

PRESENT

Members:

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Dan Bylsma)
Director Strategy and Growth (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance and Legal Officer (Kirsty Callander)
Governance Support Officer (Bronwyn Lyon)

This meeting was held remotely and electronically through Skype
and is live streamed on Council's YouTube channel.
The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Due to the current COVID-19 health emergency, the Local Government Prayer was not delivered as part of this meeting.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Dixon

That the Minutes of the Ordinary Council Meeting held on 6 May 2020 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Griffiths declared a Pecuniary Interest in Item 13.05 - Post Exhibition - Airport Business Park - Planning Proposal and Draft Development Control Plan, the reason being that Councillor Griffiths owns a business and it could be perceived that the further sale of business land could provide a financial gain or loss.

Councillor Dixon declared a Non-Pecuniary, Significant Interest in Item 13.04 - Planning Proposal PP2017 - 4.1: Lot 516 DP1261705, Crestwood Drive, Port Macquarie, the reason being that Councillor Dixon has a family member living at Crestwood estate. This family member has had previous dealings with Land Dynamics.

06 MAYORAL MINUTES

Nil.

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Alley/Griffiths

That Council determine that the attachments to Item Numbers 10.05 and 13.06 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

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

AGAINST: Nil

08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

Due to the current COVID-19 health emergency, Public Forum - Matters Not On The Agenda were not held as part of this meeting.

09 PUBLIC FORUM – MATTERS ON THE AGENDA

Due to the current COVID-19 health emergency, Public Forum - Matters On The Agenda were not held as part of this meeting.

Council invited the public to submit comments in relation to matters on the agenda in writing which were provided to Councillors prior to the meeting for the consideration of the Councillors.

SUSPENSION OF STANDING ORDERS

RESOLVED: Alley/Hawkins

That Standing Orders be suspended to allow items 13.09, 10.03, 10.04, 10.05, 10.06, 10.07, 10.08, 11.02, 12.01, 13.01, 13.02, 13.03, 13.04, 13.05, 13.06, 13.07 and 13.08 not in the block to be brought forward and considered next in this order.

CARRIED: 8/0

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

AGAINST: Nil

13.09 LAKE CATHIE EMERGENCY OPENING - FLOOD MITIGATION

MOTION

MOVED: Alley/Intemann

That Council:

1. Determines that the scraping of the berm at a level of 1.2m AHD provides best balance of the environmental, community and protection of infrastructure requirements.
2. Request the General Manager to proceed to take the action as determined in 1. above.
3. Request the General Manager prepare appropriate community information explaining the action as determined in 1. above to be taken and the possible impacts of the action.
4. Request the General Manager to write to the Minister for Water, Property and Housing confirming that Council's ongoing physical responsibilities for

management of the Crown owned Lake Cathie waterbody are strictly limited to the responsibilities of flood mitigation, stormwater drainage and community protection only and any actions outside of this scope (including public health issues and complaints about water quality, odour, colour, mosquitoes, fish kills, fish health, ecology of the waterway, salinity, acid sulphate soils, pollution, water safety and the like) will be directed to the NSW Department of Planning, Industry and Environment - Crown Lands as the owner of the waterbody.

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Alleviate flooding by the excavation of a deep channel 135m long x 6m wide, to a depth of 0.8m AHD.
2. Request the General Manager to proceed to take the action as determined in 1. above.
3. Request the General Manager prepare appropriate community information explaining the action as determined in 1. above to be taken and the possible impacts of the action.
4. Request the General Manager to write to the Minister for Water, Property and Housing confirming that Council's ongoing physical responsibilities for management of the Crown owned Lake Cathie waterbody are strictly limited to the responsibilities of flood mitigation, stormwater drainage and community protection only and any actions outside of this scope (including public health issues and complaints about water quality, odour, colour, mosquitoes, fish kills, fish health, ecology of the waterway, salinity, acid sulphate soils, pollution, water safety and the like) will be directed to the NSW Department of Planning, Industry and Environment - Crown Lands as the owner of the waterbody.

THE AMENDMENT WAS PUT AND LOST

LOST: 2/6

FOR: Griffiths and Pinson

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

THE MOTION WAS PUT AND CARRIED

RESOLVED: Alley/Intemann

That Council:

1. Determines that the scraping of the berm at a level of 1.2m AHD provides best balance of the environmental, community and protection of infrastructure requirements.
2. Request the General Manager to proceed to take the action as determined in 1. above.
3. Request the General Manager prepare appropriate community information explaining the action as determined in 1. above to be taken and the possible impacts of the action.
4. Request the General Manager to write to the Minister for Water, Property and Housing confirming that Council's ongoing physical responsibilities for

management of the Crown owned Lake Cathie waterbody are strictly limited to the responsibilities of flood mitigation, stormwater drainage and community protection only and any actions outside of this scope (including public health issues and complaints about water quality, odour, colour, mosquitoes, fish kills, fish health, ecology of the waterway, salinity, acid sulphate soils, pollution, water safety and the like) will be directed to the NSW Department of Planning, Industry and Environment - Crown Lands as the owner of the waterbody.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

The meeting adjourned at 6:30pm and resumed at 6:35pm.

10.03 COVID-19 PANDEMIC UPDATE

RESOLVED: Griffiths/Turner

That Council:

1. Note the information included in this COVID-19 Pandemic Update report.
2. Note the procurement initiatives outlined in this COVID-19 Pandemic Update report aimed at assisting local businesses.

CARRIED: 8/0

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

AGAINST: Nil

10.04 MONTHLY BUDGET REVIEW - APRIL 2020

RESOLVED: Hawkins/Griffiths

That Council:

1. Adopt the adjustments in the "April 2020 Adjustments" section of the Monthly Budget Review – April 2020.
2. Amend the 2019-2020 Operational Plan to include all budget adjustments approved in this report.
3. Request the General Manager provide a briefing to Councillors on water supply annual charges.

CARRIED: 8/0

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

AGAINST: Nil

10.05 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2020

RESOLVED: Hawkins/Alley

That Council note the Quarterly Budget Review Statement for the March 2020 Quarter.

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

10.06 INVESTMENTS - APRIL 2020

RESOLVED: Hawkins/Alley

That Council note the Investment Report for the month of April 2020.

CARRIED: 7/1
FOR: Alley, Dixon, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Griffiths

10.07 INVESTMENT POLICY REVIEW - POST EXHIBITION

MOTION

MOVED: Intemann/Hawkins

That Council adopt the amended Investment Policy.

AMENDMENT

MOVED: Griffiths/Pinson

That Council note the Investment Policy Review - Post Exhibition report.

THE AMENDMENT WAS PUT AND LOST

LOST: 3/5
FOR: Griffiths, Levido and Pinson
AGAINST: Alley, Dixon, Hawkins, Intemann and Turner

AMENDMENT

MOVED: Intemann/Levido

That Council request the General Manager re-exhibit for twenty-eight days the proposed draft amended Investment Policy using the words that were suggested by the Audit, Risk and Improvement Committee from its recommendation of February 2020.

THE AMENDMENT WAS PUT AND CARRIED

CARRIED: 7/1
FOR: Alley, Dixon, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Griffiths

THE AMENDMENT BECOMES THE MOTION AND WAS PUT AND CARRIED

RESOLVED: Intemann/Levido

That Council request the General Manager re-exhibit for twenty-eight days the proposed draft amended Investment Policy using the words that were suggested by the Audit, Risk and Improvement Committee from its recommendation of February 2020.

CARRIED: 7/1
FOR: Alley, Dixon, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Griffiths

10.08 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Griffiths/Pinson

That Council:

1. Note the Development Activity and Assessment System Performance report for the third quarter of 2019-2020.
2. Note the determination made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.

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

11.02 RAINBOW BEACH SPORTS FIELDS DESIGN OPTIONS

RESOLVED: Alley/Griffiths

That Council:

1. Note the information contained within the Rainbow Beach Sports Fields Design Options Report.
 2. Recognise the ongoing engagement that has been undertaken regarding the Rainbow Beach Sports Fields project with the self-established Rainbow Beach Sports Fields Volunteer Committee and thank the group for their involvement and feedback on this project.
 3. Adopt the Rainbow Beach Sports Fields Option 1 design (Attachment 1) with the inclusion of a playground within the design, and continue to progress detailed design of this project.
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CARRIED: 8/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

12.01 DRAFT GREATER PORT MACQUARIE DESTINATION MANAGEMENT PLAN 2020-2024

RESOLVED: Pinson/Griffiths

That Council:

1. Note the submissions received following the exhibition of the Draft Port Macquarie-Hastings Destination Management Plan 2020-2024.
2. Adopt the Port Macquarie-Hastings Destination Management Plan 2020-2024 as attached to the report.
3. Advise those people who made a submission during the development of the Port Macquarie-Hastings Destination Management Plan of the outcome.
4. Note performance against the Plan will be reported to Council and stakeholders on an annual basis commencing in June 2021.

CARRIED: 7/1
FOR: Alley, Dixon, Griffiths, Intemann, Levido, Pinson and Turner
AGAINST: Hawkins

13.01 WATER SUPPLY SECURITY UPDATE

RESOLVED: Pinson/Griffiths

That Council:

1. Note the information contained in this Water Supply Security Update report.
2. Request the General Manager cease progressing any further work on the feasibility / investigation into a Desalination Plant until a Councillor briefing has been held to discuss the financial impacts and related issues surrounding a desalination plant.

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

13.02 OCEAN DRIVE DUPLICATION PROJECT UPDATE

RESOLVED: Levido/Turner

That Council:

1. Note the information contained in this report regarding the status of the Ocean Drive Duplication Project, in particular the funding gap risk of up to \$30Million.
2. Request that the Mayor and General Manager commence detailed discussion with the Federal Member for Cowper, Pat Conaghan MP and the Minister for Transport, Infrastructure and Regional Development, The Hon Michael McCormack MP, regarding securing the required additional funding to commence this important project.
3. Note the potential significant economic stimulus this project would provide to the Port Macquarie-Hastings and broader Mid-North Coast region, acknowledging the current economic impact caused by COVID-19 situation.
4. Request Transport for NSW re-establish the Joint Steering Group with Council to oversee and manage this large project on a Regional Road should additional funding be secured and the construction phase commences.
5. Request the General Manager to bring a further Ocean Drive Duplication Project update report to the August 2020 meeting of Council detailing the outcomes of any discussion with the Federal Government regarding additional funding support.

CARRIED: 8/0

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

AGAINST: Nil

13.03 LONG TERM ENERGY STRATEGY - SIX MONTHLY UPDATE

RESOLVED: Intemann/Alley

That Council:

1. Note the update on the Long Term Energy Strategy implementation as provided in this report.
2. Include in the scope for consultant advice (page 107-108 of the report) a request to cover latest and predicted movement in costs and benefits, and renewable energy technology including batteries, as well as solar procurement and a solar management plan.
3. Request the General Manager provide a briefing on investment return and progress on achieving the strategy.

CARRIED: 8/0

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

AGAINST: Nil

**13.04 PLANNING PROPOSAL PP2017 - 4.1: LOT 516 DP1261705,
CRESTWOOD DRIVE, PORT MACQUARIE**

Councillor Dixon declared a Non-Pecuniary, Significant Interest in this matter and left the meeting and did not participate in the meeting during the Council's consideration, the time being 8:53pm.

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Support the Planning Proposal application in relation to Lot 516 DP 261705, Crestwood Drive, Port Macquarie, requesting a rezoning of the land from RU1 Primary Production to B1 Neighbourhood Centre for the following reasons:
 - a) The proposed Planning Proposal will have:
 - i) A positive social benefit to the local residents of Crestwood and an increase in the neighbourhood amenity.
 - ii) A positive impact on the wider community, visitors and tourists, including users of the Googik Track.
 - iii) A positive economic impact on the local economy and provide employment opportunities throughout construction through to operation.
 - b) The Planning Proposal demonstrates strategic and site-specific merit in accordance with the Strategic Merit Test outlined in the Department of Planning & Environment's A Guide to Preparing Planning Proposals.
 - c) There is the ability to accommodate necessary bushfire measures via the proposed caveat on the land preventing residential uses including shop top housing.
2. Prepare a Planning Proposal to rezone land as shown in Figure 1 of this report, pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979*, for the amendment of the provisions of *Port Macquarie-Hastings Local Environmental Plan 2011*, in relation to Lot 516 DP1261705 (private), Lot 497 DP1237901 (Council owned and managed), and Lot 319 DP1214443 (Council owned and managed) at Crestwood to:
 - a) Amend the Land Zoning Map to rezone:
 - i) Lot 516 from RU1 Primary Production to B1 Neighbourhood Centre to facilitate business, recreation and tourism uses;
 - ii) Lot 497 from part R1 General Residential and part RU1 Primary Production to RE1 Public Recreation to reflect the community and recreational use of the land;
 - iii) Lot 319 from part R1 General Residential to SP2 Infrastructure (Stormwater) to reflect Council's operational use of the land;
 - iv) Amend the Height of Building Map in relation to Lot 516 to impose a maximum Height of Building of 8.5m;
 - v) Amend the Floor Space Ratio Map in relation to Lot 516 to impose a maximum Floor Space Ratio of 0.65:1.
3. Forward the Planning Proposal described in point 2 above to the NSW Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment

Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.

4. Delegate authority to the Director Development and Environment to make any minor amendments to the Planning Proposal as a result of the issue of the Gateway Determination, prior to public exhibition of the Planning Proposal.

FORESHADOWED MOTION

MOVED: Levido/Turner

That Council:

1. Not support the Planning Proposal application in relation to Lot 516 DP 261705, Crestwood Drive, Port Macquarie, requesting a rezoning of the land from RU1 Primary Production to B1 Neighbourhood Centre for the following reasons:
 - a) The proposed Planning Proposal could result in a development that is unacceptable in terms of economic and environmental impact, specifically:
 - i) The request proposes development of land which would be inconsistent with Object (b) of the Environmental Planning and Assessment Act, 1979.
 - ii) The request for approximately 5000m² of Neighbourhood Business zoned land at Crestwood is inconsistent with Council's Hierarchy of Business Centres as adopted in the Port Macquarie-Hastings Urban Growth Management Strategy 2017- 2036 and the subject land is not identified as a future Local Neighbourhood Centre;
 - iii) A commercial zoning of the land presents significant bushfire risk to life and property as a B1 Neighbourhood Centre zone would allow certain types of residential land uses, which Council is not able to prohibit.
 - b) The Planning Proposal is inconsistent with:
 - i) The North Coast Regional Plan 2036 Principles for urban growth, and Direction 6 Develop successful centres of employment (new commercial precincts, outside of centres, to maintain the strength of the local economy);
 - ii) Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 (UGMS) - Hierarchy of Business Centres;
 - iii) Ministerial Directions 1.1 Business and Industrial Zones; 4.4 Planning for Bushfire Protection; 5.10 Implementation of Regional Plans; and 6.3 Site Specific Provisions.
 - iv) The Planning Proposal does not demonstrate strategic and site-specific merit in accordance with the Strategic Merit Test outlined in the Department of Planning & Environment's A Guide to preparing planning proposals.
 - v) The Planning Proposal Application is inconsistent with Council's Planning Proposal Policy as it is a proposal which is:
 - Inconsistent with the UGMS, and Council's established Hierarchy of Business Centres;
 - Conflicts with Council's economic development objectives for employment and industry.
2. Prepare a Planning Proposal to rezone land as shown in Figure 1 of this report, pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local

Environmental Plan 2011, in relation to Lot 516 DP1261705 (private), Lot 497 DP1237901 (Council owned and managed), and Lot 319 DP1214443 (Council owned and managed) at Crestwood to:

- a) Amend the Land Zoning Map to rezone:
 - i) Lot 516 from RU1 Primary Production to RE2 Private Recreation to facilitate recreation and tourism uses;
 - ii) Lot 497 from part R1 General Residential and part RU1 Primary Production to RE1 Public Recreation to reflect the community and recreational use of the land;
 - iii) Lot 319 from part R1 General Residential to SP2 Infrastructure (Stormwater) to reflect Council's operational use of the land;
 - iv) Amend the Height of Building Map in relation to Lot 516 to impose a maximum Height of Building of 8.5m;
Amend the Floor Space Ratio Map in relation to Lot 516 to impose a maximum Floor Space Ratio of 0.65:1.
3. Forward the Planning Proposal described in point 2 above to the NSW Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.
4. Delegate authority to the Director Development and Environment to make any minor amendments to the Planning Proposal as a result of the issue of the Gateway Determination, prior to public exhibition of the Planning Proposal.

AMENDMENT

MOVED: Pinson/Griffiths

That Council request the General Manager to schedule a briefing for Councillors to consider the merit of a zoning application of land in Lot 516 DP 261705 Crestwood Drive, Port Macquarie from RU1 primary production to B1 neighbourhood centre.

THE AMENDMENT WAS PUT AND LOST

LOST: 2/5
FOR: Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann, Levido and Turner

THE MOTION WAS PUT AND LOST

LOST: 2/5
FOR: Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann, Levido and Turner

THE FORESHADOWED MOTION WAS PUT AND CARRIED

RESOLVED: Levido/Turner

That Council:

1. Not support the Planning Proposal application in relation to Lot 516 DP 261705, Crestwood Drive, Port Macquarie, requesting a rezoning of the land from RU1 Primary Production to B1 Neighbourhood Centre for the following reasons:
 - a) The proposed Planning Proposal could result in a development that is unacceptable in terms of economic and environmental impact,

- specifically:
- i) The request proposes development of land which would be inconsistent with Object (b) of the Environmental Planning and Assessment Act, 1979.
 - ii) The request for approximately 5000m² of Neighbourhood Business zoned land at Crestwood is inconsistent with Council's Hierarchy of Business Centres as adopted in the Port Macquarie-Hastings Urban Growth Management Strategy 2017- 2036 and the subject land is not identified as a future Local Neighbourhood Centre;
 - iii) A commercial zoning of the land presents significant bushfire risk to life and property as a B1 Neighbourhood Centre zone would allow certain types of residential land uses, which Council is not able to prohibit.
- b) The Planning Proposal is inconsistent with:
- i) The North Coast Regional Plan 2036 Principles for urban growth, and Direction 6 Develop successful centres of employment (new commercial precincts, outside of centres, to maintain the strength of the local economy);
 - ii) Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 (UGMS) - Hierarchy of Business Centres;
 - iii) Ministerial Directions 1.1 Business and Industrial Zones; 4.4 Planning for Bushfire Protection; 5.10 Implementation of Regional Plans; and 6.3 Site Specific Provisions.
 - iv) The Planning Proposal does not demonstrate strategic and site-specific merit in accordance with the Strategic Merit Test outlined in the Department of Planning & Environment's A Guide to preparing planning proposals.
 - v) The Planning Proposal Application is inconsistent with Council's Planning Proposal Policy as it is a proposal which is:
 - Inconsistent with the UGMS, and Council's established Hierarchy of Business Centres;
 - Conflicts with Council's economic development objectives for employment and industry.
2. Prepare a Planning Proposal to rezone land as shown in Figure 1 of this report, pursuant to section 3.33 of the *Environmental Planning and Assessment Act 1979*, for the amendment of the provisions of *Port Macquarie-Hastings Local Environmental Plan 2011*, in relation to Lot 516 DP1261705 (private), Lot 497 DP1237901 (Council owned and managed), and Lot 319 DP1214443 (Council owned and managed) at Crestwood to:
- a) Amend the Land Zoning Map to rezone:
 - i) Lot 516 from RU1 Primary Production to RE2 Private Recreation to facilitate recreation and tourism uses;
 - ii) Lot 497 from part R1 General Residential and part RU1 Primary Production to RE1 Public Recreation to reflect the community and recreational use of the land;
 - iii) Lot 319 from part R1 General Residential to SP2 Infrastructure (Stormwater) to reflect Council's operational use of the land;
 - iv) Amend the Height of Building Map in relation to Lot 516 to impose a maximum Height of Building of 8.5m;
 - v) Amend the Floor Space Ratio Map in relation to Lot 516 to impose a maximum Floor Space Ratio of 0.65:1.
3. Forward the Planning Proposal described in point 2 above to the NSW

Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.

4. Delegate authority to the Director Development and Environment to make any minor amendments to the Planning Proposal as a result of the issue of the Gateway Determination, prior to public exhibition of the Planning Proposal.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Dixon returned to the meeting, the time being 9:52pm.

13.05 POST EXHIBITION - AIRPORT BUSINESS PARK - PLANNING PROPOSAL AND DRAFT DEVELOPMENT CONTROL PLAN

Councillor Griffiths declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 9:52pm.

RESOLVED: Levido/Turner

That Council:

1. As a result of the consideration of submissions and consultation with public authorities, endorse the forwarding of the Airport Business Park Planning Proposal, as exhibited, to the NSW Department of Planning, Industry and Environment under Section 3.36 of the Environmental Planning and Assessment Act 1979, requesting that the Minister for Planning and Public Spaces draft a Local Environmental Plan to amend the Port Macquarie-Hastings Local Environmental Plan 2011 to give effect to the Planning Proposal.
2. Adopt the exhibited Draft Airport Business Park Development Control Plan provisions, incorporating changes as referred to in this report, as an amendment to the Port Macquarie-Hastings Development Control Plan 2013, to commence on notification of the Local Environmental Plan in 1 above, on the NSW Legislation website.
3. Request the General Manager to provide a future report on a Draft section 9.11 Airport Business Park Roads Contributions Plan, as described in this report, prior to development of the Business Park.
4. That all persons who lodged a submission be advised of Council's decision and provided with individual detailed responses to the specific issues raised in their submission.

CARRIED: 6/1

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

AGAINST: Pinson

Councillor Griffiths returned to the meeting, the time being 10:11pm.

EXTENSION OF TIME

RESOLVED: Dixon/Hawkins

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

CARRIED: 8/0

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

AGAINST: Nil

13.06 LAKE INNES ACID SULPHATE SOIL MANAGEMENT OPTIONS STUDY - GRANT APPLICATION UPDATE

RESOLVED: Intemann/Turner

That Council:

1. Note the outcome of the Coastal and Estuary Management Program Grant application.
2. Note that:
 - (a) Council's application was for 50:50 NSW funding for studies recommended by officers of the NSW Department of Planning, Industry and Environment (DPIE), as being necessary to address the significant acid sulphate soil risk in the Lake Cathie-Lake Innes estuarine system.
 - (b) The land or water the subject of the studies is owned by the NSW Government (National Parks & Wildlife and NSW Crown Lands), not Council.
 - (c) Council was notified on 27 March 2020 that the application for funding was placed on a "reserve list" subject to the completion of the PMHC Coastal Management Program (CMP) Scoping Study before the next round of funding opens in August 2020.
 - (d) Council has developed a draft Scoping Study under stage 1 of the Coastal Management Program, ready for community engagement due to the complexity of the issues, and therefore will not be available for inclusion in any funding application in August.
 - (e) Work has commenced on the Coastal Management Program for Lake Cathie/Lake Innes and Bonny Hills Estuary and Coastline as Stage 2 of the Program, and the proposed Acid Sulphate studies are an integral portion of this stage 2 CMP work and it will be at a risk of an unreasonable delay if the Acid Sulphate studies are delayed.
3. Request the General Manager to contact the Department of Planning, Industry and Environment (DPIE), and the State Member for Port Macquarie Leslie Williams, to explain the situation and seek urgent 50:50 NSW funding for the recommended Acid Sulphate Studies.

CARRIED: 8/0

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

AGAINST: Nil

**13.08 DA2019 - 309.1 RESIDENTIAL SUBDIVISION AT LOT 302 DP 754434
EMILY AVENUE, PORT MACQUARIE
APPLICANT: KING AND CAMPBELL PTY LTD
OWNER: PORT MACQUARIE-HASTINGS COUNCIL**

RESOLVED: Griffiths/Turner

That DA2019 - 309.1 for a residential subdivision at Lot 302, DP 754434, Emily Avenue, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

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

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Alley/Turner

That Items 10.01, 10.02, 11.01 and 13.07 be considered as a block resolution.

CARRIED: 8/0

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

RESOLVED: Turner/Alley

That all recommendations listed in the block resolution be adopted by Council.

CARRIED: 8/0

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

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Turner /Alley

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

10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 2 APRIL TO 6 MAY 2020

BLOCK RESOLVED: Turner /Alley

That Council note the Mayoral Discretionary Fund allocations for the period 2 April to 6 May 2020 inclusive.

11.01 HISTORY OF OXLEY HIGHWAY GATEWAY SCULPTURE

BLOCK RESOLVED: Turner /Alley

That Council note the history of the “Port Gateway” sculpture which was commissioned and installed as part of the Oxley Highway Project in 2010-2011.

13.07 DRAFT COASTAL MANAGEMENT PROGRAM SCOPING PLAN

BLOCK RESOLVED: Turner /Alley

That Council:

1. Place the draft Coastal Management Plan Scoping Study (Attachment 1) on public exhibition commencing from 21 May 2020, for 28 days.
 2. Request the General Manager to provide a further report to Council following the exhibition detailing the submissions received from the public during the exhibition period.
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15 CONFIDENTIAL SESSION

RESOLVED: Alley/Griffiths

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

Item 15.01 EOI-20-02 Independent Members of the Cultural Steering Group

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

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

CARRIED: 8/0

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

AGAINST: Nil

15.01 EOI-20-02 INDEPENDENT MEMBERS OF THE CULTURAL STEERING GROUP

RESOLVED: Turner/Hawkins

That Council:

1. Appoint the following people as independent members of the Cultural Steering Group for a two (2) year term:
 - (a) Mr Brian Barker
 - (b) Mr Chris Denny
 - (c) Ms Wendy Haynes
 - (d) Mr Beric Henderson
 - (e) Ms Stacey Morgan
 - (f) Ms Skye Petho
 - (g) Ms Debbie Sommers
 - (h) Ms Marie Van Gend
 - (i) Ms Willhemina Wahlin
2. Commence the appointments by inviting the new members to the next Cultural Steering Group meeting at a date to be confirmed.
3. Formally thank outgoing members of the Cultural Steering Group for their commitment and contribution during their recent tenure.
4. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-20-02.

CARRIED: 8/0

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

AGAINST: Nil

RESOLVED: Intemann/Hawkins

That the Council Meeting be re-opened to the public.

CARRIED: 8/0

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

AGAINST: Nil

The outcomes of the Confidential Session of the Ordinary Council were read to the meeting by the Group Manager Governance.

The meeting closed at 10:27pm.

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Peta Pinson
Mayor