



Ordinary Council

MAYORAL MINUTES

Business Paper

date of meeting: Wednesday, 21 May 2014

location: Council Chamber
17 Burrawan Street
Port Macquarie

time: 5.30pm

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



**PORT MACQUARIE
HASTINGS**

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 and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

Council's Guiding Principles

- ★ Ensuring good governance
- ★ Looking after our people
- ★ Helping our community prosper
- ★ Looking after our environment
- ★ Planning & providing our infrastructure



**PORT MACQUARIE
HASTINGS**

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

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

Addressing Council on an Agenda Item:

If the matter **is** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak on an Agenda Item at a Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2924-addressing-a-council-meeting-in-relation-to-an-agenda-item.asp?intSiteID=1>

Your request to address Council 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 Group 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 Group Manager Governance & Executive Services by 4.30pm on the day prior to the Council Meeting.
- Council will permit only two (2) speakers "Supporting" and two (2) speakers "Opposing" the *Recommendation* contained in the Business Paper. If there are more than two speakers supporting and opposing, the Mayor will request the speakers to determine who will address Council.

Addressing Council in the Public Forum:

If the matter **is not** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak in the Public Forum at Ordinary Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2926-addressing-council-in-the-council-meeting-public-forum.asp?intSiteID=1>

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

A maximum of eight (8) speakers will be heard in the Public Forum. Each speaker will be limited to 5 minutes. 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).



**PORT MACQUARIE
HASTINGS**

Ordinary Council Meeting
Wednesday, 21 May 2014

MAYORAL MINUTES

Items of Business

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Item: 06.02

Subject: MAYORAL MINUTE - SHORT STREET CAR PARK, PORT
MACQUARIE

Mayor, Peter Besseling

RECOMMENDATION

That Council:

1. Provide written response to NSW Trade and Investment Crown Lands request to Council for concurrence for an in principle sale of Part Lot 701 DP 1026899 (Short St Car Park) to Woolworths for a supermarket development.
2. As the corporate manager appointed to manage the Trusts for the respective Short Street Car Park Reserve (R87283) and adjoining Kooloonbung Creek Reserve (R87617), decline to provide concurrence for the in-principle sale.
3. Request that NSW Trade and Investment Crown Lands provide details of any Public Interest Test undertaken in relation to the sale of Part Lot 701 DP 1026899, in response to the Government's commitment to the National Competition Policy.
4. Request that NSW Trade and Investment Crown Lands provide details of any Land Assessment undertaken as per the Crown Lands Act 1989, in relation to Reserves R87283 and R87617.
5. Request that NSW Trade and Investment Crown Lands undertake a competitive process for the sale of any land in relation to Reserves R87283 and R87617 through a public Expression of Interest.

Discussion

On 11 December 2013, NSW Trade and Investment Crown Lands wrote to Port Macquarie-Hastings Council, seeking concurrence for the in-principle sale of Part Lot 701 DP 1026899 (Short Street Car Park) to Woolworths for a supermarket development, as follows:

"Crown Lands has recently approved in principle the sale of Part Lot 701 DP 1026899 (Short St Car Park) to Woolworths for a supermarket development. The proposed dealing would result in the revocation of part Short St Car Park Reserve (R87283) and an addition to the adjoining Kooloonbung Creek Reserve (R87617).

In brief the proposed dealing includes:

1. *sale of part Lot 701 (about 4,300 m²); and*
2. *an easement for access and parking over a residue of Lot 701 (about 2,200 m²); and*
3. *transfer of a small area (50m²) from Woolworths to the Crown to be added to the Kooloonbung Creek reserve; and*

4. *The residue of lot 701 (creek side) to be added to the foreshore Kooloonbung Creek reserve.*

Accordingly the change to land status and management would include:

1. *Revocation of part Short St Car Park Reserve (R87283) (about 4,300 m2)*
2. *Addition of an area to Kooloonbung Reserve (R87617) (about 200 m2)*

It is proposed that Council would remain Trust manager of the Short St Car Park Reserve Trust ie the residue of Lot 710 (about 2,200 m2).

The proposed development shall in due course be the subject of a development application to be lodged with council as consent authority. The requirements of the Crown Lands Act in respect of the proposed sale include: a public interest test; public advertising of the intention to revoke the subject reserves (in part) and intention to sell Crown land; and notification in the NSW Gazette. regarding the revocation of the subject reserves (in part). The department understands that the development would achieve a number of benefits to the city of Port Macquarie and the region. For example: the development would achieve highest and best use of the site given planning constraints evident in LEP, DCP and the Hastings River Foreshores Masterplan, and thereby integrate the site as an active part of the CBD; the development would provide a significant economic catalyst through capital investment and employment.

Crown Lands request the written concurrence of Council as the corporate manager of the affected Trusts to the proposed dealing as described.”

At the Ordinary Council Meeting held on 19 February 2014, Council resolved the following:

“That Council in its capacity of Reserve Trust Manager of Reserves R87283 and R87617:

1. *Advise Crown Lands - Trade and Investment that consideration of their correspondence dated 11 December 2013 be deferred until further details are known regarding the Department’s proposal to amend the future use of these Reserves for:*
 - a) *Public car parking under a proposed covenant on title.*
 - b) *Full Development Application details for a proposal to include a commercial activity on the sites currently reserved for public car parking; and*
 - c) *Development of the Port Macquarie CBD waterfront in the vicinity of the Kooloonbung Creek under a yet to be adopted Plan of Management titled Hastings Regional Crown Reserves Precinct prepared by Crown Lands in October 2012*
2. *Note the Crown Port Macquarie Foreshore Draft Plan of Management Hastings Regional Crown Reserve Precinct A stipulates that the “granting of such land dealings will be through an EOI process having regard also to the partnership agreements that may need to be resolved with other landowners in the area” and that “all development is to face and address the waterfront, to achieve maximum activation of the foreshore”.*

3. *Seek full details implemented by Crown Lands - Trade and Investment regarding the public interest test carried out on the disposal of these Reserves as set out in their correspondence dated 11 December 2013 in support of the proposal outlined.*
4. *Request Crown Lands - Trade & Investment to commit to ensuring that any and all proceeds from the sale of the Lot 701 DP1026899 are spent on agreed improvements to the Port Macquarie foreshore."*

On Friday, 2 May 2014, Council was made aware of a listing in the NSW Government Gazette about the Crown giving approval for site investigations to be undertaken on the aforementioned site. The investigations related to the Crown allowing Fabcot (Woolworths) to undertake various investigations on the site, ie. drilling bore holes for geo-tech etc.

Council considers that the community interests are best served by any potential sale of Lot 701 DP1026899 going through a transparent and rigorous process, consistent with National Competition Policy and the Crown Lands Act 1989, that includes a Public Interest Test, a Land Assessment and an Expression of Interest process for the site.

Attachments

Nil