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**PRESENT**

**Members:**

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

**Other Attendees:**

General Manager (Craig Swift-McNair)  
Director of Community and Economic Growth (Tricia Bulic)  
Director of Corporate and Organisational Services (Rebecca Olsen)  
Director of Development and Environment Services (Matt Rogers)  
Director of Infrastructure and Asset Management (Jeffery Sharp)  
Group Manager Governance and Executive Services (Stewart Todd)  
Governance Support Officer (Bronwyn Lyon)  
Communication Engagement and Marketing Team Leader (Andy Roberts)  
Media and Public Relations Officer (Nicole Langdon)

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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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Reverend Malcolm Hausler from the Uniting Church delivered the Local Government Prayer.

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**03 APOLOGIES**

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Nil.

The Mayor noted the approved leave of absence for Councillor Hawkins.

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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 20 May 2015 be confirmed.

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

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**05 DISCLOSURES OF INTEREST**

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Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.01 - DA2014 - 0123 - Demolition of Units and Construction of a Residential Flat Building (13 units), Including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011, and Strata Subdivision at Lot 101 DP1122606 No. 3 Clarence Street, Port Macquarie, the reason being that Councillor Levido is a partner in Donovan Oates Hannaford Lawyers who acts for one of the owners of the property subject of the report.

Councillor Griffiths declared a Pecuniary Interest in Item 15.02 - Tender T-14-64 4WD Backhoe/Loader, the reason being that Councillor Griffiths owns a business of which a customer is the recommended tenderer.

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**06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS**

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*RESOLVED: Besseling*

That the Mayoral Discretionary Fund allocations for the period 7 May to 3 June 2015 inclusive be noted.

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

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**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Levido/Roberts*

That Council determine that the attachments to Item Number 13.10 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

*CARRIED: 8/0*  
*FOR: Besseling, Cusato, Griffiths, Intemann, Levido, Roberts, Sargeant and Turner*  
*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. Mrs Carolyn Hughes regarding Lighthouse Beach.
2. Mr Barry Dowse regarding lack of progress on Hastings River Drive and parking Blueberry Lane.

*RESOLVED: Levido/Cusato*

That the above requests to speak in the Public Forum be acceded to.

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

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**08.01 LIGHTHOUSE BEACH**

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Mrs Carolyn Hughes addressed Council in regard to Lighthouse Beach 4WD access point and answered questions from Councillors.

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**08.02 LACK OF PROGRESS ON HASTINGS RIVER DRIVE AND  
PARKING BLUEBERRY LANE**

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Mr Barry Dowse addressed Council in regard to the lack of progress on Hastings River Drive, parking in Blueberry Lane and answered questions from Councillors.

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**REQUESTS TO SPEAK ON AN AGENDA ITEM**

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

- Item 09.08 - Mr Frank Dennis in opposition of the recommendation.
- Item 09.08 - Mrs Carla Mckern in opposition of the recommendation.
- Item 09.08 - Mr Paul Wilson in opposition of the recommendation.
- Item 09.10 - Mrs Diane Gilbert in support of the recommendation.
- Item 12.01 - Mr Allister Hunziker in support of the recommendation.
- Item 12.01 - Mr Greg Hollis in opposition of the recommendation.
- Item 12.01 - Mr Anthony Whealy in opposition of the recommendation.
- Item 13.13 - Ms Claire Mathieson in support of the recommendation.

*RESOLVED: Levido/Griffiths*

That the requests to speak on an agenda item be acceded to, excluding the application from Mr Frank Dennis.

*CARRIED: 8/0*

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

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Levido/Griffiths*

That Standing Orders be suspended to allow Items 09.08, 09.10, 12.01 and 13.13 to be brought forward and considered next.

*CARRIED: 8/0*

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

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**09.08 2015-2016 OPERATIONAL PLAN, REVENUE POLICY, SCHEDULE OF FEES AND CHARGES AND RATING MAPS**

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Mrs Carla Mckern addressed Council in opposition of the recommendation answered questions from Councillors.

Mr Paul Wilson, of the Port Macquarie Oyster Farmers Association, addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Sargeant/Levido*

That Council:

1. Adopt the One Year Operational Plan 2015-2016, as attached which reflects the changes outlined in the report.
2. Note the budget position of an \$850,000 shortfall which will be reported on monthly during the financial year.
3. Adopt the Revenue Policy 2015-2016 as attached.

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4. Adopt the Schedule of Fees and Charges 2015-2016, including the rates and annual charges as attached, incorporate changes outlined in this report.
  5. Set the interest rate on overdue rates and charges at 8.5% from July 1, 2015 in accordance with the Office of Local Government directive.
  6. Enter into total borrowings of \$3.5 million as outlined in the Financial Implications section of the report.
  7. Adopt the 2015-2016 Rating Maps as attached.

CARRIED: 8/0

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

AGAINST: Nil

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#### **09.10 NATIONAL STRONGER REGIONS FUND - FUNDING APPLICATIONS FOR ROUND 2**

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Mrs Diane Gilbert, of the Wauchope Heated indoor Pool Association, addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Turner/Cusato*

That Council endorse the following two (2) funding submissions for Round 2 of the National Stronger Regions Fund:

1. Upgrade of the existing passenger terminal building at Port Macquarie Airport.
2. Upgrade of Houston Mitchell Drive.

CARRIED: 7/1

FOR: *Besseling, Cusato, Intemann, Levido, Roberts, Sargeant and Turner*

AGAINST: *Griffiths*

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#### **12.01 DA2014 - 0123 - DEMOLITION OF UNITS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING (13 UNITS), INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, AND STRATA SUBDIVISION AT LOT 101 DP1122606 NO. 3 CLARENCE STREET, PORT MACQUARIE**

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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 7:01pm.

Mr Allister Hunziker, the applicant, addressed Council requesting deferral of this item.

Mr Greg Hollis addressed Council in opposition of the recommendation.

Mr Anthony Whealy, of Gadens Lawyers, representing owners of affected apartments at 2 Clarence Street, Port Macquarie, was not in attendance.

*RESOLVED: Intemann/Roberts*

That Council:

1. Defer the determination of DA 2014 - 0123 for Demolition of Units and Construction of a Residential Flat Building (13 units), including Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio)
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of the Port Macquarie-Hastings Local Environmental Plan 2011, and Strata Subdivision at Lot 101, DP 1122606, No. 3 Clarence Street, Port Macquarie, to allow for reassessment.

2. Refer the application to the Development Assessment Panel for determination in accordance with the Development Assessment Panel Charter.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 7:09pm.

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### 13.13 YALUMA DRIVE RESERVE MATERIAL PUBLIC BENEFIT APPLICATION

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Ms Clair Mathieson, of Land Dynamics, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: *Intemann/Cusato*

That Council:

1. Undertake community engagement, as outlined in this report, relating to the proposal to build a new footpath through the Yaluma Drive Reserve, Port Macquarie.
2. Request the General Manager report to the August 2015 Council meeting advising of the outcome of the community engagement.

CARRIED: 8/0

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

AGAINST: Nil

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### 09.01 STATUS OF OUTSTANDING REPORTS TO COUNCIL

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RESOLVED: *Intemann/Cusato*

That the information in the June 2015 Status of Outstanding Reports to Council be noted.

CARRIED: 8/0

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

AGAINST: Nil

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**09.02 NOTICE OF MOTION - SUPPLY OF SERVICES TO COUNCIL**

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**MOTION**

*MOVED: Levido/Cusato*

That the General Manager bring a Report back to the September 2015 Meeting of Council outlining:

1. How a regime can be established (including an appropriate Recommendation) setting out a quarterly report to Council detailing amounts paid by Council to suppliers of services to Council including accounting, audit, legal, planning, architectural, surveying, environmental consultancy, IT and HR/Staff Training, limited to such suppliers who receive a gross amount of \$10,000.00 + GST or more in a quarter. Such quarterly report to detail:
  - a) Name of supplier.
  - b) Nature of service supplied.
  - c) The amount paid allocated as to:
    - i) Costs;
    - ii) Disbursements;
    - iii) GST; and
    - iv) The allocated amount shown on both a "Report Quarter" and "Year to Date" basis.
2. The implications and challenges in commencing such a Report regime for the December 2015 quarter where the Report would be provided to the February 2016 Council Meeting with the Report for each subsequent quarter being provided to the Council Meeting as follows:
  - a) March Quarter – May Meeting.
  - b) June Quarter – August Meeting.
  - c) September Quarter – November Meeting.
  - d) December Quarter – February Meeting.

**AMENDMENT**

*MOVED: Griffiths*

That the General Manager bring a Report back to the September 2015 Meeting of Council outlining:

1. How a regime can be established (including an appropriate Recommendation) setting out a quarterly report to Council detailing amounts paid by Council to suppliers of services to Council including accounting, audit, legal, planning, architectural, surveying, environmental consultancy, IT and HR/Staff Training, limited to such suppliers who receive a gross amount of \$10,000.00 + GST or more in a quarter. Such quarterly report to detail:
  - a) Name of supplier.
  - b) Nature of service supplied.
  - c) The amount paid allocated as to:
    - i) Costs;
    - ii) Disbursements;
    - iii) GST; and
    - iv) The allocated amount shown on both a "Report Quarter" and "Year to Date" basis.
2. The implications and challenges in commencing such a Report regime for the

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December 2015 quarter where the Report would be provided to the February 2016 Council Meeting with the Report for each subsequent quarter being provided to the Council Meeting as follows:

- a) March Quarter – May Meeting.
  - b) June Quarter – August Meeting.
  - c) September Quarter – November Meeting.
  - d) December Quarter – February Meeting.
3. That Council consider a method of providing digital transparency on the financial detail.

*LAPSED FOR WANT OF A SECONDER*

**THE MOTION WAS PUT**

*RESOLVED: Levido/Cusato*

That the General Manager bring a Report back to the September 2015 Meeting of Council outlining:

1. How a regime can be established (including an appropriate Recommendation) setting out a quarterly report to Council detailing amounts paid by Council to suppliers of services to Council including accounting, audit, legal, planning, architectural, surveying, environmental consultancy, IT and HR/Staff Training, limited to such suppliers who receive a gross amount of \$10,000.00 + GST or more in a quarter. Such quarterly report to detail:
  - a) Name of supplier.
  - b) Nature of service supplied.
  - c) The amount paid allocated as to:
    - i) Costs;
    - ii) Disbursements;
    - iii) GST; and
    - iv) The allocated amount shown on both a "Report Quarter" and "Year to Date" basis.
2. The implications and challenges in commencing such a Report regime for the December 2015 quarter where the Report would be provided to the February 2016 Council Meeting with the Report for each subsequent quarter being provided to the Council Meeting as follows:
  - a) March Quarter – May Meeting.
  - b) June Quarter – August Meeting.
  - c) September Quarter – November Meeting.
  - d) December Quarter – February Meeting.

*CARRIED: 6/2*

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



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**09.03 NOTICE OF MOTION - EXTERNALLY RESTRICTED FUNDS IN THE CATEGORIES OF DEVELOPER CONTRIBUTIONS, WATER, SEWERAGE AND DOMESTIC WASTE MANAGEMENT**

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*RESOLVED: Levido/Intemann*

That the General Manager bring a report back to the September 2015 Meeting of Council dealing with Externally Restricted Funds in the categories of Developer Contributions, Water, Sewerage and Domestic Waste Management and for this report to include:

1. Balances held as at 30 June 2015 in each of the above-mentioned External Restrictions.
2. Brief details of the composition of each restriction including individual Contribution Plans and the funds held in each category/Plan.
3. An explanation as to how funds held within these External Restrictions are expended.

*CARRIED: 6/2*

*FOR: Besseling, Cusato, Intemann, Levido, Sargeant and Turner*

*AGAINST: Griffiths and Roberts*

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**09.04 2015-2016 COUNCILLOR AND MAYORAL FEES**

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*RESOLVED: Intemann/Cusato*

That in relation to Councillor remuneration for the 2015-2016 financial year, Council:

1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2015 to be \$18,380.00.
2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2015 to be \$40,090.00 (this amount is in addition to the fee payable to a Councillor).
3. Amend the 2015-2016 budget allocation for Councillor and Mayoral Fees in accordance with the fees set for 2015-2016.
4. Note the continued advocacy of Local Government NSW that the significant time involvement required from councillors is not appropriately recompensed through the current remuneration levels.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.05 COUNCIL POLICY REVIEW - POLICY RESCISSIONS**

*RESOLVED: Intemann/Turner*

That Council:

1. Place on public exhibition from 26 June 2015 to 24 July 2015 (28 days) its intention to rescind the following Policies:
  - a) Access to Information.
  - b) Broadcasting of Council Meetings.
  - c) Council Documents and Reports.
  - d) Annual Reporting.
  - e) Airport Car Parking.
  - f) Release of Rating and Property Information.
  - g) Hazardous Waste Incidents.
  - h) Impounding of Cattle.
  - i) Impounding of Dogs.
  - j) Local Aboriginal Land Councils - Interim Consultation Policy regarding Council Works, DA's and Draft LEPs.
  - k) Noise from Recreational Trail Bike Use.
  - l) Provision of Kerbside Waste Collection Services to Dwellings Multi Unit Developments Commercial and Industrial Premises.
  - m) Temporary Occupation of Building During Erection of a Dwelling.
  - n) Use of Public Land for Vegetation Offsets.
  - o) Aggregation of Land Values for Rating Purposes.
  - p) Exercising Horses on Pilot Beach Dunbogan.
  - q) Frontage Works to Development.
2. That the General Manager prepare a Hazardous Waste Incidents WHS Procedure, which will be used in place of the rescinded Hazardous Waste Incidents Policy.
3. Note the following Policies have previously been superceded:
  - a) Beach Areas Permitting Dogs in the Local Government Area.
  - b) Calling of Quotations and Tenders for Contractors.

*CARRIED: 8/0*

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

*AGAINST: Nil*

**09.06 MONTHLY FINANCIAL REVIEW FOR MAY 2015**

*RESOLVED: Griffiths/Intemann*

That Council adopt the adjustments in the "Financial Implications" section of the report for May 2015.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.07 INVESTMENTS - MAY 2015**

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*RESOLVED: Levido/Griffiths*

That Council note the Investment Report for the month of May 2015.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.09 REFORM OF LOCAL GOVERNMENT - FIT FOR THE FUTURE  
SUBMISSION TO THE NSW GOVERNMENT**

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*RESOLVED: Besseling/Levido*

That:

1. The content of the 'Fit for the Future' proposal identified as "Scenario 2C" be submitted in accordance with the requirements of IPART, prior to 30 June 2015.
2. Council acknowledges that the submission does not bind this Council or any future Council to the suggested rate increases contained therein.
3. Any future application for Special Rate Variations associated with the submission take into account the following:
  - a) The community's capacity to pay any suggested rate increase.
  - b) Any further efficiencies identified in Council's current Services Review.
  - c) The financial realisation of Council assets.
  - d) Federal and State Government funding equity improvements.
  - e) Feedback from the community.

*CARRIED: 7/1*

*FOR: Besseling, Cusato, Griffiths, Intemann, Levido, Sargeant and Turner*

*AGAINST: Roberts*

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**10.01 NOTICE OF MOTION - PLACEMENT OF WRITTEN MATERIAL ON PUBLIC  
PROPERTY**

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*RESOLVED: Levido/Cusato*

That the General Manager bring a report to the August 2015 Meeting of Council dealing with:

1. An explanation of the legal framework as to the prohibition (or otherwise) of the placement of politically motivated signage/posters and/or other written material on public property including roadways, footpaths, public reserves and the structures thereon.
  2. Any Council Policy or Policies dealing with the prohibition (or otherwise) of the placement of politically motivated signage/posters and/or other written material on public property including roadways, footpaths, public reserves and the structures thereon.
  3. The options open to Council to remove or cause such items to be removed.
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4. Legal remedies open to Council to recover costs and/or damages as a consequence of the placement of the material, its removal and rectification of damage caused to public property.
  5. Whether Council actively polices instances as to the placement of such material on Public Property (if so – how, if not – why not?).
  6. A proactive Policy to objectively enforce the law in this regard.

*CARRIED: 6/2*

*FOR: Besseling, Cusato, Intemann, Levido, Sargeant and Turner*

*AGAINST: Griffiths and Roberts*

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#### **10.02 25TH ANNIVERSARY OF THE PORT MACQUARIE-HASTINGS HANDA CITY COUNCIL'S SISTER CITY AGREEMENT - REPRESENTATION BY COUNCIL**

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*RESOLVED: Cusato/Sargeant*

That Council note the information in this report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **10.03 RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - MAY MEETING**

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*RESOLVED: Besseling/Griffiths*

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 Liam Magennis in the amount of \$400.00 to assist with the expenses he would have incurred travelling to and competing in the National Under 19 road selection races held in Mersey Valley, Sheffield Tasmania from 1 - 3 May 2015 inclusive.
2. Ms Emily Lester in the amount of \$350.00 to assist with the expenses she will incur travelling to and competing as a member of the NSWCHS NSW State Volley Ball Team to compete in the Trans Pacific Volleyball Championships to be held in Sydney from 22 - 25 June 2015 inclusive.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**11.01 TELECOMMUNICATIONS TOWERS**

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*RESOLVED: Intemann/Levido*

That Council delegate to the General Manager the authority to provide owners consent for Telecommunications Facilities on Council owned land subject to:

1. Facilities being in accordance with State Environmental Planning Policy (Infrastructure) 2007 Schedule 3A - Exempt and Complying development in relation to telecommunications facilities.
2. Maintaining the current and future needs of Council's operational requirements for its own telecommunications infrastructure.
3. Facilities not penetrating the Obstacle Limitation Surface for the Port Macquarie Airport.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.02 DA2015 - 0075 - ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 29 DP 31035, 14 ARAKOOON AVENUE, PORT MACQUARIE**

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*RESOLVED: Sargeant/Turner*

That the determination of DA 2015 - 0075 for additions to dwelling including a Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 29 DP 31035, No. 14 Arakoon Avenue, Port Macquarie, be noted.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.01 QUESTION ON NOTICE - EXPRESSION OF INTEREST - SHORT STREET PLAZA CAR PARK**

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*RESOLVED: Intemann/Cusato*

That Council note the information included in the report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.02 QUESTION ON NOTICE - FISHERMEN'S CO-OP**

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*RESOLVED: Intemann/Turner*

That Council note the information included in the report.

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

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**13.03 QUESTION ON NOTICE - UNSEALED ROAD NETWORK**

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*RESOLVED: Cusato/Intemann*

That Council note:

1. The information relating to roads on the 6 month and 12 month unsealed roads grading program.
2. The limitations in sourcing appropriate gravel for our unsealed roads and the recent increase in costs in purchasing the gravel.
3. The current operational budget for unsealed road grading only provides a limited budget for the re-gravelling of roads.
4. The current level of service is achievable only due to the current Special Rate Variation and should this not continue then the funding and continuation of four grading crews would need to be reviewed .
5. The works undertaken by Transport & Stormwater Network staff in recycling excavated sealed road materials where possible to utilise on unsealed roads, to increase available re-gravelling materials and reduce costs and landfill.
6. That following major rainfall events Transport & Stormwater Network staff follow the adopted risk based road maintenance processes and inspect issues across the entire sealed and unsealed network and prioritise works based on risk. Specifically for unsealed roads this may equate to intermediate pothole filling or wider graveling works being undertaken prior to the programmed maintenance grade and may also require alterations to the grading program dependant on the level of risk.

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

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**13.04 NSW WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING REPORT**

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*RESOLVED: Sargeant/Intemann*

That the report be noted.

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

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**13.05 RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - WILLIAM STREET FROM BRIDGE TO SHORT STREET PROJECT**

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*RESOLVED: Cusato/Roberts*

That Council defer the William Street project until financial year 2016 - 2017 given the uncertainty on the site.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.06 RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - CLARENCE STREET PROJECT UPDATE**

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*RESOLVED: Griffiths/Roberts*

That Council:

1. Increase in the budget for the Clarence Street works in the 2015 - 2016 Operational Plan to \$2M from TCMP Reserves.
2. Note the increase in budget is required to address the project expansion now covering a more significant section of Clarence Street than was first proposed.
3. Note the construction methodology including the full closure of the Clarence Murray intersection for an estimated period of 10 weeks to vehicular traffic is proposed to expedite works and minimise costs. Full pedestrian access will be maintained through this intersection.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.07 LAKE ROAD AND BLACKBUTT ROAD ROUNDABOUT**

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*RESOLVED: Levido/Cusato*

That Council:

1. Accept the increased offer from Roads and Maritime Services for the provision of the proposed Roundabout at the intersection of Lake and Blackbutt Roads in Port Macquarie.
  2. On finalisation of the 2014/2015 financial accounts, allocate savings from the projects identified in the Financial and Economic Implications of this report to an internally restricted reserve titled "Lake Road and Blackbutt Road Roundabout".
  3. Allocate an additional project budget in the draft 2015/2016 Operational Plan of \$1,500,000, comprising of the additional offer from RMS and Council funding from the "Lake Road and Blackbutt Road Roundabout" internally restricted reserve.
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CARRIED: 8/0

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

AGAINST: Nil

**13.08 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -  
STREETScape IMPROVEMENT WORKS, CLARENCE STREET - HAY  
STREET TO MURRAY STREET, PORT MACQUARIE**

RESOLVED: *Intemann/Levido*

That Council adopt the Clarence Street, between Hay Street and Murray Street, streetscape improvement plans (RU-PM3-178).

CARRIED: 8/0

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

AGAINST: Nil

**13.09 ACQUISITION OF EASEMENT FOR SERVICES - BEECHWOOD ROAD,  
BEECHWOOD**

RESOLVED: *Sargeant/Griffiths*

That Council:

1. Pay compensation in the total amount of \$4,658.50 (GST Exclusive) to the owner of Lots 1 and 2 Deposited Plan 396000, Wall & Wall Pty Ltd, for the acquisition of an easement for services 10 wide, 5 wide and variable width depicted as "A" in Plan of Acquisition Deposited Plan 1195880.
2. Delegate to the General Manager authority to sign the:
  - a) Contract for Sale/Deed of Acquisition.
  - b) Land and Property Information Transfer Granting Easement Form.

CARRIED: 8/0

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

AGAINST: Nil

**13.10 PORT MACQUARIE INDOOR STADIUM EXPANSION**

RESOLVED: *Levido/Intemann*

That Council:

1. Note the information provided in this report.
2. Note that Council staff will continue to work with the Police Citizens Youth Clubs NSW Ltd (PCYC) to progress the expansion of the Port Macquarie Indoor Stadium project, ensuring that there are no additional costs to Council.

CARRIED: 6/2

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

AGAINST: *Cusato and Roberts*



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### 13.11 GAOL POINT IMPROVEMENTS

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*RESOLVED: Levido/Cusato*

That Council:

1. Note the information included in this report.
2. Approve an allocation of \$50,000 from the current 2014 - 2015 surplus budget position.

*CARRIED: 8/0*

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

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### 13.12 ECO-TOURIST FACILITIES - 12 MONTH REVIEW

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*RESOLVED: Griffiths/Turner*

That Council incorporate draft provisions to permit eco-tourism on land where a dwelling is permissible or where a dwelling currently exists on an undersized lot in a rural zone, in the next administrative review of the LEP.

*CARRIED: 8/0*

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

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## 14 QUESTIONS FOR NEXT MEETING

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### 14.01 FERRY FEES AND CHARGES

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**Question from Councillor Intemann:**

1. Will Council staff please ensure that a clear fact sheet on ferry fees and charges is well distributed on the North Shore and the ferries?
2. When is Council going to the North Shore to issue annual and concession passes? and also, could Councillors please be advised of these events in advance?
3. Could Council staff please consider how best to assist North Shore residents to get the best value for their ferry travel, including a clear fact sheet on options?
4. Could Councillors be advised on how best to report on the operation of feedback on the ferry fee charges.

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

Nil.

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Levido/Cusato*

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 Village Sewerage Scheme Update

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.

Item 15.02 Tender T-14-64 4WD Backhoe/Loader

This item is considered confidential under section 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-14-47 Dunbogan Flood Access Road - Stage 1B

This item is considered confidential under section 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.

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: 8/0*

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

*AGAINST: Nil*

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**ADJOURN MEETING**

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The Ordinary Council Meeting adjourned at 8:37pm.

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**RESUME MEETING**

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The Ordinary Council Meeting resumed at 8.41pm.

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

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*RESOLVED: Sargeant/Turner*

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

Item 15.01 Village Sewerage Scheme Update

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.

RECOMMENDATION

That the report be noted.

Item 15.02 Tender T-14-64 4WD Backhoe/Loader

This item is considered confidential under section 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.

RECOMMENDATION

That Council:

1. Pursuant to section 55 (3) (a) of the Local Government Act 1993, a contract for the purchase of goods, materials or services specified by a person prescribed by the regulations made with another person so specified and not exceeding the rate so specified, resolves not to invite tenders for the supply and delivery of one (1) JCB 3CX PC-Classic ECO backhoe loader including Buckets and spare rim & tyres;
2. Accept the tender from Redhead Machinery Sales Pty Ltd for the supply and delivery of one (1) JCB 3CX PC-Classic ECO backhoe loader including Buckets and spare rim & tyres for \$149,514.00 excl. GST; and
3. Maintain the confidentiality of the documents and considerations in respect of Request for Tender T-14-64.

Item 15.03 Tender T-14-47 Dunbogan Flood Access Road - Stage 1B

This item is considered confidential under section 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.

RECOMMENDATION

That Council:

1. In accordance with the Local Government (General) Regulations 2005, 178 1 (b), decline to accept any of the tenders submitted for T-14-47 the Dunbogan Flood Access Road Stage 1B.

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2. Decline to invite fresh tenders due to the limited number of submissions received for this tender and the grant funding time constraints on this project.
  3. Enter into negotiations with Eire Constructions Pty Ltd under a reduced scope of works within the project budget as detailed in the body of this report.
  4. Maintain the confidentiality of the documents and considerations in respect of tender T-14-47.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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The meeting closed at 8.42pm.

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Peter Besseling  
Mayor