6.1%		4.74%	
Credit Union Australia	CUA	NR	08-Oct-10	2,000,000	2,011,890.82	11,891	4.1%		4.67%	
Allied Irish Banks PLC	Allied Irish	A-1	07-Oct-10	2,000,000	2,012,566.58	12,567	4.1%		4.75%	
				13,000,000	13,083,833	83,833	26.4%			
Credit Linked Note Investment Group										
Investment	Custodian	Rating	Maturity	Face value \$	Current value \$	Unrealised Gain / (Loss)	% total current	Rollover	Current Yield	
Beech Trust Notes Series : <i>Beech</i>	WBC	AA-	20-Dec-10	3,000,000	2,699,976.90	(300,023)	5.4%	21-Dec-09	4.83%	Policy compliant
Perpetual Trustees aft the <i>Jacaranda</i>	WBC	A	21-Jun-10	1,500,000	1,497,478.20	(2,522)	3.0%	21-Dec-09	4.88%	Policy compliant
Wollemi Trust 2005-1 <i>Wollemi</i>	WBC	AAA	04-Jan-10	4,000,000	4,009,258.00	9,258	8.1%	06-Oct-09	4.12%	Policy compliant
<i>Subtotal compliant</i>				8,500,000	8,206,713	(293,287)	16.6%			
Cypress Tree Synthetic Ct <i>Blaxland</i>	ANZ	CCC+	30-Mar-12	1,000,000	691,801.90	(308,198)	1.4%	30-Dec-09	4.83%	No secondary market
Aphex Pacific Capital Serie <i>Glenelg</i>	ANZ	CCC	22-Dec-14	3,000,000	199,380.00	(2,800,620)	0.4%	22-Dec-09	4.98%	No secondary market
Ethical CDO I Ltd Series 2 <i>Green</i>	ANZ	CCC-	20-Mar-14	5,000,000	183,986.00	(4,816,014)	0.4%	21-Dec-09	4.28%	No secondary market
Zircon Finance Ltd Series : <i>Miami</i>	ANZ	NR	20-Mar-17	3,000,000	11,580.00	(2,988,420)	0.0%	22-Dec-09	4.78%	No secondary market
Helium Capital Series 64 <i>Scarborough</i>	ANZ	CCC-	23-Jun-14	1,500,000	17,485.40	(1,482,505)	0.0%	23-Dec-09	5.09%	No secondary market
Corsair (Cayman Islands) I <i>Torquay</i>	ANZ	CCC-	20-Jun-13	3,000,000	33,792.60	(2,966,207)	0.1%	21-Dec-09	4.88%	No secondary market
<i>Subtotal non-compliant</i>				16,500,000	1,138,036	(15,361,964)	2.3%			
				25,000,000	9,344,749	(15,655,251)	18.9%			
Floating Rate Note Investment Group										
Investment	Custodian	Rating	Maturity	Face value \$	Current value \$	Unrealised Gain / (Loss)	% total current		Current Yield	
Elders Rural Bank Subordinated Debt	ANZ	BBB-	13-Jul-10	1,000,000	985,007.00	(14,993)	2.0%		3.97%	Aust Govt regulated ADI
Homebuilding Society Subordinated Debt	ANZ	BBB-	25-Jul-11	2,000,000	1,914,780.00	(85,220)	3.9%		4.11%	Aust Govt regulated ADI
Mackay Permanent Building Society Sub	WBC	ADI	21-Nov-11	1,000,000	781,240.00	(218,760)	1.6%		4.37%	Aust Govt regulated ADI
Saving and Loans Credit Union	WBC	ADI	23-Mar-10	1,500,000	1,427,580.00	(72,420)	2.9%		4.44%	Aust Govt regulated ADI
Holiday Coast Credit Union Ltd Subordin	HCCU	ADI	16-Apr-13	2,000,000	1,693,040.00	(306,960)	3.4%		6.89%	Aust Govt regulated ADI
United Credit Union Ltd	ANZ	ADI	15-Nov-11	1,000,000	804,610.37	(195,390)	1.6%		5.53%	Aust Govt regulated ADI
Bananacoast Community Credit Union Lt	WBC	ADI	30-Nov-09	1,500,000	1,475,638.13	(24,362)	3.0%		4.92%	Aust Govt regulated ADI
				10,000,000	9,081,896	(918,105)	18.3%			
				68,269,453	49,546,650	(18,722,803)	100.0%			

Other Issues

'Current value \$' in the table above is the estimate of current realisable value for the investment as provided by Oakvale Capital. It should be noted that this is not necessarily the amount that is expected to be received from the investment e.g. investments in the 'Alternative Investment Group' are 'capital protected' and 100c in the dollar should be received if held to maturity. Also some CDO's (particularly those rated AA- or better) could 'make it' to maturity in which case 100c of invested capital would be returned.

The Glenelg, Green, Miami, Scarborough, Blaxland & Torquay CDO investments remain outside of legislative and policy guidelines which technically requires remedy though given there is effectively no secondary market for these investments the opportunities to do so are limited.

As reported previously a number of ALN's have been deleveraged meaning no further coupons will be received. Invested capital for those products has reverted to underlying zero coupon bonds (low risk instruments with highly rated institutions).

Investment Portfolio Summary (Oakvale Capital Limited)

Council's overall investment portfolio had another strong month outperforming the bank bill index benchmark in September, 12.57%pa vs 3.50%pa. *(nb Oakvale use a different measurement approach to council)*

Over the first three months of the 2009/10 Financial Year, the Council's investment portfolio has exceeded the bank bill benchmark return by over 10%pa (14.10%pa vs 3.23%pa).

Council's strong marked-to-market returns are a result of credit spreads on CDOs, and bank issued notes continuing to narrow as credit related concerns lessen. (Narrowing credit spreads result in higher marked-to-market valuations).

Another strong performance from the Australian share market helped the Council's alternative investments record large gains in September. The ASX 200 gained over 6% (actual) during the month led by property trusts, financials and consumer goods. This resulted in gains of 1.49% and 2.58% (actual) on the Council's Longreach 12 (Utilities Index) and Longreach 32 (Strategic Partnership Note) investments respectively.

As interest rates begin to rise again it is expected the Council's marked-to-market performance will moderate as existing holdings with fixed returns, e.g. longer dated term deposits, will lessen in market value.

Overall income should continue to increase as the Council reinvests matured TDs at higher rates and floating rate note securities reset at higher levels.

There remain good offers on term deposit rates in the 2 year area from a handful of Australian banks. Even considering the RBA's rate increase in October, rates in the 6% plus area remain attractive.

Global issues:

- The International Monetary Fund (IMF) has lifted its estimate for global economic growth to -1.1% in 2009 and 3.1% in 2010.
- The IMF stressed that, though the forecast is improved, the global economy will likely be sluggish and vulnerable to further adverse shocks over the next few years.
- The US economy shrank by 0.7% in Q2, resulting in a total retraction of 3.8% since Q2 2008. Making this the deepest recession in the US since the 1930s.

Domestic issues:

- The RBA raised the official cash rate by 25bps to 3.25% at its October meeting on signs of stronger than expected economic conditions.
- Retail sales jumped 0.9% in August and consumer confidence is at its highest level in 2 years.
- Housing finance has slowed.

Interest rates:

- In raising the official cash rate to 3.25%, the Reserve Bank of Australia noted: “...*the risk of serious economic contraction in Australia now having passed, the Board’s view is that it is now prudent to begin gradually lessening the stimulus provided by monetary policy.*”

Alignment With Strategic Direction

Interest earned on investments is applied towards the provision of infrastructure in accordance with Council's objectives.

Consultation

In order to remain as informed as possible and to stay abreast of market changes, there are a number of different sources Council uses for reference, they are listed below.

- Consultation takes place with the following institutions regarding market outlook and the status of Council's current investments :
 - Oakvale Capital
 - ANZ
 - Longreach
 - Westpac Banking Corporation
 - FIIG Securities
- Economic Commentary is also referred to from the following:
 - Financial Press (eg. Financial Review)
 - Macquarie Research Economics
 - St George
 - FIIG Securities
 - BankWest
 - CBA
 - TCorp
 - HSBC
 - Newcastle Permanent
 - Westpac Banking Corporation

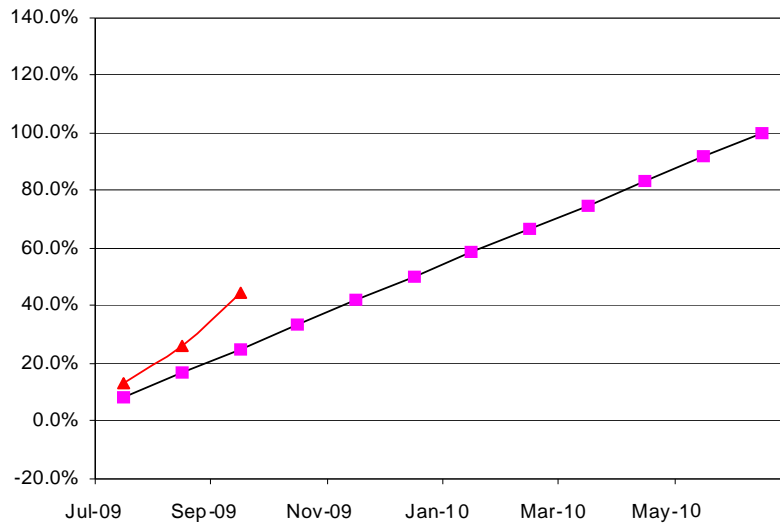
Planning and Policy Impact

Not applicable

Financial & Economic Implications

Details of Investment Income Performance (Year to Date):

Accrued Income Performance to Budget



	Jul-2009	Aug-2009	Sep-2009	Oct-2009	Nov-2009	Dec-2009	Jan-2010	Feb-2010	Mar-2010	Apr-2010	May-2010	Jun-2010
Budget	8.49	16.99	25.21	33.70	41.92	50.41	58.90	66.58	75.07	83.29	91.78	100.0
YTD Accrued Income v's Budget	13.38	26.40	44.68									

—■— Budget —▲— YTD Accrued Income v's Budget

Summary of Actual Interest for September 2009		
Total Budget	Budget YTD	Accrued Revenue YTD
\$1,080,000	\$272,219	\$482,570

Options

This is an information report.

Governance

Meeting Date: 28/10/2009 - Council Meeting

Item 10

**Subject MONTHLY REVIEW OF FINANCIAL POSITION -
SEPTEMBER 2009**

Director TONY LEAHY (CBS)

Each month Council's budgets are reviewed by Managers and Directors and any required adjustments are reported.

RECOMMENDATION

That the adjustments in the "Financial Implications" section of the report be adopted.

Discussion

The September 2009 review forecasts a deficit for the 2009/10 financial year of \$954,240. This is a deterioration of \$44,272 over the August result.

A detailed review of the Glasshouse operations is currently being undertaken and a separate report will be put to Council detailing the current operational and capital financial position. The forecast variance (above) does not include any budget adjustments resulting from the Glasshouse operations review.

Commentary on Key Variance Items

This month's variance is due to Council having agreed to pay the annual contribution to the Local Government and Shires Association. At the time of budget preparation Council was critically assessing the merits of this subscription and was not intending to pay.

The printing section has reduced their capital budget by \$55,200 as they move from a capital replacement model to an operational model for large photocopiers. \$44,200 of these funds have been put back into the reserve and the remainder has been transferred to operations to cover the maintenance costs under the new operational model.

There have been several grants and contributions brought on in this review. These have a net impact of nil on Council's overall position.

A number of other sections have adjusted budget allocations within overall budget limitations for that section (no net impact).

Consultation

Consultation in this matter has occurred across each division and section with input from the General Manager, Directors and Managers.

Planning and Policy Impact

Nil

Financial & Economic Implications

Attached below for information are the following reports:

1. Each individual change by division and program.
2. Major Projects Report.

Comment from the Director Infrastructure Service - The comment column should be read prior to details in adjacent columns. Due to previous practice where budget allocations have historically not covered current project scope and associated costs, a detailed resource estimate has been requested by the Director of Infrastructure for the majority of projects. Accordingly some commencement dates and final project costs at completion have not been generated awaiting the completion of resource estimates and the subsequent programming of projects.



Sept09Adjustments.pdf



2009_10MajorProjectsSept09.pdf

Chief Financial Officer Statement

This report indicates a slight improvement to the forecast deficit published in the annual Corporate Plan. Council's Executive and management staff will be formally reviewing opportunities to address the \$0.95m budget deficit this month across all areas of council. It should be noted that this forecast does not include any Glasshouse related forecast variances.

Governance

Meeting Date: 28/10/2009 - Council Meeting

Item 11




**Subject STATUS OF OUTSTANDING REPORTS TO COUNCIL
Director / GENERAL MANAGER: ANDREW ROACH**

To advise on the status of reports.

RECOMMENDATION

That the report be received and noted.

Reports Outstanding

Report	Status	Reporting Officer	Current Anticipated Date for Report
Structural Assessments of Port Macquarie and Wauchope Swimming Pools (Item 19 - ORD 17/12/08) 		INFRA	Dec 09
Sancrox Rural Residentail Investigation Area - Update (Item 28 - ORD 24/06/09) 		DES	Mar '10
Wall Reserve, North Haven - Management of Parkland (Item 13 - ORD 26/08/09) 		INFRA	Dec 09

Governance

Meeting Date: 28/10/2009 - Council Meeting

Item 12

Subject PECUNIARY INTEREST RETURN REGISTER 2008/09
Director / GENERAL MANAGER: ANDREW ROACH

The pecuniary interest returns for the period ended 30 June 2009 have been received from the Administrator, Council staff and delegates. They are reported to Council as required by the Local Government Act, 1993

RECOMMENDATION

That the register be tabled.

Discussion

Section 449 of the Local Government Act 1993, requires the Administrator, Council staff and Designated Persons to submit a Return on an annual basis and lodge it with the General Manager (or his nominee) by 30 September each year.

Section 450A(1) requires the General Manager to keep a Register of the Returns and Section 450A(2) requires the General Manager to table the Returns at the first Council meeting held after 30 September each year. All Returns for the period 1 July 2008 to 30 June 2009 have been lodged and will be tabled at this meeting.

The Returns will then be held in the General Manager's section and as required by Section 12 of the Local Government Act 1993. The register and Returns are available for public inspection, by appointment.

Alignment With Strategic Direction

This aligns with the governance strategic objectives to provide leadership and effective decision making, ensuring an accountable and open organisation.

Consultation

There has been consultation with all persons required to lodge Returns for the 2008/09 period.

Planning and Policy Impact

There are no planning or policy impacts as it is a requirement of the Local Government Act.

Financial & Economic Implications

There are no financial or economic implications with this report.

Options

There are no options. The Administrator, General Manager, Senior Staff and Designated Persons are required to complete a Return and lodge it with the General Manager (or his nominee) by 30 September 2009. The Returns are then required to be tabled at the first ordinary Council meeting after the 30 September each year.

Governance

Meeting Date: 28/10/2009 - Council Meeting

Item 13

Subject RECOGNITION OF COMPLIMENTS TO COUNCIL STAFF
Director GENERAL MANAGER: ANDREW ROACH

To provide a summary of written compliments received in respect of staff for the months of July, August and September 2009.

RECOMMENDATION

That the information be noted and Council's appreciation of the staff performance and efforts be recorded with thanks.

Discussion

Written compliments and favourable comments about staff members for the period July, August and September 2009 have been received and are attached below.



complimentsQ1_09_10.pdf

A copy of the letters of compliment will be tabled at the Meeting.

As a result of the "Recognition of Staff" policy, the following procedure was adopted:

- "1. A compliment/favourable comment made in respect to the actions/attitude/service provided by a staff member, shall be received in writing from a member of the public (or other Council employee) by the General Manager.
2. The General Manager shall forward a copy to the staff member and the original to the relevant Divisional Director.
3. The Divisional Director shall take action as deemed appropriate, in order to give due recognition of the contents of the compliment/favourable comment made by the member of public/staff member.
4. The original letter of compliment/favourable comment shall then be placed on the personnel file of the relevant staff member."

This procedure has been carried out in respect of the above staff.

Consultation

Consultation has taken place with the relevant Director.

Alignment With Strategic Direction

This report is in align with Council's "Governance" Focus Area and "Excellence in Service Delivery" Value:

Planning and Policy Impact

There are no planning and policy impacts.

Financial & Economic Implications

There are no financial and economic implications.

Options

Not applicable.

Governance

Meeting Date: 28/10/2009 - Council Meeting

Item 14

Subject SUB-COMMITTEE CODE AMENDMENTS

Director MATT ROGERS (DES)

This report proposes amendments to the codes for the PMHC LGA Coasts & Estuaries Sub-committee and the PMHC LGA Floodplain Sub-committee to correct anomalies and ensure consistency with Council's Code of Practise for Council Sub-Committees.

RECOMMENDATION

That PMHC LGA Coasts & Estuaries Sub-Committee Code and the PMHC LGA Floodplain Sub-Committee Code be amended as proposed in this report.

Discussion

It has recently become apparent that anomalies exist within the codes for the PMHC LGA Coasts & Estuaries Sub-Committee and the PMHC LGA Floodplain Sub-Committee. The anomalies relate to the voting rights of Council and agency staff sitting on these sub-committees. The sub-committee codes are also out of date with respect to community, staff and agency member information.

Sub-committee practice has been that community representatives, staff and agencies representatives all participate in reaching consensus on sub-committee matters. Indeed, the NSW Estuary Management Manual, NSW Coastline Management Manual and the NSW Floodplain Development Manual advocate the formation of the these sub-committees so that advice to councils can be based on both technical and local community input.

The existing PMHC LGA Coasts & Estuaries Sub-Committee Code provides for PMHC staff voting rights but not agency staff voting rights. The existing PMHC LGA Floodplain Sub-Committee Code provides for agency staff voting rights but not PMHC staff voting rights.

This report proposes to amend these Codes to update the membership information and provide for community representative, PMHC staff and agency staff voting rights, as is intended and practised.

The existing PMHC LGA Coasts & Estuaries Sub-Committee Code will also be amended to remove a reference to it being a parent Committee to the Hastings and Camden Haven Floodplain Working Parties which were discontinued some time ago and replaced with the PMHC LGA Floodplain Sub-Committee.

Proposed amendments are outlined in the following attachments:



RevisedFloodComCodeOct09.pdf



RevisedCoast_EstComCodeOct09.pdf

Alignment With Strategic Direction

This proposal aligns with the Governance focus area of Council.

Consultation

Consultation on this matter has occurred with the General Manager and Manager Governance.

Planning and Policy Impact

This proposal will have no significant planning or policy impact. The proposal will rectify a number of anomalies in the Codes for the PMHC LGA Coasts & Estuaries Sub-Committee and the PMHC LGA Floodplain Sub-Committee.

Financial & Economic Implications

Not applicable.

Options

Council can accept the proposal advocated by this report, vary the proposal or opt not to proceed with amendments to these Codes.

Environment

Meeting Date: 28/10/2009 - Environment

Item 15

Subject FUNDING OFFERS FOR JOINT NATURAL RESOURCE AND PARKS AND RECREATION MANAGEMENT

Director MATT ROGERS, JEFF SHARP (DES, INFRA)

This report details 3 grant funding offers to supplement Council's Natural Resource and Parks and Recreation Management Initiatives

RECOMMENDATION

That Council accept the grant offers of \$100,000 and \$10,000 from the Northern Rivers Catchment Management Authority and \$388,456 from the Federal Jobs Funds Program and that the budget be adjusted to reflect the grants.

Discussion

Port Macquarie-Hastings Council has been successful in bidding for three grant offers. It accepted the Federal Jobs Fund grant offer for \$388,456 will go towards funding 9 full time staff to 30th June 2011 and the construction of the Gaol Point Stairs at Town Beach. A portion of the Job Funds grant will support the funding of a 4 person full time Bush Regeneration Team within Natural Resources. This team will work on regenerating Council's top 19 priority Public Bushland Management Reserves as part of Council's Bushland Management reform process. The balance of the Jobs Fund grant allocation will be utilised to employ 5 trainees to work with existing Parks & Recreation teams to assist in landscape construction works and maintenance of parks, reserves, sporting fields, beaches and trees.

If accepted, Northern Rivers Catchment Management Authority (NRCMA) grant offer of \$10,000 will fund the ongoing control of Bitou Bush on Tacking Point, Shelly Beach, Grants Headland and Googleys Lagoon Littoral Rainforest for 2009-2010. The NRCMA are also offering \$100,000 for ongoing follow-up control of environmental weeds for Tacking Point and Grants Headland for 2009-10 and 2010-11 financial years.

Alignment With Strategic Direction

Acceptance of these grant offers and implementation of these works are consistent with Council's Strategic direction and in particular with the Environment Focus Area. The proposal has direct links with Council's sustainability values by addressing issues of biodiversity and coastal ecosystem restoration.

The appointment of trainees to assist in the maintenance of a range of active and passive recreational facilities and environmental open space and the construction of the Gaol Point Stairs is aligned with Council's Social Focus area.

The construction of the Gaol Point Stairs is an action included in the Port Macquarie Foreshore Masterplan and will complement the Port Macquarie Coastal Walk.

Consultation

The joint Bush Regenerator, Parks and Recreation Team Jobs Fund Application was approved for submission by the Executive in May 2009 (see attached forms)



JFA_Arboricultural Trainee.pdf



JFA_ParksRec Trainee.pdf



JFA_BushRegen Team.pdf

The 5 traineeships in the Parks & Recreation area were considered and approved by Council's Executive Group at the meeting held on 20 October 2009.

Planning and Policy Impact

Not applicable.

Financial & Economic Implications

These grant offers supplements Councils 2009/10 budget for Natural Resources and Parks and Recreation Management. These grants were applied for in an open tender application process and have been secured on the basis of proposed contributions which have been provided for the 2009/10 budget.

The proposed funding model for the Jobs Fund Bush Regeneration and Parks and Recreation Team is attached.



JobsFundBudget8Staff.pdf

Options

Council could choose not to accept these offers. Declining these funds would limit the effectiveness of Councils ability to service Community expectations within Natural Resources and Parks and Recreation Sections.

Environment

Meeting Date: 28/10/2009 - Environment

Item 16

Subject SECTION 68 SUBMISSION

LOT 21 DP245751, BULLOCK DRIVE WAUCHOPE AND PART LOT 1 DP1125021 (FORMERLY LOT 1 DP1015954) AND PART LOT 12 DP812134, BEECHWOOD ROAD WAUCHOPE
Director MATT ROGERS (DES)

This report seeks Council approval to submit a draft local environmental plan to the Department of Planning. The draft plan contains provisions to provide for western growth of Wauchope in accordance with the Wauchope Urban Growth Strategy 2005-19.

The draft plan has been publicly exhibited and the report contains a review of submissions received. It is recommended that Council submit the draft LEP with this report to the Department of Planning for finalisation.

Council has exhibited two voluntary planning agreements relating to the instrument change. It is proposed that Council delegate authority to the General Manager to execute the agreements on behalf of Council.

RECOMMENDATION

- 1. That Council submit Draft Hastings Local Environmental Plan 2001 (Amendment No 69) to the Department of Planning in accordance with Section 69(1) of the Environmental Planning and Assessment Act 1979 seeking finalisation of the draft LEP.**
- 2. That the Council delegate authority to the General Manager to enter into and execute the voluntary planning agreements relating to Part Lot 1 DP 1125021, Lot 12 DP 812134 and Lot 21 DP 245751 on behalf of Council.**

Discussion

The draft plan relates to two separate release areas identified in the Wauchope Urban Growth Strategy 2005-19. Council previously considered separate planning reports relating to each site in 2006 and 2007.

The details the two rezoning applications and associated sites are:

32.2005.0018	King and Campbell Pty Ltd	Part Lot 1 DP1125021 (Formerly Lot 1 DP1015954) & part Lot 12 DP812134, Beechwood Road, Wauchope.
32.2006.0009	Hopkins Pty Ltd	Lot 21 DP245751 Bullock Drive, (Timbertown Estate) Wauchope.

Details of the subject sites are contained in the following extract from the Wauchope Urban Growth Strategy 2005-19:



WUGS_FutureURAreas.pdf

The purpose of the draft plan is to amend Hastings Local Environmental Plan 2001 to provide for future residential development and protection of Yippen Creek and adjacent riparian habitat.

Progress in finalising the rezoning proposals has been lengthy due in part to changes to Department of Planning Policy relating to LEP amendments in 2006, rejection of the individual plans proceeding as separate amendments in 2007, and subsequent Departmental preference for one holistic LEP amendment relating to the Wauchope Strategy. It has not been practical to include the remaining residual release area depicted in the Strategy in this draft LEP due to site-specific issues and an unwillingness of individual owners to proceed at this time.

In consultation with the Department, Council grouped the two amendments and received conditional Authorisation and delegation to exercise its functions pursuant to section 65(1) and section 69(1) of the EP&A Act 1979 relating to draft LEPs in February 2008. The criteria for preparing the plan, included:

- The need for the release of the land at this time, including growth capacity and demand,

Comment: Council investigated current demographic trends, the results of which confirm a continuing demand for vacant residential land in Wauchope. This demand is driven by a strong resident population, proportionately characterised by couple families with children, employed in manufacturing, transport/postal/warehousing and retail trade. As a result, growth in new housing is primarily new private single dwellings. The proposal provides for release of adequate and appropriately located land to meet the specific dwelling targets identified in the Wauchope Strategy – Option B.

- Compliance with Section 117 Directions which substantially govern the content and operation of the draft LEP,

Comment: The draft LEP is consistent with relevant Section 117 Directions. As the draft LEP relates to land identified in the Wauchope Urban Growth Strategy 2005-19, minor inconsistencies are justified. Detailed assessment of compliance with relevant Directions is included here.



[S117DirectionsConsistency.pdf](#)

- Biodiversity issues

Comment: The draft LEP provides for improvement and protection of existing vegetation, including an identified EEC, and facilitates enhancement and plantings to protect the EEC and Yippen Creek streambank. The relevant site owners have offered to address rehabilitation and management of a natural buffer to the creek, including offer of additional riparian land on adjacent sites in the same ownership to improve the quality of the buffer. To ensure long-term security, the offer includes dedication of land within the buffer to Council for conservation purposes. The terms and conditions relating to these matters are formalised in individual Planning Agreements relating to each of the sites.

The result is considered to address DECC concerns for an improved or maintained biodiversity outcome.

- The provision and funding of infrastructure to the release areas.

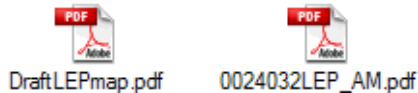
Comment: Offers by the individual developers to meet the infrastructure requirements necessary to service the two release areas have been considered and accepted in principle; including requirements for water augmentation, road and bridge upgrades, open space, combined pedestrian/cycle pathways and management of environmental lands. Public exhibition of the agreements occurred in conjunction with exhibition of the draft LEP, in accordance with the requirements for form, subject matter, making and public inspection of planning agreements in the Environmental Planning and Assessment Act, 1979.

Copies of the draft, Voluntary Planning Agreements are included here.



A concurrent development application relating to the intended subdivision layout for Lot 21 DP245751 Oxley Highway has been lodged with Council. The application will require adjustment based on the draft LEP and the results of consultation with government authorities.

Copies of the draft LEP and Text are provided below:



Consultation

Public exhibition of the draft plan and VPA documents occurred from 26 June to 24 July 2009.

Consultation has occurred with relevant public authorities, the public generally and relevant council staff. Relevant Public Authorities including the RTA, the Departments of Primary Industries (DPI), Environment, Climate Change and Water (DECCW), Water and Energy and Housing provided comment, copies of which are attached here.



Department of Primary Industries

Key concerns relate to:

Agricultural Issues DPI comments that the proposal is consistent with Council's Wauchope Urban Growth Strategy and do not raise any significant agricultural issues and no obvious serious risk of land use conflicts.

Forestry Issues No objection by Forests NSW.

Mineral Issues The draft LEP raises no mineral resource issues.

Fisheries Issues Key concerns relate to managing impacts within aquatic habitat buffers, stormwater issues and effluent management (subdivision stage). DPI recommends provision of 50m water quality buffer, protection of buffers areas within appropriate environmental protection zone/s and widening of the remnant vegetation.

Road upgrades and creek crossings will trigger approvals under Sections 198-202 of the Fisheries Management Act 1994.

The draft plan addresses these issues by:

- Providing acceptable buffers distances to streams and watercourses; Council has secured a buffer of varying width up to 50m adjacent Yippen Creek however; it has not been practical to secure a consistent 50m buffer for the length of the stream within affected properties due to topography. A minimum of 30m minimum is achievable in all but a few "pinch point" locations where the buffer reduces to 20m to facilitate the design flow of perimeter roads. There is Agreement with the landowners to secure the buffer areas in public ownership for long-term security.
- Ensuring protection of riparian habitats and waterways in appropriate environmental protection zones;
- Introducing local clauses consistent with the Standard Template for local provisions for urban release areas.

Department of Environment, Climate Change and Water

The DECCW note the site's inclusion in the Wauchope Urban Growth Strategy 2005-19 and the Mid North Coast Regional Strategy Growth areas and advise that in-principle support for urban development of the two sites was provided to the Department of Planning (DoP) in February 2008. The submission raised no fundamental objection to future development of the sites provided riparian vegetation and linkages through the areas remain intact.

Specific comments relating to the individual sites relate to DECCW's key responsibilities; their main concerns involving Aboriginal cultural heritage, protection and management of EEC's, riparian areas and existing vegetation, stormwater management and flood impacts.

Council, in consultation with the relevant stakeholders, has undertaken extensive investigation and assessment of the issues surrounding these matters, involving analysis of;

- Individual offers for Planning Agreements where required to address public open space outcomes such as conservation and rehabilitation of vegetated stream buffers,
- Stormwater management design to ensure stormwater infrastructure, including swales and detention works, do not encroach into the proposed environment protection zone,
- Open space infrastructure such as cycleways and footpaths,
- Aboriginal and cultural heritage matters to adequately protect cultural places and or items,

- Flood impact assessment to ensure satisfactory resolution of flood risk management issues including inter alia flood immunity and evacuation.

The following adjustments to the exhibited draft plan are proposed:

- Revised zone boundaries to retain and improve remnant intact vegetation adjacent Yippen Creek
- Provision of an environmental buffer to Yippen Creek of varying width (20m minimum at stream pinch points to in excess of 30m elsewhere) incorporating existing vegetation, EEC and flood affected areas.
- Protection of the buffer areas in zone 7(h) Environment Protection 'Habitat'
- Adjustment to the zone boundary adjacent to the upper section of Yippen Creek on Lot 21 to ensure acceptable buffers to the edge of the identified EEC.

NSW Rural Fire Service

Bushfire prone land exists within the subject properties as a riparian corridor running along the eastern boundaries as well as a significant portion of open forest vegetation abutting Lot 21 to the south and southwest. Asset Protection Zones are contained within the proposed urban footprint.

The Service advises specific approval will be required in relation to the proposed subdivision layouts under Section 100B of the Rural Fires Act 1997.

Department of Water and Energy

The Department notes both proposals comply with Council's strategic plans for Wauchope and it supports the intention to create environmental protection zones along the watercourse. Development within the 40m riparian zone will trigger Integrated Development. Approval will require identification of the depth and profile of the water table to ensure stormwater and retention works account for groundwater depth and behaviour.

RTA

The Authority comments that traffic assessment will be necessary to determine the impact of additional traffic volume generated by the proposal on the surrounding road and arterial networks.

Master Planning for the Wauchope CBD and surrounding areas in 2008-9 included comprehensive traffic analysis for the 20-year horizon to support future development in line with existing land release strategies and the state highway function of the Oxley Highway.

Council has considered the implications of the draft LEP in the context of this modelling and has incorporated upgrade requirements where necessary. Negotiations relating to stakeholder offers to part fund Beechwood Road and bridge upgrades forms part of the Voluntary Planning Agreements.

The subdivision design for each site avoids unacceptable impacts from local traffic on the safety and efficiency of major and or arterial roads and, in the case of Lot 21, provides sufficient buffering distances in combination with technological acoustic solutions between future dwellings and the highway corridor. Further acoustic assessment is occurring in conjunction with assessment and determination of a development application for Lot 21 to determine specific design requirements.

Housing NSW

No housing assets are affected by the proposal but Housing NSW notes the proposed rezonings are for residential purposes. Council is encouraged to address the affordable housing needs of the community within these areas.

Public Submissions

Council received two (2) submissions in response to public exhibition of the draft LEP, which raise the following key issues:

- Maintenance of vehicle access to Lot 2 DP611101.

Comment: There are no plans to alter existing access arrangements to Lot 2. However, Beechwood Road and Bridge upgrade works will potentially alter the level and alignment of the access.

- Concern in relation to potential flora and fauna impacts, including the potential loss of an existing small population of regent bowerbirds and a pair of Brahminy Kite.

Comment: Retention of existing riparian vegetation and rehabilitation of flood-affected areas along Yippen Creek will significantly improve habitat values for a range of species including those mentioned here.

- Concern expressed to ensure rehabilitation of surface levels etc following water sewer and other service installation.

Comment: Council's Development Engineers have been notified of this concern and is ordinarily addressed at subdivision construction certificate stage.

- Concern expressed to ensure that the no off-site flood impacts occur as a result of development of Lot 1 DP1125021 (formerly Lot 12 DP812134 and part Lot 1 DP1015954).

Comment: A supporting Flood investigation Report indicates that there is potential for development on the opposite bank (right bank) of Yippen Creek within Lot 1 DP 1125021 to contribute to the cumulative flood impact in the locality. It is not proposed to develop this area and road and bridge upgrade works will improve flood immunity and evacuation not only for the proposed development but also for the wider community.

- Concern expressed to ensure adequate provision of open space, pedestrian and cycle ways.

Comment: The landowners have offered to provide public open space infrastructure, including open space land, footpaths and cycleways for their individual sites. Contractual agreements between Council and the developer have been drafted, publicly exhibited and will be formalised concurrent with determination of development applications for subdivision.

- Concern expressed to ensure residential amenity.

Maintenance of residential amenity is a consideration pursuant to section 79C of the EPA&A and will form part of council's assessment of the individual development applications for subdivision.

Alignment With Strategic Direction

The proposal is consistent with Council's strategic direction for Wauchope and relevant legislation.

Planning and Policy Impact

There are no significant planning or policy impacts arising from this report.

Financial & Economic Implications

Section 94 contributions for public amenities and services, and section 64 headwork charges for water, sewer, open space and community facilities are applicable and payable upon release of subdivision certificates for future residential releases.

Additional service augmentation, bridge and road upgrade requirements and the provision of public infrastructure facilities offered by the landowners/developers will facilitate provision of public infrastructure concurrent with the demand generated by the development.

Options

Council could opt to not support the draft plan or defer a decision pending further report on the matter. It is recommended, however, that Council support the amended draft LEP.

Environment

Meeting Date: 28/10/2009 - Environment

Item 17

Subject PROPOSAL TO REZONE LAND FROM 1(A1) RURAL TO 2(A1) RESIDENTIAL AT LOT 100 DP1101027 JOHN FRASER PLACE, PORT MACQUARIE
Director MATT ROGERS (DES)

The purpose of this report is to provide a preliminary assessment of the merits of a proposed LEP amendment to rezone land at Lot 100 DP1101027 John Fraser Place, Port Macquarie from 1(a1) Rural to 2(a1) Residential.

It is recommended that Council prepare a planning proposal to obtain a Gateway Determination under s56 of the EP&A Act for the proposal.

RECOMMENDATION

- 1. That Council prepare a Planning Proposal under s55 of the EP&A Act to rezone land at Lot 100 DP1101027 John Fraser Place, Port Macquarie from 1(a1) Rural to 2(a1) Residential.**
- 2. That Council undertake community consultation in accordance with the s56 Gateway Determination.**

Discussion

Council has received an application to rezone land from 1(a1) Rural to 2(a1) Residential at Lot 100 DP1101027, John Fraser Place, Port Macquarie.

In the strategic planning program that was presented at the 22 April 2009 Port Macquarie-Hastings Council meeting the subject land (and another parcel of land at Major Innes Drive) were described as:

"Both properties contain areas of relatively low constraint approximately 5 hectares in size. These areas are identified as isolated growth areas in the Mid North Coast Regional Strategy and are located in areas that are already predominately zoned and / or developed for residential purposes, in close proximity to existing centres."

At the meeting Council resolved to write to the owners of the properties to invite them to lodge proposals for LEP amendments in the 2009/10 financial year and that a report then be presented to Council to consider the merits of the proposed LEP amendments, pursuant to Section 54 of the EP&A Act.

Changes to the Act in relation to applications to rezone land now require the relevant planning authority (Council) to prepare a planning proposal under s55 of the Act.

The attached planning proposal explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument in accordance with the Departments "Guidelines for Preparing Planning Proposals".

Alignment With Strategic Direction

The rezoning of the subject site is consistent with the Council's strategic planning program and the Mid North Coast Regional Strategy.

Consultation

The s56 Gateway Determination issued by the Department of Planning will state the public consultation required for this proposal.

An initial assessment of the proposal has been undertaken by Council as outlined in the attachments below.



2009_2JohnFraserPI_FINAL.pdf



JohnFraserPlace.pdf

No significant issues have been identified at this stage.

A detailed assessment will be undertaken when detailed information is provided by the applicant after the s56 Gateway Determination.

Planning and Policy Impact

Urban consolidation and infill within the existing urban footprint is recognised in both the Hastings Urban Growth Strategy and the Mid North Coast Regional Strategy as a contributory mechanism to meeting the expected housing demand in the region.

Financial & Economic Implications

The rezoning application process and detailed studies will be funded by the applicant.

The subject site is close to existing centres. The cost of any infrastructure augmentation required to service the development will be borne by the developer.

Options

Council can opt to not support the proposed LEP amendment.

Environment

Meeting Date: 28/10/2009 - Environment

Item 18

Subject USE OF PUBLIC LAND FOR DEVELOPMENT RELATED VEGETATION OFF-SETS

Director MATT ROGERS (DES)

This report proposes a formal policy position on the use of public land for providing off-sets for development related vegetation clearing.

RECOMMENDATION

That the draft Policy, Use of Public Land for Vegetation Off-Sets, be placed on public exhibition for a period of 14 days.

Discussion

NSW Government natural resource management policy increasingly requires vegetation removal associated with development to be off-set (mitigated) by securing the conservation of other appropriate vegetation. These off-sets can be secured on or off the development site subject to a range of factors including the significance, type and condition of the vegetation to be removed.

To assist with the provision of offset options, the NSW Government have set up a system called Biobanking to operate in conjunction with the implementation of the 'no net vegetation loss' policy. This is a market based system where landowners can register suitably vegetated land through the Biobank and developers can then buy credits from registered land to offset clearing for new development.

A developer also has the option of making their own arrangements to acquire suitable offsets. This may be by negotiation with a third party to retain suitable vegetation (by land purchase or funded conservation agreements).

This government policy has resulted in requests by developers that Council consider making available public land for vegetation off-sets.

To date, Council has not used public land for the purposes of offsetting clearing associated with private land development. However, Council has used public land to offset clearing required for the provision of public infrastructure. The Link Road is a good example where wetland vegetation on Council's Thrumster land was used to satisfy NSW Government requirements for offsets.

The use of public land to offset public infrastructure projects is logical and justifiable with a clear nexus to the community's interests.

The use of public land to offset private development proposals is more difficult to justify. Any offset arrangement should include the purchase of land at market rates and an appropriate contribution to the ongoing maintenance of that land. Despite such arrangements being implemented, the perception that council is facilitating private development will be unavoidable.

While Council could consider assessing requests for the use of public land to offset private development on a merit basis, such an approach would inevitably lead to inequitable outcomes and poor perceptions by developers and the broader community.

An option that used predetermined criteria to evaluate a private development offsetting proposal could be considered to deal with the pit falls of merit based approaches. However, while a transparent process could be developed, it would not deal with the community perception issues about council facilitating development.

Although a conservative approach, a decision not to allow the use of public land to offset private development provides the most flexible outcome for Council in relation to future public infrastructure needs. Council's purchase of various land holdings in the past has created a useful land bank that will enable the achievement of various outcomes for the community. The benefit of this land bank should be retained for Council's activities on behalf of the broader community.

It is considered that a formal policy position is required in this respect. The attached draft Policy has been developed for this purpose:



UsePublicLand4VegOffset_POLICY.pdf

Alignment With Strategic Direction

This proposal aligns with Council's strategic direction by setting a policy direction to provide for the strategic use of public land. The proposal is consistent with Council's Environment Focus Area.

Consultation

This proposal has been subject of consultation with the General Manager and Council's Executive Group.

The draft policy is proposed for public exhibition.

Planning and Policy Impact

The draft policy will form a new policy position for Council. From a planning perspective, the proposal will be beneficial by ensuring public land off-setting options are available as part of Council's infrastructure planning processes.

Financial & Economic Implications

Financially, Council is not deriving any current benefit from off-setting that will be impacted by the proposed policy position.

From an economic perspective, developers do not currently have access to Council land for off-setting, and in the event Council did allow for such arrangements, Council would seek the same financial benefits as a private landowner involved in an off-setting arrangement. Therefore removing public land as an off-setting option is not considered to have any significant economic impact on development.

Options

Council has the following options in addition to the proposal outlined above:

1. That requests for the use of public land for private development offsets be considered on a merit basis.
2. Criteria be determined for consideration of the use of public land for private land development offsets.

For the reasons outlined above, it is considered that the recommended policy position is appropriate in this case.

Environment

Meeting Date: 28/10/2009 - Environment

Item 19

**Subject WAUCHOPE TOWN CENTRE URBAN DESIGN
FRAMEWORK**

Director MATT ROGERS (DES)

The Draft Wauchope Town Centre Urban Design Framework (UDF) was placed on public exhibition for eight (8) weeks during July and August 2009. This report provides details of the submissions received and recommends that Council adopt the final draft Framework, subject to amendments outlined in this report.

The stakeholder consultation and formal exhibition canvassed a wide range of community views and ideas on the draft UDF. Whilst feedback was broad, the community's key concerns focussed on the content of the Vision; potential for loss of carparking in the town centre; the concept to creating a pedestrian only access for Oxley Lane; the location of the new skate park facility and behaviour of youth associated with the use of the teenage meeting area and 'graffiti' walls.

Remaining submissions raised a variety of issues regarding the appropriateness of street tree planting and suggested species; extension of River Street to create a continuous road link along the foreshore; Wallace Street industrial and proposed future retail land uses; and proposed rezoning of land north of Alma Street for tourist-related purposes. A summary of the issues raised and responses are provided in this report.

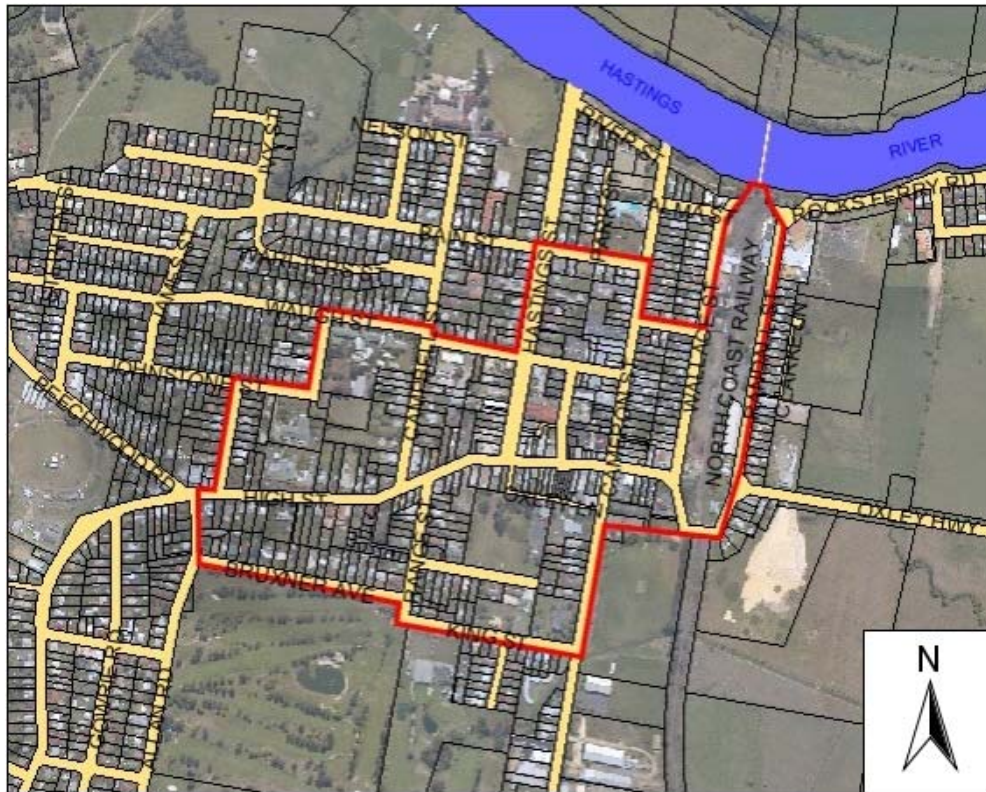
Some changes to the draft exhibited UDF have been made as a result of the issues raised during the public exhibition and a refined and edited version of the UDF, in its final form, is enclosed for the information of Council. (NB Due to file size limitations, an electronic copy of the final draft document is unable to be attached to this report. However, hard copies will be available free of charge from Council's offices at the time of Agenda release and the UDF will be uploaded to the website).

The UDF if adopted, will provide Council with a policy framework to assist with resource allocation and implementation of improvements for the Wauchope town centre over the next 10–15 years. The Framework will also ensure that new development is planned in a way that respects and enhances the special qualities of the town.

RECOMMENDATION

- 1. That Council adopt the Wauchope Urban Design Town Centre Framework and a copy of the adopted Framework be forwarded to the NSW Department of Planning for reference.**
- 2. That Council delegate authority to the Director of Development and Environmental Services to make minor corrections to the Wauchope Town Centre Framework, where required.**
- 3. That all persons who lodged a submission during the public exhibition be informed in writing of Council's decision.**

Locality Plan



Background / Discussion

At the Ordinary Meeting on 24 June 2009, Council resolved to publicly exhibit a draft Wauchope Town Centre Urban Design Framework (UDF), prepared on behalf of Council by GMU Urban Design and Architecture consultants. A link to the Council report is attached.



The draft UDF contains a long-term Vision and accompanying Urban Design Framework to guide the way in which the Wauchope town centre will develop over the next 10 to 15 years. The Framework presents a number of recommendations for precincts within the town centre where there is a need for a clear structure to manage change.

The public was invited to comment on the draft UDF by responding to a questionnaire or by making a written submission during a 6-week period from 29 June to 10 August 2009. Following consideration of requests for additional time to lodge submissions, the formal exhibition period was extended for two (2) weeks up until 24 August 2009.

A total of 115 questionnaires and 35 written submissions have been received as a result of the public exhibition. Analysis of this feedback has identified some key themes and specific issues that require response as part of finalising the UDF. These are discussed below.

Response to Submissions

The 'Vision'

On balance, the response to the draft Vision was encouraging with comments emphasising the importance of capitalising on what Wauchope has to offer that distinguishes it from other places, not to make it the same as other places.

A number of the comments suggested a need for the Vision to more strongly reflect the character of Wauchope as a 'working town' and some highlighted the need to include reference to the traditional Birpai and Bunyah landowners and to Bago Bluff. In response to these issues, the Vision has been amended accordingly.

Open Space

A majority of submissions supported the suggested better utilisation of Bain Park and the River/Recreational precinct for a variety of activities including community events and family activities, as well as open space. Some submissions however, raised concerns about the loss of open space in Bain Park due to new facilities and safety and security issues related to additional tree planting.

It is important to recognise that of the space within Bain Park, only 22% is currently taken up by buildings and structures (children's playground and BBQ area, community halls, child care centre, amenities block) - the rest is open space (approx 1.8 ha).

Well-designed public spaces can be successful without extensive greenery, however in this instance given that a large area of the site is currently open space, there is ample opportunity for detailed design plans to accommodate the range of facilities suggested in the UDF with appropriate design solutions to ensure adequate public safety and security.

Activation of Oxley Lane, together with the small-scale building suggested for the north-western boundary of the Park, will assist in providing additional passive surveillance to the new uses overtime.

Town Square

The Town Square at the entrance to Bain Park has received a number of comments suggesting lawn over a paved surface having regard to Wauchope's harsh micro-climate. Some criticism was also received to the proposed installation of a water feature element.

On a broader level, the concept of the Town Square envisaged in the draft Framework, is that of a popular community/family space, which is substantially hard-edged, to allow for the spilling out of café dining and other activity into this space as a focal point to generate activity. The Square is also seen as an important element in attracting future private investment to activate Oxley Lane with retail, arts and other attractions.

The aspect of the Town Square (similar to a huge courtyard) will provide an ideal micro-climate, also making the area safer for children to play with the intended interactive water feature. Consequently, notwithstanding the pressure to consider lawn for the Town Square surface, paving is key to its character, use and future success and therefore, whilst some grassed areas may be included in the final design; this is likely to be for aesthetics only. It should be noted that there are paving solutions and other design aspects that can be implemented to ensure the square does not become a harsh and hot area and these can be examined at the detailed design stage.

River Street Extension

Following consideration to comments received about the practicalities of extending River Street along the foreshore to connect at the railway overpass, this concept has been deleted from the final draft UDF. In this regard, there were slope and flood hazard issues as well as financial issues relating to the potential for land acquisition.

Loss of Carparking

Loss of car parking particularly in the CBD was raised as a topical issue. Many of the submissions objected to any loss of carparking as a result of beautification works, whereas others supported the concept on the basis of the benefits expected to be gained by improving the character and quality of this space for residents and visitors.

The draft Framework was never intended to include a detailed parking assessment of the Wauchope CBD. One of the reasons the draft Framework has been silent on this issue is its focus on the broad principles and strategies, leaving the further detailed design work to the next stage where individual projects will be developed.

To confirm this position, the draft UDF has been amended to delete reference to any numerical standards that imply the setting of fixed numbers for carparking requirements in the town centre prior to detailed investigations in relation to this matter.

It is noted that Council is reviewing its Carparking Strategy this financial year and that this is an appropriate mechanism for obtaining accurate data on carparking supply and demand.

Oxley Lane

In addition to the concept of activating Oxley Lane and upgrade the surface to enhance the character and strengthen links, the draft exhibited UDF proposed restriction to pedestrian access only. Due to the overwhelming objection received to this suggestion, the final draft Framework has been amended to encourage a pedestrian friendly shareway environment with existing vehicle access arrangements to be retained.

Signage and built form controls

The Framework recognises that improvements can be achieved through a coordinated approach to lighting, furniture, built form and signage as a means of creating a strong character and identity for the town centre that reflects the Vision. A number of the submissions however, raised concerns over the signage and building controls, suggesting they are overly perspective and unnecessary.

In response to the issues raised, the final draft Framework has been amended to delete reference to any specific requirements for signage and built form but retain a consistent direction in terms of conceptual built form, recommending new development essentially be low-rise (3 storeys max) with a bulk and scale that harmonizes with surrounding buildings. The need to develop a colour palette for signage and buildings is also recommended.

More specific parameters can be given when these have been established through further work to formulate appropriate development control provisions to detail what is intended in line with the principles of the UDF.

Skate Park Location, Graffiti Walls & Teenage Meeting Area

Whilst the concept of a new skate park facility received broad community support, the appropriateness of the proposed location in Bain Park was questioned on the basis of the potential for anti-social behaviour. It is considered that the location of the skate park in a high profile area will actually reduce the potential for anti-social behaviour by providing passive surveillance. The final draft Framework has relocated the skate park towards the middle of the Park along the southern boundary to minimise direct impacts on any one adjoining site.

It was clear from the submissions that the concepts of the teenage meeting area and "graffiti" walls were not generally well understood. To clarify, the teenage meeting area is expected to involve placement of a small number of bench seats in a 'U-shaped' configuration and facing each other, to promote social interaction between youth.

The proposed graffiti wall concept can be best described as a changeable art wall, similar in terms of the concept to artwork along the Port Macquarie breakwall.

The new skate park and related facilities will make Bain Pain more attractive to young people living in and around the town and provide another gathering place for youth and children, which helps strengthen social networks for families and encourages children to be active, which has great health benefits.

Fig Trees

In response to the criticism received to the suggested selection of figs for street tree planting, the final draft UDF has been amended to provide for more suitable endemic native species.

Wallace Street Supermarket Proposal

One submission questioned the appropriateness of including the assumption of the Wallace Street supermarket proposal as a definite outcome. Having regard to the status of this proposal in the court system, this assumption has been removed from the final draft UDF.

Another submission requested rezoning of the site to confirm and clarify the future use of the land for future supermarket purposes. At this juncture it is not proposed to rezone the land.

Alma Street

Some residents raised objections to the identification and rezoning of land in Alma Street to facilitate future tourist-related development to take advantage of the foreshore asset and nearby tennis court and swimming pool facilities.

To alleviate these concerns, the final draft Framework has been amended to specify that any rezoning of the land would only be considered subject to substantial site consolidation and in consultation with the landowners. Any future development would need to ensure the maintenance of acceptable levels of amenity in the surrounding locality.

Heavy Vehicle Bypass

Many submissions reflected a misconception that the CBD heavy vehicle bypass route (as shown in the draft UDF) is still optional, when in fact it has been endorsed as the preferred route for implementation. Detailed design plans are currently being prepared and it is anticipated that the status of works on this matter will be reported to the December 2009 Council meeting.

Bain Park Management Plan

A small number of the submissions requested that a Management Plan be prepared for Bain Park following adoption of the UDF. This additional layer of planning work is considered unnecessary given that a Management Plan is not expected to result in any additional information over and above that already presented in the UDF. From a planning perspective, it would be of more benefit to commence the detailed design work for high priority improvements.

Amendments to Draft Framework

The exhibited draft Framework has been revised in response to many of the issues raised in the submissions and other relevant planning considerations. Key amendments to the exhibited Framework are as follows:-

1. Vision Statement amended to include reference to Wauchope as a working town, Bago Bluff and local indigenous groups.
2. Deletion of the concept to extend River Street along the foreshore.
3. Retention of pedestrian and vehicle access along Oxley Lane.
4. Deletion to reference the selection of fig trees for future street tree and gateway planting
5. Clarification that land north of Alma Street will only be considered for tourist-related rezoning subject to substantial site consolidation and future landowner consultation.
6. Changes to the Bain Park concept plan including a larger children's cycle area, different location for the proposed skate park, graffiti walls and teenage meeting area as well as the siting of the amphitheatre in proximity to the arts hall and upgraded parking and access in the vicinity of the and child care centre.
7. Amendments to the Precinct and Uses Diagram to delete the proposed 'light industrial and showroom uses' shown for the eastern side of the railway corridor and minor amendment to slightly reduce the boundary of the mixed use area.
8. Height Strategy map revised to reflect amended land use boundaries.
9. Summary of key projects updated to reflect prioritisation of upgrades

10. CBD/Cultural Precinct (town Centre concept), River Recreation Precinct and Extend Township drawings amended and included to reflect issues raised during the exhibition, consultation and prioritisation of upgrades into high, medium and low.
11. Glossary added
12. Consultation section updated and Taskforce workshop meeting No 3 minutes added

Implementation

Implementation of all recommendations in the Framework will take many years to achieve and the success in achieving the longer-term Vision will be the responsibility of the community and Council.

Flexibility for the timing of implementation has been incorporated into the final draft Framework with works listed on a high, medium and low priority basis (rather than linked to definitive time-frames), with timing for completion by Council dependent on allocation of resources and stakeholder collaboration.

Consultation

A taskforce to help guide the Framework process was established in November 2008. The Wauchope Taskforce is made up of community and Council representatives.

During the early phases of the draft Framework preparation, two (2) workshops were held with the Taskforce and other community representatives to provide background to GMU and to act as a forum for discussion and feedback.

A final workshop was held with the Taskforce on 11 September 2009 to discuss the outcome of the formal exhibition and included additional representation on behalf of business owners and local youth. Minutes from all of the workshop meetings are included as annexures to the final draft Framework.

The public exhibition of the draft UDF was carried out in July and August 2009 to seek a broader range of community views. The consultation included:

- The delivery of exhibition material to random businesses seeking display and handout to customers during the exhibition
- Display of exhibition panels and provision of handouts and questionnaires at Council's offices, Libraries and website
- Public open day information session at Bain Park on 18 July 2009
- Direct consultation with landowners, residents, business owners and other community group representatives throughout the process.

The consultation and formal exhibition processes provided valuable feedback and ideas to help in informing the content of the final draft Vision and UDF.

Planning and Policy Impact

The draft Framework supersedes the *Wauchope CBD Masterplan 2004* and is seen as an integral component of Council's policies to guide future public and private sector investment in the Wauchope town centre over the next 10 to 15 years.

Financial & Economic Implications

Recommendations in the Framework which are the responsibility of Council will be listed for inclusion in future budgets and implemented based on resource allocation, prioritisation and community collaboration.

Options

The submissions received during the public exhibition have been reviewed in detail and the draft Framework has been revised as necessary. As a result, it is recommended that the Council adopt the final draft Wauchope Town Centre Framework in the interest of long-term planning for this important rural town in the PMH LGA. Alternatively, Council could decide to endorse the revised UDF subject to further amendment or to not adopt the revised draft Framework at this time.

Environment

Meeting Date: 28/10/2009

ITEM NO: 20
PROPERTY: DA 2009/0011 - LOT 24, DP 704897, 2322 COMBOYNE ROAD, COMBOYNE
APPLICANT: HOPKINS CONSULTANTS PTY LTD
OWNER: A DUFFY
PROPOSAL: RURAL WORKERS DWELLING INCLUDING SEPP 1 OBJECTION TO CLAUSE 18 OF THE HLEP 2001
APPLICATION DATE: 22 JANUARY 2009
DATE FORMAL: 6 AUGUST 2009
ESTIMATED COST: 20,000
LOCATION: LOT 24 DP704897, 2332 COMBOYNE ROAD, COMBOYNE
REPORT BY: BEN ROBERTS
FILE NO: DA 2009/0011
PARCEL NO: 19247

PRECIS

Council is in receipt of an application accompanied by a SEPP 1 objection to vary the minimum lot size area provisions for a rural workers dwelling contained in the Hastings Local Environmental Plan (HLEP) 2001. The application includes an objection to vary Clause 18(3) of the HLEP 2001 being the required minimum lot size of 80 hectares. The property is 55.86 hectares in area. The NSW Department of Planning have provided concurrence to the application. The application was considered by Council's Development Assessment Panel on 21 October 2009, where a consensus was not reached. The application is being reported to Council due to DAP being unable to reach consensus on a resolution and in accordance the NSW Department of Planning circular PS 08 - 418, which requires all development applications where there has been a variation greater than 10% to a development standard applied for under SEPP 1 to be determined by full Council.

RECOMMENDATION

That development application 2009/0011 under SEPP 1 to vary Council's development standard relating to allotment size, being Clause 18(3) of the Hastings Local Environmental Plan 2001, for a rural worker's dwelling on Lot 24 DP 704897, 2332 Comboyne Road, Comboyne, be determined by Council.

DISCUSSION

The application was considered by the Development Assessment Panel at its meeting held 21 October 2009. DAP was unable to reach consensus on the resolution. The Chair, Manager Development Assessment and Manager Technical Services recommended:

'That development application 2009/0011 under SEPP 1 to vary Council's development standard relating to allotment size for a rural worker's dwelling on Lot 24, DP 704897, 2332 Comboyne Road, Comboyne, be supported, subject to the attached conditions and a recommendation for approval be reported to the next available Ordinary Council Meeting.

The following changes were made to conditions of consent:

- *The third dot point under condition A(3) titled 'Traffic Management' be deleted.*
- *The last sentence in condition A(7) be deleted.*
- *Section E be titled to read 'Prior to the issue of occupation certificate'*
- *Condition E(3) be amended to delete '94A' (in 2nd line) and replace 5th dot point with 'Hastings S94 Major Roads Contributions Plan'*

The dissenting recommendation from Tim Jurmann was:

'That DA2009/11 for a Rural Workers Dwelling on Lot 24 DP 704897 not be supported and it be recommended to Council that the application be refused on the basis that the application has not adequately demonstrated the need for the rural workers dwelling, with respect to workloads on the farm, and has failed to provide adequate information demonstrating the ongoing financial sustainability of the farm to support such a land use.'

Should Council determine the development application by granting consent, in addition to the recommended amendments to conditions identified above, it would be considered necessary to time limit the period in which a building certificate application is to be submitted to Council. Accordingly, condition E(4) would need to be amended to read as follows:

'The applicant is required to submit an application for a building certificate and pay the prescribed fees within three (3) months from the date of consent. An Occupation certificate is not to be issued until Council has approved the foregoing certificate.'

The application also is being reported to Council in accordance with the NSW Department of Planning circular that requires all development applications, where there has been a variation to development standards greater than 10% under SEPP 1, to be determined by Council (rather than under delegated authority).

An assessment of the Section 79(C) matters for consideration under the Environmental Planning and Assessment Act, 1979 is provided in the Development Assessment Panel report of 21 October 2009. A copy of the report is attached below.

ATTACHMENTS

 [Link to DAP report 21 October 2009](#)  [Item02DAP21Oct09.pdf](#)

RECOMMENDED CONDITIONS

 [DA09_0011_DftConditions.pdf](#)

Economic

Meeting Date: 28/10/2009 - Economic

Item 21

Subject MEMORANDUM OF UNDERSTANDING - LORD HOWE ISLAND

Director / GENERAL MANAGER: ANDREW ROACH

RECOMMENDATION

- 1. That Council enter into a Memorandum of Understanding with the Lord Howe Island Board to provide a framework for collaborative trade and service delivery.**
- 2. That Council establish a Working Party to monitor current arrangements, identify areas for future partnering and provide specialist advice.**
- 3. That the Working Party report to Council and the Board on a 12 monthly basis to ensure the alliance is active and effective.**

Discussion

Lord Howe Island Board (LHIB) demonstrated a willingness to enter into a Strategic Alliance with Port Macquarie Hastings Council (PMHC) at a meeting held with Stephen Wills, Chief Executive Officer on 19 February 2009. The strategic alliance would enable each Council to tap into the combined knowledge, expertise and resources of each organisation to respond to regional development opportunities. An alliance would provide the potential for joint research and resource sharing including staff exchanges, advocacy, and delivery of or access to government programs and funding.

Lord Howe Island is part of the Port Macquarie State Electorate. Current services to the Island include radio, student exchange/study, and a direct Qantas Link flight. With the recent extension of the commercial wharf to ship freight to the island via the 'Island Trader', the adoption of a Memorandum of Understanding (MOU) between Councils would provide a partnership framework for other joint initiatives. It is proposed to present the following Memorandum of Understanding to Lord Howe Island Board for consideration.



MOU_LHIB_PMHC.pdf

Alignment With Strategic Direction

In keeping with Council's focus to broker new relationships for the betterment of the community.

Planning and Policy Impact

None as a result of this report.

Financial & Economic Implications

With the commercial wharf in place to service the Island Trader expected to return around \$12 million annually into the local economy, a formalised alliance would provide the opportunity to leverage this arrangement and explore other potential partnership initiatives