

PRESENT

Members:

Councillor Peter Besseling (Mayor)
Councillor Rob Turner
Councillor Michael Cusato
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Justin Levido
Councillor Geoff Hawkins
Councillor Lisa Intemann
Councillor Lee Dixon

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 (Blair Hancock)
Governance Support Officer (Bronwyn Lyon)
Acting Communication Engagement and Marketing Team Leader (Leanne Jeffery)

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 in the Chamber.

02 LOCAL GOVERNMENT PRAYER

Major Brett Gallagher from the Salvation Army Church delivered the Local Government Prayer.

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Griffiths

That Standing Orders be suspended to allow Items 09.01 and 09.02 to be brought forward and considered next.

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

09.01 OATH OR AFFIRMATION OF OFFICE

RESOLVED: Levido/Hawkins

That the Mayor and Councillors take an Oath or Affirmation of Office before the General Manager.

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

Councillors were asked to take their choice of Oath or Affirmation as per the New South Wales Local Government Act 1993 requirement for their first Ordinary Council Meeting of their term of Council.

Councillor	Oath or Affirmation
Mayor Peter Besseling	Oath
Rob Turner	Oath
Mike Cusato	Oath
Sharon Griffiths	Oath
Peter Alley	Affirmation
Justin Levido	Oath
Geoff Hawkins	Oath
Lisa Intemann	Oath
Lee Dixon	Oath

The General Manager witnessed each Councillor taking their Oath / Affirmation.

09.02 CREATION OF OFFICE OF DEPUTY MAYOR

RESOLVED: Turner/Cusato

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be twelve (12) months, expiring at the September 2017 Ordinary Council Meeting.
3. Elect the Deputy Mayor by way of open voting (show of hands), if more than one nomination for Deputy Mayor is received.

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

The General Manager, acting as Returning Officer, called for nominations for the Office of Deputy Mayor.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Lisa Intemann, nominated by two Councillors.

The Returning Officer then called for a show of hands in favour of Councillor Intemann for Deputy Mayor.

All Councillors supported Councillor Intemann's nomination.

The Returning Officer declared Councillor Intemann elected to the Office of Deputy Mayor for the ensuing period as resolved by Council.

The Mayor congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Cusato

That the Minutes of the Ordinary Council Meeting held on 10 August 2016 be confirmed.

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Alley declared a Pecuniary Interest in Item 15.04 - T-16-40 Supply Of Server And Storage Infrastructure, the reason being that Councillor Alley receives a financial benefit not available to ordinary members of the public from one of the tenderers.

RESOLVED: Turner/Dixon

That the disclosure of interest be accepted.

CARRIED: 9/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 29 July to 22 September 2016 inclusive be noted.

CARRIED: 9/0
FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

There are no confidential attachments to reports for the Ordinary Council Meeting.

08 PUBLIC FORUM

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

1. Mr Greg Oaten regarding land situated at Tuffins Lane.
 2. Ms Nikala Sim regarding the confidential item 15.01 Land Situated at Tuffins Lane.
 3. Ms Janette Hyde regarding the future of Tuffins Lane fields for sport.
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RESOLVED: Levido/Hawkins

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

CARRIED: 9/0

*FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and
Turner*

AGAINST: Nil

08.01 LAND SITUATED AT TUFFINS LANE

Mr Greg Oaten, representing Port Macquarie Touch Association, addressed Council in regard to land situated at Tuffins Lane.

08.02 CONFIDENTIAL ITEM 15.01 LAND SITUATED AT TUFFINS LANE

Ms Nikala Sim addressed Council in relation to confidential item 15.01 Land Situated at Tuffins Lane.

08.03 FUTURE OF TUFFINS LANE FIELDS FOR SPORT

Ms Janette Hyde, representing Greater Port Macquarie Tourism, addressed Council in relation to future of Tuffins Lane fields for sport.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

Item 13.01 - Mrs Diane Gilbert in support of the recommendation.

RESOLVED: Levido/Intemann

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

CARRIED: 9/0

*FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and
Turner*

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Levido/Intemann

That Standing Orders be suspended to allow Item 13.01 to be brought forward and considered next.

CARRIED: 9/0

*FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and
Turner*

AGAINST: Nil

13.01 WAUCHOPE POOL - LAND CONVEYANCING MATTERS

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

RESOLVED: Intemann/Turner

That Council:

1. Affix the Common Seal of Council to the plan of consolidation of Lots 3 and 4 Deposited Plan 1106294 and Lots 41 and 42 Deposited Plan 1167914.
2. Delegate authority to the General Manager to sign the:
 - (a) Deed of Enlargement over Lot 41 Deposited Plan 1167914; and
 - (b) Land and Property Information Request Form.

CARRIED: 9/0

*FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and
Turner*

AGAINST: Nil

09.03 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Intemann/Griffiths

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

CARRIED: 9/0

*FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and
Turner*

AGAINST: Nil

09.04 DISCLOSURES REGISTER - ANNUAL RETURNS 2015-2016

RESOLVED: Cusato/Hawkins

That Council:

1. Note the information in the Disclosure Register for 2015-2016.
2. Determine that the following position becomes a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:
 - Group Manager Economic Development.

CARRIED: 9/0

*FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and
Turner*

AGAINST: Nil

09.05 DISCLOSURE OF INTEREST RETURN

RESOLVED: Intemann/Cusato

That the Disclosure of Interest returns for the following positions be noted:

1. Town Planner
2. Development Engineer (2 positions)

CARRIED: 9/0

*FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and
Turner*

AGAINST: Nil

09.06 2016 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

RESOLVED: Turner/Dixon

That Council:

1. Note that accommodation bookings and draft registrations for three Councillors and the General Manager to attend the Local Government NSW Annual Conference to be held in Wollongong from 16 to 18 October 2016 were made in late July 2016.
2. Endorse attendance at the Local Government NSW Annual Conference of Mayor Peter Besseling, Councillor Peter Alley, Councillor Mike Cusato and the General Manager.
3. Note that Mayor Peter Besseling, Councillor Peter Alley and Councillor Mike Cusato will be Council's voting delegates on motions at the Local Government NSW Annual Conference.

CARRIED: 9/0

*FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and
Turner*

AGAINST: Nil

09.07 NOTICE OF MOTION - PERFORMANCE MEASUREMENT FRAMEWORK

RESOLVED: Hawkins/Cusato

That the General Manager be requested to provide to the February 2017 Council Meeting an update on both the NSW Government's efforts and those of PMHC to build a new local government performance measurement framework. In responding, the General Manager is requested to:

1. Cross reference to the content of the report to Council of 19 February 2014 on the same subject; and
2. In addition to providing recent historical details of progress to date, lay out a broad proposed forward path incorporating high level milestones and indicative timelines.

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

09.08 MONTHLY FINANCIAL REVIEW FOR AUGUST 2016

RESOLVED: Levido/Hawkins

That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for August 2016.

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

09.09 INVESTMENTS - AUGUST 2016

RESOLVED: Hawkins/Intemann

That Council:

1. Note the Investment Report for the month of August 2016.
2. Request the General Manager provide additional detail in relation to the external and internal restrictions relating to the invested funds in future investment reports to Council.
3. Request the General Manager provide a briefing to Councillors on Council's external and internal restrictions before or during December 2016 as part of the development of the next delivery program and operational plan.

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

09.10 IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM

RESOLVED: Griffiths/Turner

That Council:

1. Note the information in this report regarding the IPART Rating System Review.
2. Endorse the proposed submission to IPART in relation to the IPART Draft Rating Review.

CARRIED: 9/0

*FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and
Turner*

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Levido/Alley

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 Land Situated at Tuffins Lane

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 T-16-07 Fitout of a 8 Tonne Road Maintenance Truck

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 15.03 T-16-15 Hyndman's Creek Bridge Replacement - Supply of Pre-Stressed Concrete Deck Units

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial

information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 15.04 T-16-40 Supply of Server and Storage Infrastructure

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 15.05 T-16-43 Supply of Checkpoint Security Appliance

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

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: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 6:23pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 6:31pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Levido/Turner

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

Item 15.01 Land Situated at Tuffins Lane

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 Council:

1. Note the offer by Chase Parklands Pty Ltd for Council to purchase their land situated on Tuffins Lane, Port Macquarie and the conditions attached to any such sale.
2. Request the General Manager bring back a report to the 19 October 2016 Council Meeting detailing alternate options to provide regional sports fields within the Port Macquarie-Hastings Local Government Area.

Item 15.02 T-16-07 Fitout of a 8 Tonne Road Maintenance Truck

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Accept the quotation from Midcoast Trucks (Part A), through the NSW Government Motor Vehicle Prequalification Scheme, for the supply and delivery of a 2016 Isuzu FVR 165-300 Medium Automatic Cab Chassis truck for \$114,186 (excl GST).
2. Accept the quotation, through Local Government Procurement, from Ausroad Systems Pty Ltd (Part B) for the supply and fitout of an 8 Tonne Road Maintenance Truck for \$213,258 (excl GST).
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-07.

Item 15.03 T-16-15 Hyndman's Creek Bridge Replacement - Supply of Pre-Stressed Concrete Deck Units

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Note that no tenders were received for Tender T-16-15 Hyndman's Creek Bridge Replacement - Supply of Pre-Stressed Concrete Deck Units.
2. Noting no tenders were received, enter into negotiations, in accordance with clause 178 3(e) of the Local Government (General) Regulation 2005 with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
3. In order to avoid delay to the Hyndman's Creek Bridge Replacement project and risk RMS funding, enter into negotiations with the following qualified suppliers with a view to entering into a contract for the supply and delivery of pre-stressed concrete deck units and other ancillary pre-cast items, the outcome of which will be reported to the Ordinary Council meeting 19 October 2016:
 - i. Australian Precast Solutions;
 - ii. BCI Australia;
 - iii. Civilbuild;
 - iv. Civmec;

- v. Shumack Engineering;
 - vi. Structural Concrete Industries;
 - vii. Wagners Precast.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-15.

Item 15.04 T-16-40 Supply of Server and Storage Infrastructure

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

- 1. Accept the quotation, through Local Government Procurement, from Leading Edge Computers Port Macquarie, for the purchase of Server and Storage Infrastructure for \$612,507 (excl GST).
- 2. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-40.

Item 15.05 T-16-43 Supply of Checkpoint Security Appliance

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

- 1. Accept the quotation, through Local Government Procurement, from Leading Edge Computers Port Macquarie, for the purchase of Checkpoint Security Appliance for \$248,797 (excl GST).
- 2. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-43.

CARRIED: 9/0

FOR: Besseling, Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

The meeting closed at 6:32pm.

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 Peter Besseling
 Mayor