

**PRESENT**

**Members:**

Councillor Peter Besseling (Mayor)  
Councillor Adam Roberts (Deputy Mayor)  
Councillor Lisa Intemann  
Councillor Justin Levido  
Councillor Geoff Hawkins  
Councillor Trevor Sargeant  
Councillor Sharon Griffiths

**Other Attendees:**

Acting General Manager (Craig Swift-McNair)  
Director of Infrastructure & Asset Management (Jeffery Sharp)  
Acting Director of Commercial Services & Industry Engagement (Monika Bretmaisser)  
Director of Development & Environment (Matt Rogers)  
Director of Community & Organisational Development (Lesley Atkinson)  
Group Manager Governance & Executive Services (Stewart Todd)  
Acting Communications Co-ordinator (Stuart Carless)  
Governance Support Officer (Bronwyn Lyon)

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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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Pastor Joseph Maticic from the Seventh-day Adventist Church delivered the Local Government Prayer.

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**03 APOLOGIES**

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Nil.

Council is in receipt of requests for leave of absence from Councillor Cusato and Councillor Turner.

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**04 CONFIRMATION OF MINUTES**

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*RESOLVED: Roberts/Intemann*

That the Minutes of the Ordinary Council Meeting held on 16 April 2014 be confirmed.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**05 DISCLOSURES OF INTEREST**

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Councillor Roberts declared a Pecuniary Interest in Item 11.02 - Tastings on Hastings, the reason being that Councillor Roberts' food business Yankee Deli is likely to be a stall holder at the event should it go ahead.

Councillor Roberts declared a Non-Pecuniary, Significant Interest in Item 13.09 - Section 94 Local Roads Contributions Plan - Areas 13 Thrumster, Area 14 Lake Cathie/Bonny Hills and Area 15 Camden Haven, the reason being that Councillor Roberts' family trust is a shareholder in a local building company who is likely to build a significant number of houses in Areas 13, 14 and 15 and although said building company is not a developer of land, one could reasonably argue that he would have at least a non-pecuniary interest if a downturn in custom occurs as a result of any resolution of Council on this matter.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.04 - DA2013 - 0300 - Retail Premises (Kmart and Specialty Shops), Signage, Carpark and Associated Infrastructure Works (Landscaping, Pedestrian Network, Road Works and Traffic Signals) Including Clause 4.6 Variation to Clause 4.3 and 4.4 of the Port Macquarie-Hastings Local Environmental Plan 2011 (PIN61923), the reason being that Councillor Levido is a partner in Donovan Oates Hannaford Lawyers who acts for two clients in the Settlement City Precinct whose properties immediately adjoin the property the subject of this development application.

Councillor Besseling declared a Pecuniary Interest in Item 13.10 - Liveable Neighbourhoods - Town Fringe: Submissions Report, the reason being that Councillor Besseling's relative has a property interest in the area.

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**06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS**

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*MOVED: Besseling*

That the Mayoral Discretionary Fund allocations for the period 4 April to 8 May 2014 be noted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**06.02 SHORT STREET CAR PARK, PORT MACQUARIE**

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*MOVED: Besseling*

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.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Sargeant/Hawkins*

That Council determine that the attachments to Item Numbers 11.02 and 13.04 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**08 PUBLIC FORUM**

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

1. Mr George Cecato regarding the Port Macquarie Airport - Draft Lease.
2. Mr Ron Whitehead regarding a shark proof enclosure fronting Westport Park.

*RESOLVED: Roberts/Griffiths*

That the above requests to speak in the Public Forum be acceded to, save and except the request from Mr George Cecato due to the matter the subject of his address being current negotiations of a commercial lease between himself and Council.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**08.01 SHARK PROOF ENCLOSURE FRONTING WESTPORT PARK**

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Mr Whitehead addressed Council in regard to a shark proof enclosure fronting Westport Park and answered questions from Councillors.

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**REQUEST TO SPEAK ON AN AGENDA ITEM**

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

Item 11.01 - Mr Bill Vogel - failed to indicate whether or not in support or opposition of the recommendation.

Item 11.01 - Mr Andrew Crane Vogel - failed to indicate whether or not in support or opposition of the recommendation.

Item 12.04 - Mr Tony Thorne in support of the recommendation.

*RESOLVED: Hawkins/Sargeant*

That the requests to speak on an agenda item be acceded to.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Hawkins/Sargeant*

That Standing Orders be suspended to allow Items 11.01 and 12.04 to be brought forward and considered next.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**11.01 FREE CAMPING**

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Mr Bill Vogel addressed Council in , supporting the recommendation.

Mr Andrew Crane addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Intemann/Hawkins*

That Council:

1. Agree to implement Strategy Option 2 for the management of free camping in reserves and carparks along our coastal areas, on an 8 month trial basis;
2. Define "camping" for the purposes of the regulation of the activity "Camping in reserves, roads and road-related areas", as "Where any place is used as recreation, or on an outing or vacation, the use of that place by a person or persons lodged in a tent or any temporary structure or other means of shelter or accommodation";
3. Resolve (in accordance with Option 2) that it will not permit camping (as defined in recommendation 2 above) on reserves, roads and road-related areas in the Port Macquarie-Hastings Local Government Area; and
4. Note that further reports will be provided to Council in November 2014 as an update and May 2015 to provide advice on the effectiveness of trial measures, results of free camping research, and long-term management strategy recommendations.
5. Consider vehicle based infringement systems.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**12.04 DA2013 - 0300 - RETAIL PREMISES (KMART AND SPECIALTY SHOPS), SIGNAGE, CARPARK AND ASSOCIATED INFRASTRUCTURE WORKS (LANDSCAPING, PEDESTRIAN NETWORK, ROAD WORKS AND TRAFFIC SIGNALS) INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 AND 4.4 OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 (PIN61923)**

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Councillor Levido 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 06:06pm.

Mr Tony Thorne of King and Campbell Pty Ltd and representing K-Mart Australia, addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Roberts/Griffiths*

That DA 2013 - 0300 for a retail premises (Kmart and specialty shops), signage, car park and associated infrastructure works including clause 4.6 variation to clause 4.3 and 4.4 of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 2, DP 1163062, Part Lot 2 DP 873770, No. 23-41 Park Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

*CARRIED: 6/0*

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

*AGAINST: Nil*

Councillor Levido returned to the meeting, the time being 06:17pm.

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#### **09.01 STATUS OF OUTSTANDING REPORTS TO COUNCIL - MAY 2014**

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*RESOLVED: Intemann/Griffiths*

That the information in the May 2014 Status of Outstanding Reports to Council be noted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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#### **09.02 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR TURNER**

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*RESOLVED: Levido/Hawkins*

That Councillor Turner be granted leave of absence for 21 May 2014 and 18 June 2014, which includes the Ordinary Meetings of Council scheduled for 21 May 2014 and 18 June 2014.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**09.03 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR CUSATO**

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*RESOLVED: Levido/Hawkins*

That Councillor Cusato be granted leave of absence for the period 17 May 2014 to 24 May 2014, which includes the Ordinary Meeting of Council scheduled for 21 May 2014.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**09.04 QUESTION ON NOTICE - REPORTING TO COUNCIL**

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*RESOLVED: Roberts/Intemann*

That the information on effecting greater advice and consistency in reporting to Council be noted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**09.05 QUESTION ON NOTICE - EXHIBITION OF PROPOSALS FOR COUNCIL FACILITIES AND PROJECTS**

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*RESOLVED: Intemann/Sargeant*

That the information provided regarding the exhibition of proposals for Council facilities and projects be noted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**09.06 REPORT ON ATTENDANCE AT PLACE LEADERS ASIA PACIFIC CONFERENCE ON "THE FUTURE OF PLACES: AUSTRALASIA AND THE ASIA PACIFIC"**

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*RESOLVED: Hawkins/Levido*

That the conference report provided by Councillor Hawkins on his attendance at the Future of Places: Australasia and the Asia Pacific Conference be noted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**09.07 SERVICE REVIEW PROJECT**

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*RESOLVED: Roberts/Hawkins*

That Council endorse the Service Summary methodology that will be used to undertake the organisation-wide Service Review project.

*CARRIED: 7/0*  
*FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant*  
*AGAINST: Nil*

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**09.08 AMENDMENT OF STEERING GROUP CHARTERS**

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*RESOLVED: Roberts/Sargeant*

That Council endorse amendments to the Stingray Creek Bridge Replacement Project Steering Group Charter and the Port Macquarie Indoor Stadium Steering Group Charter.

*CARRIED: 7/0*  
*FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant*  
*AGAINST: Nil*

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**09.09 MONTHLY FINANCIAL REVIEW FOR APRIL 2014**

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*RESOLVED: Hawkins/Griffiths*

That Council adopt the adjustments in the "Financial Implications" section of the report for April 2014.

*CARRIED: 7/0*  
*FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant*  
*AGAINST: Nil*

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**09.10 INVESTMENTS - APRIL 2014**

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*RESOLVED: Levido/Hawkins*

That Council receive and note the Investment Report for the month of April 2014.

*CARRIED: 7/0*  
*FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant*  
*AGAINST: Nil*

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**09.11 GLASSHOUSE STRATEGIC BUSINESS PLAN 2014 - 2017**

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*RESOLVED: Roberts/Levido*

That:

1. Council note the Report and the Draft Glasshouse Strategic Business Plan 2014-2017 (the Plan).
2. Council request the Glasshouse Sub-Committee to reconsider the Plan particularly as to:
  - a) its overall balance, having regard to its currently stated key underlying principle and ultimate aim, bearing in mind the Plan's importance in achieving Council Strategic Vision for the Glasshouse; and
  - b) how the involvement of the various divisions of Council's organisation can assist in delivering the desired Key Outcomes of the Plan.
3. The matter, including the further Draft Glasshouse Strategic Business Plan 2014-2017 (the further Plan) be reported back to the August 2014 Ordinary Meeting of Council.
4. Councillors receive a briefing before the August 2014 Meeting as to the operational plan that would be implemented if the further Plan were adopted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**09.12 CROWN LANDS LEGISLATION WHITE PAPER**

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*RESOLVED: Intemann/Sargeant*

That Council:

1. Note the content of the report.
2. Make a submission to the NSW Trade & Investment - Crown Lands Management Review in line with the content of the responses to the 19 questions set out in the document "PMHC Responses to the Crown Lands Legislation White Paper" as attached to this report.
3. Write to the Member for Port Macquarie and the Member for Oxley seeking confirmation that there will be no forced transfer of Crown land to Council.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**09.13 2013 - 2014 OPERATIONAL PLAN PROGRESS REPORT AS AT MARCH 2014**

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*RESOLVED: Intemann/Levido*

That Council:

1. Note the attached 2013 - 2014 Operational Plan Progress Report as at March 2014.
2. Note the Capital Works status report.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**10.01 RESOURCING FOR SWIMMING POOL COMPLIANCE FUNCTIONS**

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*RESOLVED: Levido/Hawkins*

That Council:

1. Authorise the General Manager to employ one permanent full time staff member to carry out the Swimming Pool Compliance Program.
2. Request the General Manager monitor the performance of the program over the first 12 months and reassess resource allocation effectiveness.
3. Request the General Manager assess the resource demand again in 2017/18 prior to Stage 3-4 of the Swimming Pool Compliance Program commencing.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**10.02 NSW YOUTH WEEK - EVALUATION OF PORT MACQUARIE-HASTINGS PROGRAM**

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*RESOLVED: Levido/Roberts*

That Council:

1. Note the National Youth Week Report.
2. Acknowledge and thank the Youth Advisory Council for its efforts and contribution to delivering the 2014 Youth Week Program.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**10.03 RECOMMENDATIONS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE MEETING HELD ON THURSDAY 24 APRIL 2014**

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*RESOLVED: Besseling/Roberts*

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 Miles Clissold be granted \$250.00 (ex GST) to assist with the expenses he will incur travelling and competing at MX National Motocross Championships.
2. Mr Sam Lewis be granted \$350.00 (ex GST) to assist with the expenses he would have incurred travelling to and competing at the 2014 All Schools Sports Triathlon Championships held in Victoria during April 2014.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **11.02 TASTINGS ON HASTINGS**

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Councillor Roberts declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:02pm.

*RESOLVED: Levido/Hawkins*

That Council note:

1. The progress in planning for the 2014 Tastings on Hastings event; and
2. The draft budget for the 2014 Tastings on Hastings (confidential attachment).

*CARRIED: 6/0*

*FOR: Besseling, Griffiths, Hawkins, Intemann, Levido and Sargeant*

*AGAINST: Nil*

Councillor Roberts returned to the meeting, the time being 07:03pm.

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## **11.03 DESTINATION MANAGEMENT PLAN**

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*RESOLVED: Besseling/Roberts*

That Council adopt the Greater Port Macquarie Destination Management Plan 2014.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**11.04 QUESTION ON NOTICE - ACKNOWLEDGEMENT OF COUNCIL'S ASSISTANCE REPORT**

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*RESOLVED: Intemann/Sargeant*

That Council note the advice provided in response to the Question on Notice - Acknowledgement of Council's Assistance Report, and take all reasonable efforts to ensure that Council's assistance is recognised by recipients of Council funding and sponsorship.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**12.01 QUESTION ON NOTICE - ENERGY CONSUMPTION AND PORT MACQUARIE LIBRARY SOLAR**

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*RESOLVED: Griffiths/Roberts*

That:

1. The information provided in the report be noted.
2. The General Manager provide detail of the 2014/15 solar programme proposed by the Federal Government, available funding and suitability to participate by September 2014.
3. The General Manager provide advice as to whether the current installation on the library (without any additional capital expenditure on the system) has realised its full capacity?

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**12.02 INFRASTRUCTURE DELIVERY RESOURCING**

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*RESOLVED: Levido/Roberts*

That Council:

1. Note the current Infrastructure Delivery Section professional staff resourcing, the proposed future capital works programs to be delivered by this section and the professional project and contract management resource shortfall as detailed within this report.
  2. Approve the appointment of an additional Works Engineer on a temporary basis for a period of two (2) years (as detailed in this report), to be funded directly through capital works budgets.
  3. Approve the appointment of a permanent Contract Administrator (as detailed in this report), to be funded directly through capital works budgets.
  4. Approve the appointment of a Junior Project Manager/Engineer (as detailed in this report), to be funded directly through capital works budgets.
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CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

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**12.03 SALE OF AUSTRALIAN CARBON CREDITS**

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RESOLVED: Intemann/Hawkins

That Council:

1. Sell the current issuance of Australian Carbon Credit Units through a spot transaction to an intermediary.
2. Sell the further issuance due 1 September 2014 under a forward contract for delivery.
3. Consider dedication of the net revenue from the sale of credits towards renewable energy projects.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

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**12.05 DA2014 - 0028 ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 5 SEC K DP 25923, NO. 1506 OCEAN DRIVE, LAKE CATHIE (PIN15431)**

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RESOLVED: Intemann/Levido

That the determination of DA2014 - 0028 for Alterations and Additions to Dwelling Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 5 Sec K DP 25923, No. 1506 Ocean Drive, Lake Cathie be noted.

CARRIED: 7/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

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**12.06 RECOMMENDED ITEM FROM HASTINGS LGA COAST & ESTUARIES  
SUB-COMMITTEE - RESIGNATION FROM THE SUB-COMMITTEE**

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*RESOLVED: Intemann/Roberts*

That Council:

1. Defer advertising to fill the vacancy for a community member on the Hastings LGA Coast & Estuaries Sub-Committee pending a full review of the Sub-Committee charter.
2. Formally thank Mr Jack Jones for his contribution and service to the Hastings LGA Coast & Estuaries Sub-Committee.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**12.07 RECOMMENDED ITEM FROM HASTINGS LGA COAST & ESTUARIES  
SUB-COMMITTEE - SEA LEVEL RISE MAPPING**

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*RESOLVED: Intemann/Sargeant*

That Council:

1. Note the attached Sea Level Rise Mapping Report.
2. Hold a public information session to inform interested stakeholders about the Sea Level Rise Mapping Project.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**12.08 DA 2013 - 0650 - BOUNDARY ADJUSTMENT AND DEMOLITION OF  
DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO MINIMUM LOT SIZE  
- LOT 69 DP 321987 AND LOT 1 DP 1166393, 16 COMBOYNE STREET,  
COMBOYNE (PIN17188, 62064)**

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*RESOLVED: Levido/Intemann*

That DA 2013 - 0650 for a boundary adjustment and demolition of dwelling including a clause 4.6 objection to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 69, DP321987 and Lot 1 DP 1166393, No. 16 Comboyne Street, Comboyne, be determined by granting consent subject to the recommended conditions.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**12.09 LAKE CATHIE REVETMENT WALL OPTIONS REPORT**

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*RESOLVED: Sargeant/Levido*

That Council:

1. Note the Lake Cathie Revetment Wall Investigation and Design, Option Assessment and Preliminary Design Report (2014).
2. Endorse a Rock Armoured type revetment wall for detailed engineering design.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**12.10 RECOMMENDED ITEM FROM HASTINGS LGA FLOODPLAIN SUB-COMMITTEE - HASTINGS FLOODPLAIN RISK MANAGEMENT PLAN**

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**MOTION**

*MOVED: Griffiths/Roberts*

That Council defer the Hastings River Floodplain Risk Management Plan pending further advice.

*LOST: 2/5*

*FOR: Griffiths and Roberts*

*AGAINST: Besseling, Hawkins, Intemann, Levido and Sargeant*

**FORESHADOWED MOTION**

*MOVED: Intemann*

1. Adopt the Hastings River Floodplain Risk Management Plan (2013).
2. Note that the implementation of each action in the Plan be subject to; funding, community engagement and where necessary, further feasibility analysis (including options).

*RESOLVED: Intemann/Levido*

1. Adopt the Hastings River Floodplain Risk Management Plan (2013).
2. Note that the implementation of each action in the Plan be subject to; funding, community engagement and where necessary, further feasibility analysis (including options).

*CARRIED: 5/2*

*FOR: Besseling, Hawkins, Intemann, Levido and Sargeant*

*AGAINST: Griffiths and Roberts*

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**13.01 QUESTION ON NOTICE - INTEGRATED TRANSPORT CORRIDOR**

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*RESOLVED: Intemann/Levido*

That the report be received and noted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**13.02 LANEWAY CLOSURE NANGARA PLACE, PORT MACQUARIE**

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*RESOLVED: Griffiths/Intemann*

That Council:

1. Refer to the Local Traffic Committee (LTC) for final assessment and recommendation back to Council, feedback from the community consultation on the proposal to close the public laneway off Nangara Place, Port Macquarie to vehicle access.
2. Notify adjoining property owners of this intended course of action.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**13.03 UPDATE ON DRAFT WAUCHOPE TRAFFIC MANAGEMENT STRATEGY**

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*RESOLVED: Intemann/Levido*

That Council:

1. Note the update report relating to the Draft Wauchope Traffic Management Strategy.
2. Request the General Manager to provide a briefing to Councillors in June 2014 to discuss the issues.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**13.04 OCEAN DRIVE DUPLICATION (BETWEEN GREENMEADOWS DRIVE SOUTH AND MATTHEW FLINDERS DRIVE) PROJECT UPDATE**

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*RESOLVED: Hawkins/Griffiths*

That Council:

1. Note this status report (including the attached Detailed Project Plan) for the Ocean Drive Duplication Project.
2. Form the Ocean Drive Duplication Steering Group for the duration of the project with a Steering Group Charter as attached to this report.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**13.05 BEECHWOOD SEWERAGE SCHEME UPDATE**

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*RESOLVED: Levido/Roberts*

That the report be noted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**13.06 PACIFIC HIGHWAY UPGRADE - OXLEY HIGHWAY TO KEMPSEY - ACQUISITION OF A COUNCIL UNFORMED PUBLIC ROAD BY NSW ROADS & MARITIME SERVICES**

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*RESOLVED: Sargeant/Roberts*

That Council:

1. Raise no objection to the compulsory acquisition by the NSW Roads & Maritime Services of Lot 2 DP591726.
2. Not seek monetary compensation for the acquisition of Lot 2 DP591726.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**13.07 ACQUISITION OF LAND FOR ROAD PURPOSES - COWAL CREEK ROAD,  
BELLANGRY (PIN30707)**

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*RESOLVED: Levido/Griffiths*

That Council:

1. Pay compensation in the amount of \$12,500 (GST Exclusive) to the registered proprietors of Lots 33, 44, 56 & 78 Deposited Plan 754406 for the acquisition of those parts of Lots 33, 44, 56 and 78 Deposited Plan 754406 more particularly described as Lots 1, 2, 3 and 4 in plan of acquisition Deposited Plan 1194169.
2. Pay the costs reasonably incurred by the registered proprietors arising from the acquisition of the land.
3. Affix the Common Seal to the Deed of Acquisition / Contract for Sale.
4. Pursuant to section 377 of the Local Government Act 1993, delegate to the General Manager authority to sign:
  - a. Deed of Acquisition / Contract for Sale.
  - b. Land and Property Information Transfer Form.
5. On acquisition of Lots 1, 2, 3 and 4 Deposited Plan 1194169 dedicate the land as public road pursuant to section 10 of the Roads Act 1993.

*CARRIED: 7/0*

*FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant*  
*AGAINST: Nil*

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**13.08 PACIFIC DRIVE INTEGRATED HOUSING ENVIRONMENTAL  
MANAGEMENT LAND PLANNING AGREEMENT AND SANCROX  
EMPLOYMENT LAND AND QUARRY PLANNING AGREEMENT (PN 19397,  
33838)**

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*RESOLVED: Sargeant/Hawkins*

That the report on the Pacific Drive Integrated Housing Environmental Management Land Planning Agreement and Sancrox Employment Land and Quarry Planning Agreement be noted.

*CARRIED: 7/0*

*FOR: Besseling, Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant*  
*AGAINST: Nil*

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**13.09 SECTION 94 LOCAL ROADS CONTRIBUTIONS PLAN - AREAS 13  
THRUMSTER, AREA 14 LAKE CATHIE/BONNY HILLS AND AREA 15  
CAMDEN HAVEN**

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Councillor Roberts 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 07:57pm.

*RESOLVED: Griffiths/Levido*

That Council:

1. Approve the Section 94 Local Roads Contributions Plan Areas 13, 14 & 15 and make consequential amendments to the Port Macquarie Hastings Council Section 94 Major Roads Contributions Plan 2006.
2. Provide public notice of its decision to approve the Section 94 Local Roads Contributions Plan Areas 13, 14 and 15 and amend the Port Macquarie Hastings Council Section 94 Major Roads Contributions Plan 2006.
3. Write to those parties that made a submission regarding the draft contributions plan and advise of Council's decision.

*CARRIED: 6/0*

*FOR: Besseling, Griffiths, Hawkins, Intemann, Levido and Sargeant*

*AGAINST: Nil*

Councillor Roberts returned to the meeting, the time being 08:07pm.

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**13.10 LIVEABLE NEIGHBOURHOODS - TOWN FRINGE: SUBMISSIONS  
REPORT**

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Councillor Besseling declared a Pecuniary Interest in this matter, vacated the Chair and left the room and was out of sight during the Council's consideration, the time being 08:07pm.

The Deputy Mayor assumed the Chair.

*RESOLVED: Intemann/Hawkins*

That Council:

1. Note the matters raised in submissions as summarised in this report and attached and thank all those who made a submission in writing for their contribution.
  2. Prepare a draft planning proposal as described in this report, pursuant to section 55 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 changing the Land Use Zoning Map, the Height of Buildings Map and the Floor Space Ratio Map as they relate to the identified Town Fringe areas of Port Macquarie.
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3. Forward the draft planning proposal to NSW Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.
4. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.
5. Prepare a draft amendment to the Port Macquarie-Hastings Development Control Plan 2013 to incorporate the changes described in this report and publicly exhibit the draft for a minimum of 28 days in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.
6. Be briefed on any proposed LEP amendments prior to forwarding to NSW Planning and Environment.

CARRIED: 6/0

FOR: Griffiths, Hawkins, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

The Deputy Mayor vacated Chair.

Mayor Besseling returned to the meeting, the time being 08:10pm.

The Mayor assumed Chair.

Councillor Hawkins left the meeting, the time being 8.10pm.

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### **13.11 NEW DEVELOPMENT SERVICING PLANS FOR WATER SUPPLY AND SEWERAGE**

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RESOLVED: Levido/Roberts

That Council exhibit the draft Development Servicing Plans for Water Supply and Sewerage for 30 working days (six weeks) and that a report on the outcome of the public exhibition be presented back to Council.

CARRIED: 6/0

FOR: Besseling, Griffiths, Intemann, Levido, Roberts and Sargeant

AGAINST: Nil

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**14 QUESTIONS FOR NEXT MEETING**

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**14.01 WASTE SITE - MAJOR INNES PRECINCT**

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**Question from Councillor Griffiths:**

What potential benefit could be provided by capping the waste site within the Major Innes precinct and then sold as industrial sites?

What analysis has been carried out to determine alternate options and possible cost benefit return and effective utilization of land, noting Council has undertaken an investigation for landfill gas.

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

Nil.

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**14.02 LANDFILL GAS EXTRACTION**

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**Question from Councillor Griffiths:**

1. What is the purpose of landfill gas extraction?
2. What evidence suggests this is an option to undertake?
3. What resources are required including overheads to investigate landfill gas extraction?
4. Could those resources be more effectively utilized?
5. What is the likely cost to extract gas including information received through the waste contract process?
6. When organics or biosolids do not go to landfill how will this affect the Council's liability for carbon emissions?
7. Has organics and biosolids to compost been recognized as a positive programme to meet carbon emissions?
8. When would Council be expected to be liable for waste emissions?

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

Nil.

Councillor Hawkins returned to the meeting, the time being 08:12pm.

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**14.03 SECTION 94 LOCAL ROADS CONTRIBUTIONS PLAN**

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**Question from Councillor Griffiths:**

Could the General Manager provide advice to Council on the following to the July Meeting 2014 in relation to Item 13.09 May 2014 Meeting:

1. Advise whether a set standard could be applied through a matrix for local/regional roads estimates.
2. Provide comparison values with similar councils and commercial operations.
3. Provide clarity on the impact of housing cost to purchasers as a result of the local road increases.

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

Nil.

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Roberts/Hawkins*

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

Item 15.01 Tender T-14-06 Operation of the Settlement Point and Hibbard Ferries, Port Macquarie

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

Item 15.02 Tender T-14-15 North Haven Community Hall Upgrade (PIN60563)

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

Item 15.03 Tender T-14-14 Management and Operation of Four (4) Council Owned Swimming Pool

This item is considered confidential under Sect 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a

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person with whom the Council is conducting (or proposes to conduct) business.

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

CARRIED: 7/0

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

AGAINST: Nil

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### ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.14pm.

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### RESUME MEETING

The Ordinary Council Meeting resumed at 8.25pm.

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

*RESOLVED: Griffiths/ Roberts*

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

- Item 15.01 Tender T-14-06 Operation of the Settlement Point and Hibbard Ferries, Port Macquarie

This item is considered confidential under Sect 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.

#### RECOMMENDATION

That Council:

1. Award the Tender for Operation of the Settlement Point and Hibbard Ferries as per Option 1 of the Request for Tender to Ferrymen (Port Macquarie) Pty Limited for \$815,451.60 per annum (Ex GST) for the 3 year term commencing on 1 July 2014 with options to extend for a further two (2) one (1) year periods (at Council's sole discretion).
2. Not proceed with Option 2 of the Request for Tenders relating to the Operation and Scheduled Maintenance of the Settlement Point and Hibbard Ferries as the offer

received does not represent a value for money proposition for Council.

3. Affix the seal of Council to the necessary documents.

Item 15.02 Tender T-14-15 North Haven Community Hall Upgrade (PIN60563)

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

RECOMMENDATION

That Council:

1. In accordance with the Local Government (General) Regulations 2005, 178.1(b) decline to accept any of the tenders submitted.
2. Decline to invite fresh tenders for the reason that the Tender Evaluation Panel (TEP) considered that of the two (2) submissions received, the submission from Eames Pty Ltd represents best overall value for money; however further negotiations with Eames Pty Ltd are required to ensure what works are able to be completed under the resultant contract and within the overall project budget.
3. In accordance with the Local Government (General) Regulations 2005, 178.3(e), enter into negotiations with Eames Pty Ltd due to the favourable ranking against the overall evaluation criteria and for the reasons described above in Recommendation 2.

Item 15.03 Tender T-14-14 Management and Operation of Four (4) Council Owned Swimming Pool

This item is considered confidential under Sect 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.

RECOMMENDATION

1. Accept the tender of \$281,612 (excl GST) from Swimwell Pty Ltd for the Management & Operation of Kendall Swimming Pool for a period of sixty (60) months from 1 July 2014 to 30 June 2019.
2. Accept the tender of \$406,084 (excl GST) from Swimwell Pty Ltd for the Management & Operation of Laurieton Swimming Pool for a period of sixty (60) months from 1 July 2014 to 30 June 2019.
3. Accept the tender of \$165,582 (excl GST) from Swimwell Pty Ltd as payment to Council for the Management & Operation of Port Macquarie Swimming



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- Pool for a period of sixty (60) months from 1 July 2014 to 30 June 2019.
4. Accept the tender of \$343,046 (excl GST) from Swimwell Pty Ltd for the Management & Operation of Wauchope Swimming Pool for a period of sixty (60) months from 1 July 2014 to 30 June 2019.
  5. Affix the seal of Council to the necessary documents.
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The meeting closed at 8.26pm.

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Peter Besseling  
Mayor