

PRESENT

Members:

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Acting Director Development and Environment (Dan Croft)
Director Infrastructure (Alex Fisher)
Director Strategy and Growth (Jeffery Sharp)
Group Manager Governance and Procurement (Blair Hancock)
Governance Support Officer (Bronwyn Lyon)
Communications Manager (Andy Roberts)

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Pastor Campion from the Grace Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Dixon/Cusato

That the apology received from Mayor Pinson be accepted.

CARRIED: 8/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Griffiths/Hawkins

That the Minutes of the Ordinary Council Meeting held on 13 December 2017 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.02 - DA2017 - 455.1 Residential Subdivision (10 lots) Including Clause 4.6 Objection To Clause 4.1 (Minimum Lot Size) Of The Port Macquarie-Hastings Local Environmental Plan 2011 At Lot 65 DP1226839, Shore Break Crescent, Lake Cathie, the reason being that Councillor Levido is a partner in the Port Macquarie law firm, Donovan Oates Hannaford Lawyers and acts for the owner of a property the subject of the report.

Councillor Levido declared a Pecuniary Interest in Item 12.04 - DA2017 - 712.1 Dwelling Including Clause 4.6 Variation To Clause 4.3 (Height Of Building) Of Port Macquarie-Hastings Local Environmental Plan 2011 - Lot 6 DP 1069338, No 22 The Anchorage Port Macquarie, the reason being that Councillor Levido jointly owns the property across the road from the subject property situated 49 The Anchorage, Port Macquarie.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.06 - Planning Proposal - South Lindfield Urban Release Area - Post Exhibition Review of Submissions, the reason being that Councillor Levido is a partner in the Port Macquarie law firm, Donovan Oates Hannaford Lawyers and acts for the owner of a property within the area being the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.09 - Rainbow Beach Central Corridor Planning Agreement 2017, the reason being that

Councillor Levido is a partner in the Port Macquarie law firm, Donovan Oates Hannaford Lawyers and acts for a related entity of the owner of the property being the subject of the report.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Intemann

That the Mayoral Discretionary Fund allocations for the period 30 November 2017 to 7 February 2018 inclusive be noted.

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

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Griffiths/Turner

That Council determine that the attachments to Item Numbers 09.09 and 10.04 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

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

08 PUBLIC FORUM

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

1. Mr Phillip Morton, representing the Rollands Plains Community Group, regarding Rural Roads in Rollands Plains.

RESOLVED: Turner/Levido

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

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

08.01 RURAL ROADS IN ROLLANDS PLAINS

Mr Phillip Morton, representing the Rollands Plains Community Group, addressed Council in regard to rural roads in Rollands Plains and answered questions from Councillors.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

Item 10.03 – Ms Willhemina Wahlin in support of the recommendation.

Item 10.03 – Ms Susan East in opposition of the recommendation

Item 10.03 – Mr David Tooby, representing the Lake Cathie Progress Association, in support of the recommendation.

Item 12.06 – Mr Anthony Thorne, King and Campbell, representing the applicant, in support of the recommendation.

RESOLVED: Hawkins/Dixon

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

CARRIED: 8/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Hawkins/Dixon

That Standing Orders be suspended to allow Items 10.03 and 12.06 to be brought forward and considered next.

CARRIED: 8/0

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

AGAINST: Nil

10.03 LAKE CATHIE FORESHORE MASTER PLAN

Ms Willhemina Wahlin addressed Council in support of the recommendation and answered questions from Councillors.

Ms Susan East addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr David Tooby, representing the Lake Cathie Progress Association, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Cusato/Turner

That Council:

1. Note the information contained within the Draft Lake Cathie Foreshore Master Plan – Results of Community Engagement report.
2. Adopt the Lake Cathie Foreshore Master Plan.
3. Commence detailed design of Stage 1 works being the upgrade of the playground facilities.
4. Request the General Manager provide a briefing to Councillors on detailed designs and environmental approvals for the Skate Park for consideration.

CARRIED: 8/0

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

AGAINST: Nil

12.06 PLANNING PROPOSAL - SOUTH LINDFIELD URBAN RELEASE AREA - POST EXHIBITION REVIEW OF SUBMISSIONS

The Director Strategy and Growth tabled an Addendum for this item.

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 6:40pm.

Mr Anthony Thorne, King and Campbell, representing the applicant, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Alley/Cusato

That Council:

1. Incorporate changes to the draft Development Control Plan and Draft Koala Plan of Management in relation to Lot 2 DP 1186806 John Oxley Drive to facilitate a dwelling house in the location proposed in the submission from King and Campbell (Attachment 9).
2. Approve the draft *South Lindfield Koala Plan of Management Stage 2 (May 2017)* subject to the changes referred to in response to the submission from the Office of Environment and Heritage in this report, including changes proposed in item 1 above.
3. Submit the revised Koala Plan of Management to the Department of Planning & Environment for the Director, to request that the Minister approve the Koala Plan of Management in accordance with *State Environmental Planning Policy No 44 - Koala Habitat Protection*.
4. As a result of the consideration of submissions, in relation to the Local Environmental Plan part of the Planning Proposal, proceed with the draft LEP

maps:

as included in the second exhibition, including:

- (a) Land Zoning Map - Zone R1 General Residential for the land to be zoned Residential
- (b) Floor Space Ratio Map - 1:1 Floor Space Ratio for the land to be zoned R1 General Residential
- (c) Height of Buildings Map - for the land to zoned R1 General Residential, apply a 11.5 m height limit except for a 20m wide strip on the eastern boundary, where the height limit is to be 8.5 m

and with the omission of the proposed 5m wide E2 Environmental Conservation buffer on No 1 Lindfield Park Road, Port Macquarie.

5. Subject to approval under Item 3 above, take the necessary steps under sections 58 and 59 of the *Environmental Planning and Assessment Act 1979* to finalise *Local Environmental Plan 2011 (Amendment No 39)*.
6. Adopt *Port Macquarie-Hastings Development Control Plan 2013 (Amendment No 9)*, including changes proposed in item 1 above, to commence upon the date of commencement of *LEP 2011 (Amendment No 39)*.
7. Delegate authority to the General Manager to enter into and execute the six South Lindfield Urban Release Area Planning Agreements under Section 93F of the *Environmental Planning and Assessment Act 1979* between Port Macquarie-Hastings Council and:
 - (a) BaptistCare NSW & ACT
 - (b) Busways East Pty Ltd, Bhaajayu Pty Ltd, South Pty Ltd and Galbrock Pty Ltd
 - (c) Lake Innes Residential Pty Ltd
 - (d) Nigel Bruce Mann, Patricia Marie Mann, Phillip John Mann, Johanna Elizabeth Mann, Philip J Pye, and Brett Christian Pye
 - (e) Geoffrey Raymond Priest, Rene Carleton Patat as trustees for Scribbly Gums Superannuation Fund, and Scribbly Gums Holdings Pty Ltd
 - (f) Ross Wayne Ramm and Jennifer Maree Ramm.
8. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 06:51pm.

09.01 JOINT ORGANISATION OF MID NORTH COAST COUNCILS

RESOLVED: Turner/Cusato

That Council defer this item to the March 2018 Ordinary Council Meeting.

CARRIED: 8/0

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

AGAINST: Nil

09.02 2017 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

RESOLVED: Levido/Alley

That Council note the information contained in the 2017 Local Government NSW Annual Conference report.

CARRIED: 8/0

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

AGAINST: Nil

09.03 INVITATION TO JOIN REGIONAL CITIES NSW

RESOLVED: Intemann/Hawkins

That Council:

1. Note the information contained within the Invitation to Join Regional Cities NSW report.
2. Note that the Deputy Mayor and the General Manager will attend a meeting of the Inland Forum in Sydney on 1 March in an effort to understand the benefits or otherwise of accepting the invitation to join Regional Cities NSW.
3. Request the General Manager table a report at the 21 March 2018 Council meeting detailing relevant information and outcomes of the Inland Forum meeting in Sydney, in order for Council to give further consideration to joining Regional Cities NSW.

CARRIED: 8/0

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

AGAINST: Nil

09.04 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Councillor Alley left the meeting, the time being 7:13pm.

RESOLVED: Levido/Griffiths

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

CARRIED: 7/0

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

AGAINST: Nil

09.05 DISCLOSURE OF INTEREST RETURN

RESOLVED: Cusato/Griffiths

That Council note the Disclosure of Interest returns for the following positions:

1. Chief Financial Officer
2. Bushland Management Co-ordinator
3. Arborist
4. Invasive Weeds Officer

CARRIED: 7/0

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

AGAINST: Nil

Councillor Alley returned to the meeting, the time being 7:14pm.

09.06 FINANCIAL SUSTAINABILITY OF COUNCIL AND AN UPDATE ON THE NSW PERFORMANCE MEASUREMENT FRAMEWORK

RESOLVED: Hawkins/Griffiths

That Council:

1. Note the information in the Financial Sustainability of Council and an Update on the NSW Performance Measurement Framework report.
2. Request the General Manager to engage UTS:CLG to update the Financial Sustainability Report with 2016/2017 data.
3. Request the General Manager to develop internally a Communications Plan on the key messages outlined in this report.

CARRIED: 8/0

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

AGAINST: Nil

09.07 COUNCIL FINANCIAL RESERVES REVIEW

RESOLVED: Hawkins/Alley

That Council:

1. Note the information in the Council Financial Reserves Review Report.
2. Request the General Manager to develop internally a Communications Plan on the key messages outlined in this report.

CARRIED: 8/0

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

AGAINST: Nil

09.08 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT

RESOLVED: Hawkins/Cusato

That Council note the information contained in the Financial Impact of Cost Shifting From Other Levels of Government report.

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

09.09 QUARTERLY BUDGET REVIEW STATEMENT

RESOLVED: Cusato/Hawkins

That Council note the Quarterly Budget Review Statement for the December 2017 quarter.

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

09.10 MONTHLY FINANCIAL REVIEW FOR JANUARY 2018

RESOLVED: Hawkins/Alley

That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for January 2018.

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

09.11 INVESTMENTS - DECEMBER 2017

RESOLVED: Levido/Cusato

That Council note the Investment Report for the month of December 2017.

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

09.12 INVESTMENTS - JANUARY 2018

RESOLVED: Alley/Hawkins

That Council note the Investment Report for the month of January 2018.

CARRIED: 8/0

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

AGAINST: Nil

09.13 2017-2018 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 31 DECEMBER 2017

RESOLVED: Turner/Alley

That Council note the 2017-2018 Operational Plan - Quarterly Progress Report as at 31 December 2017.

CARRIED: 8/0

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

AGAINST: Nil

09.14 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS

RESOLVED: Alley/Levido

That Council:

1. Note the information provided in the Glasshouse Biennial Report and Update on Strategic Plan Recommendations report.
2. Request that the August report for each year contain previous year comparisons of "Glasshouse Operating Deficit" dating back to 2012.

CARRIED: 8/0

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

AGAINST: Nil

09.15 REQUEST TO NAME A CROWN RESERVE - PEACH GROVE, LAURIETON

RESOLVED: Turner/Dixon

That Council request the General Manager to consider the application to name a Crown Reserve at Peach Grove Laurieton in accordance with Council's current adopted Naming and Renaming of Reserves Policy.

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

09.16 DIGITAL TECHNOLOGY PROJECT STATUS

RESOLVED: Hawkins/Dixon

That Council note the information contained in the Digital Technology Project Status report.

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

09.17 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Levido/Turner

That Council note the Development Activity and Assessment System Performance report for the second quarter of 2017-2018.

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

09.18 SALE OF CLOSED ROAD ADJOINING 112 DIAMOND HEAD ROAD, DUNBOGAN

RESOLVED: Levido/Dixon

That Council:

1. Sell Lot 2 Deposited Plan 1236595 to the owner of 112 Diamond Head Road, Mr Clive Bowmaker, for the amount of \$30,000 (excluding GST).
2. Pursuant to Section 377 of the Local Government Act 1993, delegate authority to the General Manager to sign:
 - a) the Contract for the Sale of Land; and
 - b) the Land Registry Services Transfer Form.

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

**10.01 QUESTION FROM PREVIOUS MEETING - PUBLIC ART - PORT
MACQUARIE TOWN SQUARE**

RESOLVED: Turner/Levido

That Council note the information contained in the Question from Previous Meeting – Public Art – Port Macquarie Town Square report.

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

**10.02 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-
COMMITTEE - DECEMBER 2017**

RESOLVED: Intemann/Levido

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

1. Harrison Northey be granted the amount of \$200.00 to assist with the expenses he would have incurred travelling to and competing at the NSW State Age Swimming Championships 13 – 18 years at SOPAC - Homebush, Sydney from 15 – 20 December 2017 inclusive.

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

Item - 10.03 Lake Cathie Foreshore Master Plan - has been moved to another part of the document.

10.04 TASTINGS ON HASTINGS

MOTION

MOVED: Cusato/Dixon

That Council:

1. Note the information contained in the report regarding the Tastings on Hastings 2017 event.
2. Not deliver the Tastings on Hastings event for 2018 to allow a comprehensive review to be undertaken on the long term future of the event.
3. Request the General Manager undertake a comprehensive review of the Tastings on Hastings event, including its overall objectives, costs, delivery methods and any other aspects of the event considered worthy of review.
4. Request the General Manager provide Councillors with a briefing on this matter in July 2018, and present a report to Council prior to the end of 2018 in order for Council to be able to make a decision about the long term future of the Tastings on Hastings event prior to 2019.

AMENDMENT

MOVED: Turner/Hawkins

That Council defer consideration of this item until the April 2018 Council Meeting to allow consultation with stakeholders to take place.

CARRIED: 6/2

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

AGAINST: Cusato and Dixon

THE AMENDMENT BECAME THE MOTION AND WAS PUT

RESOLVED: Turner/Hawkins

That Council defer consideration of this item until the April 2018 Council Meeting to allow consultation with stakeholders to take place.

CARRIED: 8/0

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

AGAINST: Nil

10.05 JOHN OXLEY MEMORIAL

RESOLVED: Turner/Hawkins

That Council:

1. Note that the John Oxley memorial that was removed in November 2017 will be reinstated to its original position with improved pedestrian access.
2. Commence the process to have the John Oxley memorial added to the Port Macquarie-Hastings LGA Heritage Register.
3. Note the information in the John Oxley Memorial report which outlines a program of works proposed for the development of a new, additional, John Oxley memorial to commemorate 200 years since his expedition.
4. Forward this proposal to the Bicentenary Working Group to consider alongside other potential bicentenary activities.

CARRIED: 8/0

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

AGAINST: Nil

12.01 DA2017 - 336.1 BOUNDARY ADJUSTMENT BETWEEN TWO EXISTING TORRENS TITLE LOTS, RESIDENTIAL FLAT BUILDING AND CAFE WITH ASSOCIATED STRATA TITLE SUBDIVISION INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 201 - LOT 167 DP 1229250, LOT 229 DP 1235792 SEASIDE DRIVE AND SURFERS DRIVE, LAKE CATHIE

Councillor Hawkins left the meeting, the time being 8:20pm.

RESOLVED: Cusato/Dixon

That the determination of DA 2017 – 336.1 for a boundary adjustment between two existing torrens title lots, residential flat building and cafe with associated strata title subdivision including Clause 4.6 objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 167 DP 1229250 & Lot 229 DP 1235792 Seaside & Surfiers Drive, Lake Cathie be noted.

CARRIED: 7/0

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

AGAINST: Nil

**12.02 DA2017 - 455.1 RESIDENTIAL SUBDIVISION (10 LOTS) INCLUDING
CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF THE
PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT
LOT 65 DP1226839, SHORE BREAK CRESCENT, LAKE CATHIE**

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 8:20pm.

Councillor Hawkins returned to the meeting, the time being 08:23pm.

RESOLVED: Cusato/Griffiths

That DA2017 – 455.1 for a Residential Subdivision (10 Lots) including Clause 4.6 Objection to Clause 4.1 (Minimum Lot Size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 65, DP 1226839, Shore Break Crescent, Lake Cathie, be determined by granting consent subject to the recommended conditions.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 8:24pm.

**12.03 DA2017 - 641.1 MULTI DWELLING HOUSING AND TORRENS TITLE
SUBDIVISION INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3
(HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF
THE PORT MACQUARIE - HASTINGS LOCAL ENVIRONMENTAL PLAN
2011 AT LOTS 228 & 229 DP 1235792, SURFERS DRIVE, LAKE CATHIE**

RESOLVED: Griffiths/Turner

That the determination of DA2017 – 641.1 for Multi Dwelling Housing and Torren Title Subdivision including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lots 228 & 229, DP 1235792, Surfers Drive, Lake Cathie, be noted.

CARRIED: 8/0

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

AGAINST: Nil

12.04 DA2017 - 712.1 DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDING) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 6 DP 1069338, NO 22 THE ANCHORAGE PORT MACQUARIE

Councillor Levido declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:25pm.

RESOLVED: Cusato/Hawkins

That the determination of DA2017 – 712.1 for a dwelling including clause 4.6 variation to clause 4.3 (Height of Building) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 6, DP 1069338, No. 22 The Anchorage, Port Macquarie, be noted.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 08:25pm.

12.05 DA2017 - 1063.1 DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDING) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 2 SECTION K DP25923, NO 1512 OCEAN DRIVE, LAKE CATHIE

RESOLVED: Dixon/Alley

That DA 2017 – 1063.1 for the demolition of existing dwelling and construction of new dwelling including clause 4.6 variation to clause 4.3 (Height of Building) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 2 Section K, DP25923, No 1512 Ocean Drive Lake Cathie be noted.

CARRIED: 8/0

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

AGAINST: Nil

Item - 12.06 Planning Proposal - South Lindfield Urban Release Area - Post Exhibition Review of Submissions - has been moved to another part of the document.

**12.07 PLANNING PROPOSAL - 2017 ADMINISTRATIVE REVIEW OF PORT
MACQUARIE-HASTINGS LEP 2011**

RESOLVED: Hawkins/Alley

That Council:

1. Prepare a Planning Proposal pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to the 6 Issues as generally described in this report.
2. Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.
3. Request that the Secretary of the Department of Planning & 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.

CARRIED: 8/0

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

AGAINST: Nil

**12.08 PLANNING PROPOSAL ADMINISTRATIVE REVIEW - PORT MACQUARIE-
HASTINGS LEP 2011 (AMENDMENT NO 29) - CONSIDERATION OF
SUBMISSIONS**

RESOLVED: Alley/Hawkins

That Council:

1. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 29) as attached.
2. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

CARRIED: 8/0

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

AGAINST: Nil

12.09 RAINBOW BEACH CENTRAL CORRIDOR PLANNING AGREEMENT 2017

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 8:30pm.

RESOLVED: Cusato/Dixon

That Council enter into and execute the Rainbow Beach Central Corridor Planning Agreement 2017.

CARRIED: 7/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann and Turner
AGAINST: Nil

Councillor Levido returned to the meeting, the time being 08:30pm.

12.10 GORDON STREET CAR PARKING WORKS IN KIND AGREEMENT

RESOLVED: Intemann/Turner

That Council:

1. Approve the application to undertake Works in Kind involving construction of public car parking at the Gordon Street Car Park, Port Macquarie subject to the applicant entering into a formal Works in Kind Agreement.
2. Pursuant to Section 55(3)(i) of the Local Government Act 1993, not invite tenders for the construction of the Works in Kind in Item 1, due to extenuating circumstances, as described in this report.
3. Delegate authority to the General Manager to enter into and execute the Works in Kind Agreement in Item 1.

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

12.11 OPEN SPACE CONTRIBUTIONS PLAN

RESOLVED: Levido/Griffiths

That Council place the Draft Open Space Contributions Plan 2018 on public exhibition from 1 March 2018 until 11 April 2018.

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

12.12 LONG FLAT VILLAGE SEWER SCHEME - CLASSIFICATION OF LAND RECENTLY ACQUIRED BY COUNCIL

RESOLVED: Levido/Griffiths

That Council classify Lot 1 DP1236961 (5076 Oxley Highway, Long Flat) as operational land.

CARRIED: 8/0

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

AGAINST: Nil

12.13 COMBOYNE VILLAGE SEWERAGE SCHEME - ACQUISITION OF AN EASEMENT TO DRAIN SEWAGE

RESOLVED: Levido/Cusato

That Council:

1. Pay compensation in the amount of \$22,700 (GST exclusive) to the owners of Lot 2 DP860838, D & AM McMillan, for the acquisition of an easement to drain sewage 3 metres wide as depicted (A) in DP1234841.
2. Request the General Manager to instruct Marsdens Law Group to sign the Land Registry Services Transfer Granting Easement Form on behalf of Council.

CARRIED: 8/0

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

AGAINST: Nil

12.14 LAKE CATHIE DREDGING - RESCUING OUR WATERWAYS GRANT

RESOLVED: Dixon/Turner

That Council:

1. Note the information contained within the Lake Cathie Dredging – Rescuing our Waterways Grant Report
2. Re-allocate \$53,000 of funding from the Maintenance of 4WD Access Points Reserve for use in dredging of Lake Cathie
3. Accept the grant from the Department of Industries – Lands and supplement the balance of Council's required project contribution from the following funding sources:
 - a) Lake Cathie Dredging Reserve.
 - b) Floodplain Management Strategy.
 - c) Climate Change Strategy.
 - d) Riparian Vegetation.

CARRIED: 8/0

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

AGAINST: Nil

12.15 NOTICE OF MOTION - PORT MACQUARIE FLAGSTAFF

RESOLVED: Turner/Levido

That Council:

1. Recognise that the Port Macquarie flagstaff is an important cultural and heritage asset that directly relates to the maritime history of one of the first ports established on mainland Australia following European settlement.
2. Request the General Manager table a report at the April 2018 Ordinary Council meeting outlining the process required to enable the clearing of the overgrown vegetation surrounding the flagstaff, so that the entire crest of the hill, including the flagstaff structure, is visible from town beach.

CARRIED: 8/0

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

AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/Dixon

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 14.01 T-17-50 Digitisation of Micrographic Material

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 14.02 T-17-53 Organisational Wide Customer Interactions Review

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8:35pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 8:41pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/Levido

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

Item 14.01 T-17-50 Digitisation of Micrographic Material

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. Accept the tender from Australian Data Storage Pty Ltd t/as Gosford Micrographics for \$122,207 (exclusive of GST) for the conversion of micrographic material to PDF/A documents (Part A).
2. In accordance with the Local Government (General) Regulations 2005 clause 178 (1) (b), decline to accept any of the tenders submitted for the import of PDF/A documents into Council's EDRMS (Part B).
3. In accordance with the Local Government (General Regulations) 2005 clause 178 (3) (e) enter into negotiations 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 for the import of PDF/A documents into Council's EDRMS (Part B).
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and considerations in respect of tender T-17-50.

Item 14.02 T-17-53 Organisational Wide Customer Interactions Review

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. Defer consideration of Tender T-17-53 Organisational Wide Customer Interactions until the 21 March 2018 Council meeting.
2. Request the General Manager provide a briefing to Councillors on the proposed Organisational Wide

-
- Customer Interactions Review prior to the 21 March 2018 Council meeting.
3. Maintain the confidentiality of the documents and considerations in respect of tender T-17-53 Organisational Wide Customer Interactions.

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

The meeting closed at 8:42pm.

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Peta Pinson
Mayor