

**PRESENT**

**Members:**

Councillor Peter Besseling (Mayor)  
Councillor Rob Turner  
Councillor Adam Roberts  
Councillor Lisa Intemann  
Councillor Geoff Hawkins  
Councillor Trevor Sargeant (Deputy Mayor)  
Councillor Michael Cusato  
Councillor Sharon Griffiths

**Other Attendees:**

Tony Hayward (General Manager)  
Gary Randall (Acting Director of Infrastructure & Asset Management)  
Craig Swift-McNair (Director of Commercial Services & Industry Engagement)  
Matt Rogers (Director of Development & Environment)  
Lesley Atkinson (Director of Community & Organisational Development)  
Stewart Todd (Group Manager Governance & Executive Services)  
Lyndal Harper (Acting Communications Manager)  
Bronwyn Lyon (Governance Support Officer)  
Sue Pollard (Statutory Reporting Officer)

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The meeting opened at 5.30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 LOCAL GOVERNMENT PRAYER**

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A Minister did not attend the meeting to deliver the Local Government Prayer.

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**03 APOLOGIES**

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There were no apologies and the Mayor noted the approved leave of absence for Councillor Levido.

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**04 CONFIRMATION OF MINUTES**

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*RESOLVED: Roberts/Sargeant*

That the Minutes of the Ordinary Council Meeting held on 19 June 2013 be confirmed.

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**05 DISCLOSURES OF INTEREST**

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Councillor Cusato declared a Non-Pecuniary, Significant Interest in Item 11.04 - Section 82A Review DA 2005-192 - Rural Dwelling - Oakes Crescent, Fernbank Creek, the reason being that Councillor Cusato has a personal and business acquaintance with the applicant.

Councillor Cusato declared a Non-Pecuniary, Insignificant Interest in Item 12.07 - Settlement City Precinct - Draft Development Control Plan and Kmart Planning Proposal, the reason being that Councillor Cusato is a retailer in the Port Macquarie Greater CBD.

Councillor Cusato declared a Non-Pecuniary, Significant Interest in Item 12.11 - Draft Amendment to Port Macquarie-Hastings Local Environmental Plan 2011 - Advertising Signage on Bus Shelters, Submissions Report, the reason being that Councillor Cusato is renting/leasing some of the bus shelters.

Councillor Griffiths declared a Non-Pecuniary, Insignificant Interest in Item 12.03 - Tender T-13-11 The Ruins Way Road Construction, the reason being that tenderers are customers of Councillor Griffiths'.

Councillor Griffiths declared a Non-Pecuniary, Insignificant Interest in Item 12.04 - Tender T-13-14 Sancrox Reservoir Earthworks, the reason being that tenderers are customers of Councillor Griffiths'.

Councillor Griffiths declared a Non-Pecuniary, Significant Interest in Item 12.08 - Draft Amendment to Port Macquarie-Hastings Development Control Plan 2011 - Area Based Provisions for Wauchope, Submissions Report, the reason being that Councillor Griffiths is a director of two companies which hold a financial interest on Hastings Street, Wauchope.

Councillor Intemann declared a Non-Pecuniary, Insignificant Interest in Item 12.08 - Draft Amendment to Port Macquarie-Hastings Development Control Plan 2011 - Area Based Provisions for Wauchope, Submissions Report, the reason being that Councillor Intemann is a director of a company located in the Wauchope CBD.

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**06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS**

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*MOTION: Besseling*

That the Mayoral Discretionary Fund allocations for the period 7 June to 30 June 2013 be noted.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**06.02 GENERAL MANAGER PERFORMANCE REVIEW PANEL**

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*MOTION: Besseling*

That Council:

1. Determine the composition of the General Manager's Performance Review Panel for the 2012-2013 period to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the General Manager.
2. Appoint Councillor Intemann as the Councillor nominated by the Council to the General Manager's Performance Review Panel for the 2012-2013 period.
3. Note that Councillor Levido is the General Manager's nominated Councillor on the General Manager's Performance Review Panel for the 2012-2013 period.
4. Delegate to the General Manager's Performance Review Panel:
  - a) The whole process of performance management, including discussions about performance and performance reviews for the 2012-2013 period.
  - b) The reporting to Council of findings and recommendations of reviews for the 2012-2013 period and any actions that should be taken.
  - c) The determination of any new performance agreement for the period 2013/2014.
5. Determine for the 2013-2014 period that there be 1 formal performance review at the completion of the period and an informal performance review at six months (i.e. mid-term).

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Hawkins/Sargeant*

That Standing Orders be suspended to allow 08.01 to be brought forward and considered next.

*CARRIED: 8/0*  
*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner*  
*AGAINST: Nil*

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**08.01 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Roberts/Cusato*

That Council determine that the attachments to Item numbers 12.02, 12.03, 12.04, 12.05, 12.06 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

*CARRIED: 8/0*  
*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner*  
*AGAINST: Nil*

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**07 PUBLIC FORUM**

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

1. Jenny Daniel regarding Environmental Issues - Bonny Hills.
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**07.01 ENVIRONMENTAL ISSUES - BONNY HILLS**

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Jenny Daniel, addressed Council in regard to environmental issues at Bonny Hills and bullying due to issues with Big 4 pool and answered questions from Councillors.

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**REQUESTS TO SPEAK ON AN AGENDA ITEM**

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

1. Item 11.02 - Mr Phil Hafey in support of the recommendation.
2. Item 11.02 - Mr Richard Marocco in support of the recommendation.
3. Item 12.07 - Mr Tony Thorne in support of the recommendation.
4. Item 12.07 - Mrs Michelle Chapman in opposition of the recommendation.
5. Item 12.07 - Mr Ian Williams in support of the recommendation.
6. Item 12.08 - Mr Petr Kanturek in opposition of the recommendation.
7. Item 12.08 - Mr Gary Rainbow in support of the recommendation.
8. Item 12.09 - Mr Tony Thorne in support of the recommendation.

*RESOLVED: Cusato/Griffiths*

That the requests to speak be acceded to.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Roberts/Turner*

That Standing Orders be suspended to allow Items 11.02, 12.07, 12.08 and 12.09 to be brought forward and considered next.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**11.02 DA 2013 - 0005 - 23 SHORT TERM STAY UNITS AND ASSOCIATED CAR PARK - WRIGHTS ROAD RESERVE PORT MACQUARIE (PIN27480)**

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Mr Phil Hafey, representing the Port Macquarie Hospital Lodge Association Inc. (Rotary Lodge) addressed Council in support of the recommendation.

Mr Richard Marocco, representing Rotary Lodge, addressed Council in support of the recommendation.

*RESOLVED: Intemann/Sargeant*

That DA 2013/0005 for 23 short term stay units and associated car park at Lot 1, DP 852214 and part Wrights Road Reserve, 2 Wrights Road, Port Macquarie, be determined by granting approval subject to the recommended conditions.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.07 SETTLEMENT CITY PRECINCT - DRAFT DEVELOPMENT CONTROL PLAN AND KMART PLANNING PROPOSAL (PP2012-8.1 & PIN 61923)**

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Councillor Cusato declared a Non-Pecuniary, Insignificant Interest in this matter and remained in the room during the Council's consideration.

Mr Ian Williams, representing Kmart Australia Ltd, addressed Council in support of the recommendation.

Mrs Michelle Chapman, representing the owners of Sails Resort, addressed Council in opposition to the recommendation and answered questions from Councillors.

Mr Tony Thorne, of King and Campbell Pty Ltd and representing Kmart Australia Ltd, addressed Council in support of the recommendation.

*RESOLVED: Roberts/Intemann*

That Council:

1. Forward the Planning Proposal, pursuant to section 59 of the Environmental Planning and Assessment Act, as described in this report, to the Department of Planning and Infrastructure to:
    - a) Amend the Height of Building and Floor Space Ratio controls applying to Lot 2 DP 1163062, Warlters and Park Street, Port Macquarie (Kmart site);
    - b) Amend the Height of Building map applying to Lot 3 DP 263340 (Council-owned land) and Lot 1 DP 1163062 (St Josephs Primary School), Warlters and Bay Streets, Port Macquarie; and
    - c) Incorporate Design Excellence Provisions for land zoned B3 Commercial Core and SP3 Tourist in the Settlement City Precinct, subject to the receipt of a signed Planning Agreement from Kmart which is to the satisfaction of the General Manager and the Mayor.
  2. Adopt the exhibited draft development control plan provisions, including the
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amendments described in this report and retaining the 1% value provision in relation to public art (DP1.1), to commence on notification of the change to Height of Building and Floor Space Ratio controls in 1 above on the NSW Legislation website.

3. Prepare a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act, as generally described in this report and in consultation with relevant landowners, to amend the Land Zone and Floor Space Ratio maps applying to the Park Street frontages of Lot 638 DP257052 (Sails Resort) and Lot 639 DP 257052 (Port Marina).
4. Advise all persons who have previously made submissions of the outcomes of this report.

CARRIED: 8/0

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

AGAINST: Nil

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#### **12.08 DRAFT AMENDMENT TO PORT MACQUARIE-HASTINGS DEVELOPMENT CONTROL PLAN 2011 - AREA BASED PROVISIONS FOR WAUCHOPE, SUBMISSIONS REPORT**

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Councillor Griffiths declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 06:12pm.

Councillor Intemann declared a Non-Pecuniary, Insignificant Interest in this matter and remained in the room during the Council's consideration.

The Mayor advised that Mr Petr Kanturek, was unable to attend and on his behalf, Mrs Jennifer Mackay, representing the Wauchope Business Association would address Council. Mrs Jennifer Mackay address Council in opposition to the recommendation and answered questions from Councillors.

Mr Gary Rainbow, representing the Wauchope Chamber of Commerce and Industry Inc., addressed Council in support of the recommendation.

The Director of Development & Environment tabled two documents:

1. Additional attachment "Schedule of Amendments to Draft Area Based Development Provisions for Wauchope - Post Exhibition.
2. Email from Kim Stephano dated 16/07/13 in relation to her submission listed in the report.

*RESOLVED: Sargeant/Hawkins*

That Council:

1. Adopt the Wauchope Town Centre and Mixed Use Provisions, described in this report, as an amendment to Port Macquarie-Hastings Development Control Plan 2011 - Part 6 Wauchope Area Based Provisions.
  2. Publish a public notice of this decision and forward a copy of the approved Development Control Guidelines to the Director General of the Department of Planning and Infrastructure, within 28 days.
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CARRIED: 7/0  
FOR: *Besseling, Cusato, Hawkins, Intemann, Roberts, Sargeant and Turner*  
AGAINST: Nil

Councillor Sharon Griffiths returned to the meeting, the time being 06:31pm.

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**12.09 PLANNING PROPOSAL TO REZONE PART LOT 2 DP1036844, OXLEY HIGHWAY, WAUCHOPE - SUBMISSIONS REPORT (PP2011-9.1 & PIN 36552)**

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Mr Tony Thorne, of King and Campbell Pty Ltd and representing Gwijnvill Trading Pty Ltd, addressed Council in support of the recommendation.

*RESOLVED: Turner/Cusato*

That Council:

1. Finalise the Draft Local Environmental Plan to rezone Part Lot 2 DP1036844, Oxley Highway Wauchope as described in the report, pursuant to Section 59 of the Environmental Planning & Assessment Act, as amended.
2. Delegate authority to the General Manager to consider any submissions received in relation to the Deed of Variation to the Yippin Creek Residential Community Planning Agreement and to enter into and execute the Deed of Variation relating to land off the Oxley Highway, Wauchope being Lot 2 DP 1036844, provided no significant issues have arisen as result of the public notification of the Deed of Variation, prior to forwarding the Planning Proposal to the Department of Planning & Infrastructure.

CARRIED: 7/1  
FOR: *Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts and Turner*  
AGAINST: *Sargeant*

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**08.02 STATUS OF OUTSTANDING REPORTS TO COUNCIL - JUNE 2013**

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*RESOLVED: Cusato/Griffiths*

That the information in the June 2013 Status of Outstanding Reports to Council be noted.

CARRIED: 8/0  
FOR: *Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner*  
AGAINST: Nil



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**08.03 2013 "IN THE ROOM" CONFERENCE**

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*RESOLVED: Hawkins/Turner*

That Councillor Roberts be Council's delegate to attend the "In the Room" Conference to be held in Sydney from 15 to 16 August 2013.

*CARRIED: 8/0*  
*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner*  
*AGAINST: Nil*

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**08.04 QUESTION ON NOTICE - COUNCIL GROUPS**

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*RESOLVED: Intemann/Turner*

That the Council:

1. Note the information provided in this report.
2. Undertake further enquiries with a goal of achieving consistency in the groups/categories to which this Council is attributed.
3. Request the Minister to consult with Council in its review of performance indicators and benchmarks.

*CARRIED: 8/0*  
*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner*  
*AGAINST: Nil*

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**08.05 UPDATE ON MATTERS BEING DEALT WITH BY LOCAL GOVERNMENT NSW**

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*RESOLVED: Intemann/Cusato*

That the letter updating Council on matters being dealt with by Local Government NSW be noted.

*CARRIED: 8/0*  
*FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner*  
*AGAINST: Nil*

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**08.06 COUNCILLOR INDUCTION POLICY**

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*RESOLVED: Turner/Roberts*

That Council:

1. Adopt for the purposes of exhibition the draft Councillor Induction Policy.
2. Place on exhibition the draft Councillor Induction Policy from 26 July 2013 until 23 August 2013. During the exhibition period Council will call for and accept submissions from the public on the draft Councillor Induction Policy.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**08.07 INVESTMENTS - JUNE 2013**

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*RESOLVED: Hawkins/Turner*

That Council receive and note the Investment Report for June 2013.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**08.08 A PROPOSAL TO ALTER THE BOUNDARIES OF THE LOCALITIES OF  
FRAZERS CREEK AND BEECHWOOD**

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*RESOLVED: Griffiths/Cusato*

That Council make application to the Geographical Names Board to alter the boundaries of Frazers Creek and Beechwood so that the whole of Lot 32 Deposited Plan 1050261 is contained within the geographic locality of Beechwood.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**08.09 2013 - 2014 OPERATIONAL PLAN MODIFICATIONS**

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*RESOLVED: Cusato/Turner*

That Council:

1. Adopt changes to the 2013 - 2014 Operational Plan actions as detailed in the report below.
2. Endorse alteration to the 2013 - 2014 Schedule of Fees and Charges as detailed in the report below.
3. Note that there have been a series of edit changes to the 2013 - 2017 Delivery Program and 2013 - 2014 Operational Plan.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**08.10 FUNDING AND SUPPORT FOR THE COMMUNITY POLICY**

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*RESOLVED: Turner/Sargeant*

That Council:

1. Adopt the 'Providing Funding and Support to the Community Policy'.
2. Rescind the 'Donations Towards Rates Policy'.
3. Rescind the 'Waiving of DA Fees and Lease Fees to Charitable and Non Profit Organisations Policy'.
4. Rescind the 'Groups Seeking Capital Assistance for the Construction of Sport and Community Facilities Policy'.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**08.11 CUSTOMER EXPERIENCE CHARTER AND CUSTOMER SERVICE POLICY**

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*RESOLVED: Sargeant/Griffiths*

That Council formally adopt the Customer Service Policy and Customer Experience Charter.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.01 NOTICE OF MOTION - HASTINGS RECREATIONAL STUDY**

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*RESOLVED: Cusato/Griffiths*

That Council include within the Hastings Recreational Study, as scheduled in the 2013/2014 Operational Plan, an analysis of the recreational boating needs of the community in relation to the use of estuaries within the local government area, and provide options for the provision of boating infrastructure to meet current and future demands.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.02 BICENTENARY CELEBRATIONS FOR PORT MACQUARIE**

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*RESOLVED: Sargeant/Hawkins*

That Council:

1. Endorse the formation of a planning committee for the lead up to the Bicentenary of Port Macquarie Hastings and call for expressions of interest from the community to participate in this planning committee.
2. Consider an annual allocation to create a reserve for the Bicentenary celebrations.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.03 RECOMMENDATIONS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE MEETING HELD ON THURSDAY 20 JUNE 2013**

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*RESOLVED: Besseling/Sargeant*

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

1. Mr Michael Wolstenholme in the amount of \$200.00 (ex GST) to assist with expenses he will incur competing in the NSW All Schools Under 15's Rugby Team to play in Canberra from 21 - 28 June 2013 inclusive.
  2. Ms Laura Harris in the amount of \$1000.00 (ex GST) to assist with the expenses she will incur competing at both the World Ironman 70.3 Championships to be held in Las Vegas, Nevada in September 2013, and World Ironman Championships to be held in Kona, Hawaii in October 2013.
  3. Mr Harry Jones in the amount of \$750.00 (ex GST) to assist with the expenses
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- he will incur competing at the ITU World Triathlon Championships (20 - 24 Age Group) to be held in London, England in September 2013.
4. Ms Sabrina Lowe in the amount of \$200.00 (ex GST) to assist with expenses she will incur competing at the NSW All Schools AFL Championships to be held in Broken Hill in June 2013.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner

AGAINST: Nil

#### 11.01 QUESTION ON NOTICE - DEVELOPMENT ASSESSMENT PANEL

RESOLVED: Sargeant/Roberts

1. That the development assessment staff advise economic development staff of requests for pre DA lodgement meetings so attendance can be arranged for any relevant proposals.
2. That economic development staff be provided with regular reporting of DAs as received to enable engagement with proponents of developments of current and potential economic significance.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner

AGAINST: Nil

#### 11.03 DA 2012 - 0616 - VEGETATION REMOVAL AND TRIMMING - KOOLONBUNG CREEK RESERVE - GLEBE CLOSE, PORT MACQUARIE (PIN 7040)

RESOLVED: Turner/Roberts

That Council:

1. Determine DA 2012/616 for vegetation removal and trimming at Lot 26 DP 249270, Lot 7301 DP 1154392, Lot 7011 DP 1024184, Lot 596 & 355 DP 754434, Lot 1 & 2 DP 1086691, Lot 7302-3 DP 1154392, Lot 7008 DP 1024839, Lot 3 DP 617794, Lot 1 DP 617892, Lots 31-40 DP 22345, Lot 9 DP 243242, Lot 21,23 & 26 DP 249270 & Lot 2 DP 1038008 Glebe Close, Port Macquarie by granting consent subject to the recommended conditions.
2. Approve the Koala Plan of Management for the works.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner

AGAINST: Nil

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**11.04 SECTION 82A REVIEW DA 2005 -192 - RURAL DWELLING - OAKES  
CRESCENT, FERNBANK CREEK**

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Councillor Cusato declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:20pm.

*RESOLVED: Roberts/Griffiths*

That the Section 82A review of DA 2005-192 for a rural dwelling at Lots 1 & 2, DP 702718, Oakes Crescent, Fernbank Creek, be refused for the following reasons:

1. The proposal is inconsistent with Clause 8 of State Environmental Planning Policy 71 - Coastal Protection. The significant flooding constraints of the site make it unsuitable for residential development.
2. Permitting residential development within a floodway without full knowledge of the potential flooding impacts, which is contrary to local and State guidelines, is not in the public interest.
3. The majority of site is classified as high hazard / floodway with the proposal being contrary to clause 6.2 of Hastings River Floodplain Interim Policy.
4. Emergency evacuations for major floods are likely to be carried out in high hazard flooding conditions with associated risks to the safety of rescue personnel and evacuees.
5. The applicant has not satisfactorily demonstrated that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure timely, orderly and safe evacuation of people from the area, should a major flood occur.
6. The applicant has not satisfactorily demonstrated that displacement of people from this area will not significantly add to the overall cost and community disruption caused by a major flood event.
7. The applicant has not satisfactorily demonstrated that the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour, in accordance with the requirements of the Floodplain Development Manual - 2005.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Councillor Michael Cusato returned to the meeting, the time being 07:21pm.

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**11.05 DA2013-0015 PROPOSED SINGLE DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.2A OF THE PORT MACQUARIE\_HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - 21 BLACK SWAN TERRACE, WEST HAVEN**

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*RESOLVED: Turner/Hawkins*

That DA2013-0013 for a proposed single dwelling at Lot 213, DP 1042231, No.21 Black Swan Terrace, West Haven, be determined by granting consent subject to the recommended conditions.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**11.06 RECOMMENDED ITEM FROM HASTINGS LGA COAST & ESTUARIES SUB-COMMITTEE MEETING 02/04/2013 - LAKE CATHIE COASTAL ZONE MANAGEMENT PLAN**

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*RESOLVED: Intemann/Roberts*

That the Final Draft Lake Cathie Coastal Zone Management Plan (2013) be placed on public exhibition for six (6) weeks.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.01 NORTH SHELLY BEACH PEDESTRIAN ACCESS**

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*RESOLVED: Roberts/Hawkins*

That Council:

1. Note the information included within this report.
2. Receive a further report regarding this matter once the Pacific Drive shared walkway/cycleway design is complete.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.02 TENDER T-13-08 CONSTRUCTION OF DUNBOGAN STP AMENITIES  
BUILDING/PORTAL FRAME SHED (PIN 61751)**

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*RESOLVED: Griffiths/Turner*

That Council:

1. Accept the tender for \$377,743.00 (Excl GST) received from Eames Construction Pty Ltd to complete the construction of the new amenities building and portal frame shed at the Camden Haven Treatment Plant.
2. Affix the seal of Council to the necessary documents.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.03 TENDER T-13-11 THE RUINS WAY ROAD CONSTRUCTION**

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Councillor Griffiths declared a Non-Pecuniary, Insignificant interest in this matter and remained in the room during the Council's consideration.

Councillor Geoffrey Hawkins left the meeting, the time being 07:32pm.

Councillor Geoffrey Hawkins returned to the meeting, the time being 07:34pm.

*RESOLVED: Turner/Roberts*

That Council defer this item to a future meeting of Council for the purpose of confirmation of the overall project budget.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.04 TENDER T-13-14 SANCROX RESERVOIR EARTHWORKS (PIN 18328)**

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Councillor Griffiths declared a Non-Pecuniary, Insignificant interest in this matter and remained in the room during the Council's consideration.

*RESOLVED: Intemann/Turner*

That Council:

1. Accept the tender for \$282,584.00 (Excl GST) received from Youngsons Civil Pty Ltd (formerly known as Young & Sons Excavations) for separable portion one (1) to complete earthworks and associated works for the construction of the 20ML Sancrox Reservoir.
2. Affix the seal of Council to the necessary documents

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.05 TENDER T-13-16 ANNUAL ROAD CONDITION SURVEY**

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*RESOLVED: Griffiths/Sargeant*

That Council:

1. Accept the tender for \$177,917.30 received from Australian Surface Testing Pty Ltd for Annual Road Network Condition Survey for the years 2013/14/15.
2. Affix the Council seal to the necessary documents.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.06 KOOLOONBUNG CREEK PEDESTRIAN BRIDGE**

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*RESOLVED: Hawkins/Griffiths*

That Council endorse:

1. The revised lump sum fee to the amount of \$828,766 as submitted by Fleetwood Urban in accordance with the terms of the current Contract for the design and construction of the Kooloonbung Creek Pedestrian Bridge.
2. The project proceeding to construction supported with appropriate media and public notices.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.10 PLANNING PROPOSAL TO REZONE LAND AT DUNBOGAN FROM E2 ENVIRONMENTAL CONSERVATION TO E3 ENVIRONMENTAL MANAGEMENT (PP2013.3 & PIN 3468)**

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*RESOLVED: Intemann/Hawkins*

That Council finalise the Draft LEP to rezone the land described in the report from zone E2 Environmental conservation to zone E3 Environmental Management, pursuant to Section 59 of the Environmental Planning & Assessment Act.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.11 DRAFT AMENDMENT TO PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - ADVERTISING SIGNAGE ON BUS SHELTERS, SUBMISSIONS REPORT**

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Councillor Cusato declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:40pm.

*RESOLVED: Turner/Roberts*

That Council finalise the draft planning proposal relating to signage on bus shelters, pursuant to Section 59 of the Environmental Planning and Assessment Act, 1979.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Councillor Michael Cusato returned to the meeting, the time being 07:41pm.

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**13 QUESTIONS FOR NEXT MEETING**

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**13.01 MCINHERNEY PARK - WESTERN MAN MADE BEACH**

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**Question from Councillor Cusato:**

Could the General Manager please advise on the recent history of the western man made beach on McInherney Park and also specifically include;

1. When it was constructed
2. For what purpose it was constructed
3. What current restrictions apply as to its utilisation by water craft and or members of the community

Could the General Manager also please include any other relevant information that would be useful in determining whether any change in permissible use or lifting of restrictions for use of the beach is an option available to Council and how to go about making alterations to the use of the beach if necessary.

**Comments by Councillor (if provided):**

Nil.

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**13.02 CROWN ROAD NATURAL DISASTER FUNDING APPLICATIONS**

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**Question from Councillor Griffiths:**

Could the General Manager report to the September Council Meeting providing details regarding crown road natural disaster funding applications, define the current process including Council's role, other methods council could utilize to restore the road, who provides the funding, cost in dollars, possible benefit to Council in providing a quote and completing the work through Council staff or contract, what alternative is a resident able to utilize to restore the access road (the road maybe accessed by multiple residents), what ongoing maintenance to this road does Council provide, would there be any benefit to the local economy by facilitating the completion of works, what is the worst scenario possible Council could perceive if the works are not completed.

**Comments by Councillor (if provided):**

Nil.

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**13.03 HASTINGS RIVER DRIVE, PORT MACQUARIE**

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**Question from Councillor Griffiths:**

Could the General Manager report to the September Council Meeting a review of Hastings River Drive in the vicinity of the oyster shop specifically and in general regarding road condition, advise on road density testing and whether this can be influenced by changes in the process and what implication on road integrity would result, describe how roads deteriorate and fail sooner than expected, what and how frequent are materials tested and certified, what specification is Council using and from what date, when was the last specification change, what is the requirement to use current specifications and upgrade or change with updates, how is Council determining that the specifications are being met.

**Comments by Councillor (if provided):**

Nil.

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**13.04 ROADS CROSSING PRIVATE PROPERTY**

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**Question from Councillor Griffiths:**

Could the General Manager report to the September Council Meeting on roads crossing private property due to various realignments or pre-existing circumstances, whether any legal implication exist to property owners, where a potential implication has been detected what action will, can or has been taken to remedy this position, provide detail of how liability is covered, advise on any impact on the sale of property that could result, provide detail relating to any existing or proposed policy.

**Comments by Councillor (if provided):**

Nil.

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The meeting closed at 7.49pm.

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Peter Besseling  
Mayor