
PRESENT

Members:

Councillor Peta Pinson (Mayor)
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:

Acting General Manager (Rebecca Olsen)
Acting Director Corporate Performance (Adam Holthouse)
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 Officers (Bronwyn Lyon/Gai Lazarides)
Communications Manager (Andy Roberts)

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

Peter Charles, Assistant Minister from the Presbyterian Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

The Mayor acknowledged Robyn Sparks for her 10 year attendance at Council meetings.

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Hawkins

That the Minutes of the Ordinary Council Meeting held on 18 April 2018 be confirmed.

CARRIED: 8/1

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

AGAINST: Griffiths

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.11 - Section 4.55 Modification DA2010 - 577.4 - Modification To Subdivision Lot Layout Including Addition Of One (1) Torrens Title Lot - Lot 2 DP 1231106, No. 72 Lorne Road, Kendall, 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 Non-Pecuniary, Significant Interest in Item 14.06 - Section 4.55 Modification DA2010 - 577.4 - Modification To Subdivision Lot Layout Including Addition Of One (1) Torrens Title Lot - Lot 2 DP 1231106, No. 72 Lorne Road, Kendall, 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 Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 09.06 - Mid North Coast Regional Equestrian Centre, the reason being that Councillor Intemann is the honorary Patron of the Port Macquarie Pony Club which is mentioned in the report as a potential user of the proposed facility.

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 12.05 - Planning Proposal: Bundaleer Aged Care Centre, 4-8 Johnstone Street and 67 High Street, Wauchope, the reason being that Councillor Intemann is a Director of the Hastings Cooperative Limited, the Chair of which is a member of the Board of Bundaleer Care Services.

Councillor Intemann declared a Pecuniary Interest in Item 12.06 - Planning Proposal: Proposed Highway Service Centre, 1179 Oxley Highway, Sancrox, the reason being that Councillor Intemann is a Director of Hastings Cooperative Ltd which operates service stations on the Oxley Highway in Wauchope about 10kms from the location of the proposal.

Councillor Pinson declared a Pecuniary Interest in Item 14.06 - T-18-02 Southern Arm Trunk Main Cowarra Balance Tank to Pacific Highway, the reason being that Councillor Pinson owns a company known as Stabilcorp which has occasional business dealings with one of the tenderers.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That the Mayoral Discretionary Fund allocations for the period 5 April to 1 May 2018 inclusive be noted.

CARRIED: 9/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Dixon

That Council determine that the attachments to Item Numbers 9.08 and 11.01 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 9/0

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

AGAINST: Nil

08 PUBLIC FORUM

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

1. Mr Paul Jones regarding Water Fluoridation Update Report 18/04/18
2. Mr Peter Newman regarding 2018-19 Operational Plan – Kew Main Street Plan.

RESOLVED: Cusato/Dixon

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

CARRIED: 9/0

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

AGAINST: Nil

08.01 WATER FLUORIDATION UPDATE REPORT 18/04/18

Mr Paul Jones, Citizens Against Fluoridation Inc, addressed Council in regard to the Water Fluoridation Update Report 18/04/18 and answered questions from Councillors.

08.02 2018-19 OPERATIONAL PLAN – KEW MAIN STREET PLAN

Mr Peter Newman, Kew Business Community Group addressed Council in regard to the 2018-19 Operational Plan – Kew Main Street Plan.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

Item 12.01 – Mr Fred O’Toole in opposition of the recommendation.

Item 12.05 – Mr Gareth Norman in opposition of the recommendation.

Item 12.05 – Ms Michelle Love in opposition of the recommendation.

Item 12.06 – Mr Michael Mowle in support of the recommendation.

Item 12.10 – Mr Teale Bryan in support of the recommendation.

Item 12.11 – Mr Michael Mowle in support of the recommendation.

RESOLVED: Cusato/Dixon

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Hawkins/Turner

That Standing Orders be suspended to allow items 12.01, 12.05, 12.06, 12.10, 12.11 to be brought forward and considered next.

12.01 NOTICE OF ALTERATION OF A MOTION - PETITION - REQUEST FOR OCEAN TIDAL POOL IN PORT MACQUARIE

Mr Fred O'Toole, Port Macquarie Tidal Pool Committee Inc, addressed Council in opposition of the recommendation. Councillor Levido clarified his Alteration of Motion.

RESOLVED: Turner/Cusato

That Council alter the "12.02 – Notice of Motion – Request for Ocean Tidal Pool in Port Macquarie" adopted at the April 2018 Ordinary Council meeting to:

That Council:

1. Note the 2016 petition for an ocean tidal pool in Port Macquarie resubmitted to the Mayor by the Port Macquarie Tidal Pool Committee Incorporated.
2. Note the petition received by the Mayor from Jenny Broughton in March 2018 in favour of an ocean tidal pool in Port Macquarie.
3. Note that an ocean tidal pool in Port Macquarie is not a priority for Council.
4. Request the two petitions be considered by Council as public submissions to the 2018-19 Operational Plan.
5. Encourage the Port Macquarie Tidal Pool Committee Incorporated to make any future requests, submissions and grant applications through Council's recognised engagement processes to ensure that the competing priorities of all volunteer and community groups in our area receive appropriate and equal consideration by Council.
6. Noting that as any development of an Ocean Tidal Pool would require consent from the landowner (in this case the Crown) as part of any future Development Application, request the General Manager seek advice from the Department of Industry Crown Lands as to the Crown's position regarding the construction of new ocean tidal pools and what information the Crown would require in order to be able to consider giving land owner's consent to such a proposal being lodged.

CARRIED: 6/3

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

AGAINST: Alley, Griffiths and Pinson

12.05 PLANNING PROPOSAL: BUNDALEER AGED CARE CENTRE, 4-8 JOHNSTONE STREET AND 67 HIGH STREET, WAUCHOPE

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in this matter and remained in the room during the Council's consideration.

Mr Gareth Norman, Bundaleer Care Services, addressed Council in opposition of the recommendation and answered questions from Councillors.

Ms Michelle Love, Love Project Management, addressed Council in opposition of the recommendation and answered questions from Councillors.

MOTION

MOVED: Intemann/Alley

That Council:

3. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 to permit development of the land for the purpose of residential care facilities to exceed the maximum height of building and maximum floor space ratio controls applying to land in Wauchope, as follows:
 - a) In respect to Lot 1 DP 603483, 4-8 Johnstone St:
 - i) maximum height of 11.5m for the area labelled "A" and 14.5m to the area labelled "B" shown in Figure 17 of this report
 - ii) maximum floor space ratio of 1.30:1,
 - b) In respect to Lot A DP 157092, being 67 High St:
 - i) maximum height of 11.5m for the area labelled "A" in Figure 17 of this report,
 - ii) maximum floor space ratio of 1.00:1.
 - c) The flexibility provisions of Clause 4.6 Exceptions to development controls, and 5.6 Architectural roof features, will not apply to the additional permitted height limits.
4. Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.
5. Prepare a draft Development Control Plan in respect to the land, and exhibit concurrently with the Planning Proposal, incorporating the provisions described in the report.
6. 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 3.36 of the Act in respect of the Planning Proposal.
7. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Section 3.34 Gateway Determination, prior to public exhibition of the proposal.
8. Undertake community consultation in accordance with the Gateway Determination.
9. Receive a report following the public exhibition period to demonstrate

compliance with the Gateway Determination and to assess any submissions received.

AMENDMENT

MOVED: Turner/Hawkins

That Council:

1. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 to permit development of the land for the purpose of residential care facilities to exceed the maximum height of building and maximum floor space ratio controls applying to land in Wauchope being Lot 1 DP 603483, 4-8 Johnstone St and Lot A DP 157092, 67 High St, as follows:
 - a) maximum height of 14.5m for the area shown blue in Figure 4 of this report
 - b) maximum floor space ratio of 1.4:1
2. Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 3.34 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 3.36 of the Act in respect of the Planning Proposal.
4. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Section 3.34 Gateway Determination, prior to public exhibition of the proposal.
5. Undertake community consultation in accordance with the Gateway Determination.
6. Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.

CARRIED: 6/3

FOR: Cusato, Dixon, Griffiths, Hawkins, Pinson and Turner

AGAINST: Alley, Intemann and Levido

THE AMENDMENT BECAME THE MOTION AND WAS PUT

RESOLVED: Turner/Hawkins

That Council:

1. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 to permit development of the land for the purpose of residential care facilities to exceed the maximum height of building and maximum floor space ratio controls applying to land in Wauchope being Lot 1 DP 603483, 4-8 Johnstone St and Lot A DP 157092, 67 High St, as follows:
 - a) maximum height of 14.5m for the area shown blue in Figure 4 of this report
 - b) maximum floor space ratio of 1.4:1

-
2. Forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination pursuant to section 3.34 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 3.36 of the Act in respect of the Planning Proposal.
 4. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Section 3.34 Gateway Determination, prior to public exhibition of the proposal.
 5. Undertake community consultation in accordance with the Gateway Determination.
 6. Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.

CARRIED: 6/3

FOR: Cusato, Dixon, Griffiths, Hawkins, Pinson and Turner

AGAINST: Alley, Intemann and Levido

12.06 PLANNING PROPOSAL: PROPOSED HIGHWAY SERVICE CENTRE, 1179 OXLEY HIGHWAY, SANCROX

Councillor Intemann declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 07:23pm.

Councillor Cusato left the meeting, the time being 07:23pm.

Councillor Cusato returned to the meeting, the time being 07:25pm.

Mr Michael Mowle, Hopkins Consultants, addressed Council in support of the recommendation.

RESOLVED: Alley/Cusato

That Council:

1. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011 to permit development of Lot 11 DP 1029846, 1179 Oxley Highway, Sancrox:
 - a) To permit development for the purpose of a Highway Service Centre, including ancillary hotel or motel accommodation for heavy vehicle drivers, and
 - b) to permit subdivision to excise the Highway Service Centre from the balance of the site, despite the minimum lot size provisions.
 - c) To permit subdivision, following construction of the Highway Service Centre, without being subject to the minimum lot size shown in the lot size map.
 - d) To retain a dwelling entitlement on the residue lot.
2. Forward the Planning Proposal to the NSW Department of Planning and

Environment requesting a Gateway Determination pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979, upon:

- a) Satisfactory arrangements being demonstrated by the Applicant for a coordinated access point from the proposed highway service centre to the Oxley Highway, which can service the southern and northern gateway sites and Billabong Drive, and
 - b) Written advice being received from the Roads and Maritime Services that the proposed highway service centre can be safely and efficiently integrated into the Pacific and Oxley Highways, and
 - c) Satisfactory arrangements being in place for the connection of the site to reticulated sewer.
3. Request the General Manager facilitate a meeting between the Applicant, their traffic consultants and Roads and Maritime Services, to discuss the resolution of transport planning issues associated with the Planning Proposal, including the location and design of access from the Highway Service Centre to the Oxley Highway.
 4. 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 3.36 of the Act in respect of the Planning Proposal.
 5. Delegate authority to the General Manager to prepare a planning proposal in accordance with this report and to make any minor amendments to the Planning Proposal as a result of the Section 3.34 Gateway Determination, prior to public exhibition of the proposal.
 6. Undertake community consultation in accordance with the Gateway Determination.
 7. Prepare a draft Development Control Plan, in respect to the land and the northern Gateway site, incorporating provisions described in this report accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000.
 8. Receive a further report providing details of proposed amendments to the Development Control Plan for approval prior to the Planning Proposal and draft Development Control Plan being exhibited concurrently.
 9. Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.

CARRIED: 8/0

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

AGAINST: Nil

Deputy Mayor Intemann returned to the meeting, the time being 07:30pm.

12.10 DA2017 - 1084.1 CLUBHOUSE - LOT 7054 DP 1074173, NO. 12 MARITIME LANE (OXLEY OVAL), PORT MACQUARIE

Councillor Hawkins left the meeting, the time being 07:31pm.

Councillor Hawkins returned to the meeting, the time being 07:32pm.

Mr Teale Bryan, Vikings and Cricket, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Cusato

That DA 2017 – 1084.1 for a clubhouse at Lot 7054, DP 1074173, No. 12 Maritime Lane (Oxley Oval), Port Macquarie, be determined by granting consent subject to the recommended conditions, with the following amendment:

10. Amend condition C5 to read: '(C195) Prior to removal of the 2 Norfolk Pines, written confirmation is to be obtained from Council's Director Development and Environment that satisfactory arrangements are in place for the provision of offset plantings of Norfolk Pines at a ratio of 2:1 (i.e. 4 replacement trees).'

CARRIED: 9/0

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

AGAINST: Nil

**12.11 SECTION 4.55 MODIFICATION DA2010 - 577.4 - MODIFICATION TO
SUBDIVISION LOT LAYOUT INCLUDING ADDITION OF ONE (1)
TORRENS TITLE LOT - LOT 2 DP 1231106, NO. 72 LORNE ROAD,
KENDALL**

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 07:39pm.

Mr Michael Mowle, Hopkins Consultants, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Turner

That Section 4.55 modification to DA 2010 - 577 for a modification to subdivision layout including addition of one (1) torrens title lot at Lot 2, DP 1231106, No. 72 Lorne Road, Kendall, be determined by granting the modified consent subject to the recommended conditions.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 07:45pm.

09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Cusato/Alley

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

CARRIED: 9/0

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

AGAINST: Nil

09.02 2018-2019 COUNCILLOR AND MAYORAL FEES

RESOLVED: Intemann/Alley

That in relation to Councillor remuneration for the 2018-2019 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 2018 to be \$19,790.
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 2018 to be \$62,960 (this amount includes the fee payable to a Councillor).

CARRIED: 9/0

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

AGAINST: Nil

09.03 QUARTERLY BUDGET REVIEW STATEMENT

RESOLVED: Hawkins/Pinson

That Council note the Quarterly Budget Review Statement for the March 2018 quarter.

CARRIED: 9/0

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

AGAINST: Nil

09.04 INVESTMENTS - APRIL 2018

RESOLVED: Alley/Intemann

That Council:

1. Note the Investment Report for the month of April 2018.
2. Request the General Manager to provide a briefing to councillors on floating rate notes (FRN) with particular attention to primary and secondary markets, risk analysis and price determination.

CARRIED: 9/0

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

09.05 MONTHLY FINANCIAL REVIEW FOR APRIL 2018

RESOLVED: Hawkins/Alley

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

CARRIED: 9/0

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

09.06 MID NORTH COAST REGIONAL EQUESTRIAN CENTRE

Councillor Hawkins left the meeting, the time being 07:53pm.

Councillor Hawkins returned to the meeting, the time being 07:56pm.

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in this matter and remained in the room during the Council's consideration.

RESOLVED: Intemann/Pinson

That Council:

1. Note the request from the Camden Haven Pastoral Agricultural Horticultural & Industrial Society for a financial contribution in support of their Regional Sports Infrastructure Fund application for construction of The Mid North Coast Regional Equestrian Centre.
2. Provide support of \$25,000 to the Camden Haven Pastoral Agricultural Horticultural & Industrial Society should their grant application under the Regional Sports Infrastructure Fund be successful.
3. Confirm that the proposal represents a significant community and public benefit and that approval has been given to waive Development Application fees and associated administrative and application fees to an approximate

value of \$11,000.

CARRIED: 8/1

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

AGAINST: Hawkins

09.07 2017-2018 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 31 MARCH 2018

RESOLVED: Griffiths/Dixon

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

CARRIED: 9/0

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

AGAINST: Nil

09.08 PROPERTY INVESTMENT PORTFOLIO - SIX MONTHLY REPORT

RESOLVED: Levido/Hawkins

That Council note the update provided on the Property Investment Portfolio as provided in this report.

CARRIED: 9/0

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

AGAINST: Nil

09.09 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Cusato/Alley

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

CARRIED: 9/0

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

AGAINST: Nil

10.01 2017-2018 COMMUNITY GRANTS PROJECTS FOR ENDORSEMENT

RESOLVED: Pinson/Dixon

That Council:

1. Note the budget available for Community Grants 2017-2018 Round 2 is \$108,388:
2. Pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2017-2018 Round 2 for the total amount of \$69,412 to the following:

Organisation Name	Project	Funding
General:		
Wauchope Patchwork Quilters Incorporated	Defibrillator	\$2,695
Laurieton Men's Shed	Car Hoist	\$8,789
Port Macquarie Women's Shed	Tools and Storage	\$6,000
Telegraph Point Community Association	IT Equipment	\$3,801
Hollisdale Rural Fire Brigade	Shed Extension	\$10,000
Comboyne Community Association	Restumping Museum	\$10,000
Energy Forever	Birpai Solar Project	\$5,846
Port Macquarie JP's	Office resources	\$7,484
	Sub Total:	\$54,615
Place Making Grants:		
Creek to Creek	Seating and Shelter	\$3,297
	Sub Total:	\$3,297
Bicentenary Grants:		
Douglas Vale Conservation Group	Bicentenary Drama	\$500
Bonny Hills Progress Assoc.	Community Event	\$4,000
Hastings District Flying Club	Historical Book	\$2,500
Port Macquarie & District Family History Group	Historical Book	\$2,000
Tacking Point SLC	Historical Book	\$2,000
Friends of Mrs York's Garden	Community Event	\$500
	Sub Total:	\$11,500
	TOTAL:	\$69,412

3. Allocate the remaining funds of \$38,976 to GL 41826 – Bicentenary Activities to assist in developing Bicentenary projects and events to be delivered across the LGA.

CARRIED: 9/0

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

10.02 TRIALLING OF PARKLETS IN THE PORT MACQUARIE TOWN CENTRE

RESOLVED: Hawkins/Alley

That Council:

1. Note the information contained within the Trialling of Parklets in the Port Macquarie Town Centre Report.
2. Support the implementation of a trial for Parklets in the Port Macquarie Town Centre in accordance with the proposed model and processes as outlined in this report.
3. Adopt Funding Option 2 as outlined in this report requiring the Operator to fully fund Parklet construction, installation and maintenance.
4. Request the General Manager provide a future report to Council presenting the outcome of the Parklet trial process for consideration.

CARRIED: 6/3

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

AGAINST: Griffiths, Intemann and Pinson

10.03 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - APRIL 2018

RESOLVED: Pinson/Cusato

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. Ryan Williams in the amount of \$600.00 to assist with the expenses he would have incurred travelling to and competing at the 2018 BMX Australian National Championships held in Bunbury, Western Australia in March 2018.
2. Morgan Jean in the amount of \$600.00 to assist with the expenses he would have incurred travelling to and competing at both the NSWCHS Swimming Championships and the 2018 Georgina Hope Foundation National Age Championships held in Sydney from 8 – 10 April and 21 – 2018 April 2018 respectively.

CARRIED: 9/0

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

AGAINST: Nil

10.04 HASTINGS REGIONAL SPORTS FIELDS - ENGAGEMENT AND PROJECT UPDATE

RESOLVED: Cusato/Dixon

That Council note the Project Update provided below and the Community Engagement Report attached which outlines the methodology undertaken to date through the community engagement process for the Hastings Regional Sports Fields.

CARRIED: 9/0

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

AGAINST: Nil

11.01 EVENT SPONSORSHIP PROGRAM ROUND 2, 2018

RESOLVED: Turner/Hawkins

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 2 2018 in the total amount of \$20,000 to:

Event Name	Sponsorship Recommended
Digital Technology Expo	\$5,000
Beach to Brother Marathon	\$5,000
Elephant Trail Race	\$5,000
Coastal Country Music Festival	\$2,500
Wildwood Music Festival	\$2,500
Total allocated this round	\$20,000

CARRIED: 9/0

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

AGAINST: Nil

11.02 ECONOMIC DEVELOPMENT STRATEGY 2017-2021: SIX MONTHLY REPORT ON PROGRESS

RESOLVED: Turner/Hawkins

That Council note the six monthly progress report on implementation of the 2017-2021 Port Macquarie-Hastings Economic Development Strategy.

CARRIED: 9/0

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

AGAINST: Nil

Item - 12.01 Notice of Alteration of a Motion - Petition - Request for Ocean Tidal Pool in Port Macquarie - has been moved to another part of the document.

12.02 NOTICE OF MOTION - UPGRADE OF PORT MACQUARIE BREAKWALL BY CROWN LAND

RESOLVED: Turner/Cusato

That Council:

1. Note the information contained in the Council report for Item 12.06 from the Ordinary Council Meeting in August 2017
2. Note the continued lack of action by the NSW Department of Industry – Lands & Forestry (Minor Ports) with regard to the planned upgrade to the Port Macquarie Breakwall.
3. Request the General Manager write to the Minister for Lands and Forestry, Mr Paul Toole MP and the Member for Port Macquarie, Mrs Leslie Williams MP, reminding them of the significant community consultation undertaken by Council on the Department's behalf, and requesting the commencement of this long-overdue priority project on behalf of our community.

CARRIED: 9/0

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

AGAINST: Nil

12.03 NOTICE OF MOTION - SHORT STREET PLAZA CAR PARK

RESOLVED: Alley/Intemann

That Council:

1. Note the significance of the Plaza site and adjoining lands and the intent of the Port Macquarie Foreshore Final Vision & Master Plan (2009), the Hastings Regional Crown Reserve Precinct A Plan of Management (2014), Development Control Plan 20 Port Macquarie Town Centre (2009) and Port Macquarie-Hastings Development Control Plan 2013, to support excellence in urban design for this land.
2. Note that Council resolution 12.07 on the 16 August 2017 has not solicited a reply.
3. Request the General Manager to write to Minister Niall Blair in his capacity as the Minister responsible for the Crown Land Estate requesting that under Division 4.2 of the Crown Lands Management Act 2016 No 58, that the Plaza Car Park Site, otherwise known as Lot 701 DP1026899, be vested to Port Macquarie-Hastings Council as operational land, indicating Council's interest to develop the site in accordance with:
 - a) The objectives of the Hastings Regional Crown Reserve – Precinct A, Plan of Management; and
 - b) The outcome of a Community Engagement Plan conducted by Council

-
- relating to the commercial and public activation of this site.
- c) The dedication of the site as a public car park.
4. Attach relevant material to the letter including Council resolutions which directly relate to the site, such as:
- a) Council's Expression of Interest, Item 8.01 Ordinary Council Meeting 4 February 2015 and attachments, which also documents public consultation.
- b) The public petition that accrued approximately 12,700 signatures, noting their concerns regarding the site.
- c) The resolution of the Ordinary Council Meeting 15 July, 2015 under Mayoral Minute which confirms the relevant planning instruments and principles of design which apply.
- d) News article Port Macquarie News, 7 September 2015 which reports the positions of the parties including an undertaking by the Member for Port Macquarie and the Minister for Lands to protect the public car parking spaces by a positive covenant.
- e) Council's letter of 28 September 2015 to the NSW Government asking their intentions for the site.
5. Request the General Manager to write to the Hon Leslie Williams requesting her urgent intervention to end the deadlock on the stalemate with regard to this important community asset.
6. Request the General Manager to schedule a Councillor briefing session after receiving a reply from the Minister to consider options for Council to progress this matter.

CARRIED: 9/0

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

AGAINST: Nil

12.04 HASTINGS RIVER FLOOD STUDY UPDATE

RESOLVED: Intemann/Dixon

That Council:

1. Place on public exhibition the updated Hastings River Flood Study commencing from 28 May 2018 for a minimum of 60 days.
2. Place on public exhibition the revised Port Macquarie-Hastings Council Flood Policy from 28 May 2018 for a minimum of 60 days.
3. Note that a further report is planned to be tabled at the September 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/1

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

AGAINST: Cusato

Item - 12.05 Planning Proposal: Bundaleer Aged Care Centre, 4-8 Johnstone Street and 67 High Street, Wauchope - has been moved to another part of the document.

Item - 12.06 Planning Proposal: Proposed Highway Service Centre, 1179 Oxley Highway, Sancrox - has been moved to another part of the document.

12.07 RECYCLED WASTE

RESOLVED: Turner/Intemann

That Council note the information contained within the report.

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

12.08 DA2017 - 1062.1 - TWO (2) LOT SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 180 DP 1197447 NO. 8 HIGHFIELDS CIRCUIT, PORT MACQUARIE

RESOLVED: Levido/Griffiths

That the determination of DA 2017 – 1062.1 for a two (2) lot subdivision including clause 4.6 variation to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 180, DP 1197447, No. 8 Highfields Circuit, Port Macquarie, be noted.

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

12.09 DA2018 - 112.1 - ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDING) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT A DP 23431, NO.18 TABLE STREET, PORT MACQUARIE

RESOLVED: Levido/Griffiths

That the determination of DA 2018 – 112.1 for alterations and additions to dwelling including clause 4.6 variation to clause 4.3 (height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot A DP 23431, No. 18 Table Street, Port Macquarie, be noted.

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

Item - 12.10 DA2017 - 1084.1 Clubhouse - Lot 7054 DP 1074173, No. 12 Maritime Lane (Oxley Oval), Port Macquarie - has been moved to another part of the document.

Item - 12.11 Section 4.55 Modification DA2010 - 577.4 - Modification To Subdivision Lot Layout Including Addition Of One (1) Torrens Title Lot - Lot 2 DP 1231106, No. 72 Lorne Road, Kendall - has been moved to another part of the document.

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 Property Purchase by Sewer Fund

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 14.02 Property Purchase by Property Reserve

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 14.03 Council Owned Land in William Street Port Macquarie (PIN 34119)

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 14.04 T-18-04 Supply and Delivery of Chemicals

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 14.05 T-18-06 Invasive weed control, vegetation management for bushfire Works and Feral Animal Management Services

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 14.06 T-18-02 Southern Arm Trunk Main Cowarra Balance Tank to Pacific Highway

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: 9/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.55pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 9.12pm

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Levido/Alley

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

Item 14.01 Property Purchase by Sewer Fund

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. Submit an offer within the adopted value range nominated by Council's Consulting Valuer for the purchase of Lot 13 DP1139180 (Fernbank Creek Road).
2. Subject to the outcome of resolution 1 above:
Delegate to the General Manager authority to:
 - a. Sign the Contract for Sale
 - b. Sign the letter to Revenue NSW seeking an exemption from the payment of Stamp Duty
 - c. Sign the Revenue NSW Purchaser Declaration Form
 - d. Sign the Land Registry Services Transfer Form
 - e. Sign any of the above or additional forms, either by hand or electronically, that may be required with the introduction of a conveyancing from 1 July 2018
3. Utilise Council's Sewer Fund to complete this acquisition should Council's offer be accepted
4. On completion of the purchase of Lot 13 DP1139180, pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 13 DP1139180 as "operational" land by placing on exhibition for minimum of 28 days the proposed resolution " it is intended to classify Lot 13 DP1139180 (land on Fernbank Creek Road) as operational land."
5. Note that a further report will be tabled to Council detailing any submissions received from the public during the exhibition period.

Item 14.02 Property Purchase by Property Reserve

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. Submit an Expression of Interest within the adopted value range nominated by Council's Consulting Valuer for the purchase of Lot 6 DP31128 (44 John Oxley Drive) and/or Lot 1 DP22077 (46 John Oxley Drive)
2. Subject to the outcome of resolution 1 above:
Delegate to the General Manager authority to:
 - a. Sign the Contracts for Sale
 - b. Sign the letters to Revenue NSW seeking an exemption from the payment of Stamp Duty
 - c. Sign the Revenue NSW Purchaser Declaration Forms
 - d. Sign the Land Registry Services Transfer Forms
 - e. Sign any of the above or additional forms, either by hand or electronically, that may be required with the introduction of a conveyancing from 1 July 2018
3. Utilise Council's Property Reserve to complete this acquisition should Council's offer be accepted.
4. On completion of the purchase of Lot 6 DP31128 and Lot 1 DP22077, pursuant to Section 34 of the Local Government Act

1993, commence the process to classify Lot 6 DP31128 and/or Lot 1 DP22077 as “operational” land by placing on exhibition for minimum of 28 days the proposed resolution “ it is intended to classify Lot 6 DP31128 (44 John Oxley Drive, Port Macquarie) and/or Lot 1 DP22077 (46 John Oxley Drive, Port Macquarie) as operational land.”

5. Note that a further report will be tabled to Council detailing any submissions received from the public during the exhibition period.

Item 14.03 Council Owned Land in William Street Port Macquarie (PIN 34119)

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 information contained in the Council Owned Land in William Street Port Macquarie (PIN 34119) report.
2. Delegate authority to the General Manager to negotiate terms in consideration of legal advice and enter into a Deed of Extension with Gowing Bros Limited, to extend the date for exercise of the Call Option Deed with Gowing Bros Limited for the option to purchase the property, by six (6) months.

Item 14.04 T-18-04 Supply and Delivery of Chemicals

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 tenders from the following suppliers to be appointed to a panel of suppliers for the Supply and Delivery of Chemicals as listed below for a two (2) year period commencing 1 June 2018, with one (1) option to extend for a further one (1) year period, such option to be for the benefit of the Council and may be exercised only by the Council in its sole discretion:
 - a) Air Liquide Australia Limited for the supply of Carbon Dioxide and maintenance of Carbon Dioxide Vessel and Associated Equipment;
 - b) Chemprod Nominees Pty Ltd t/as Omega Chemicals for the supply of Liquid Aluminium Sulphate;
 - c) Ionics Australasia Pty Ltd (A Coogee Chemicals business) t/as Elite Chemicals for the supply of Sodium Hydroxide and Sodium Hypochlorite; and
 - d) IXOM Operations Pty Ltd for the supply of Calcium Nitrate, Hydrated Lime and Hydrofluorosilicic Acid.
2. Accept the Schedule of Rates for the supply and delivery of

chemicals from:

- a) Air Liquide Australia Limited for the supply of Carbon Dioxide and maintenance of Carbon Dioxide Vessel and Associated Equipment;
 - b) Chemprod Nominees Pty Ltd t/as Omega Chemicals for the supply of Liquid Aluminium Sulphate;
 - c) Ionics Australasia Pty Ltd (A Coogee Chemicals business) t/as Elite Chemicals for the supply of Sodium Hydroxide and Sodium Hypochlorite; and
 - d) IXOM Operations Pty Ltd for the supply of Calcium Nitrate, Hydrated Lime and Hydrofluorosilicic Acid.
3. Affix the seal of Council to the necessary documents.
 4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-04.

Item 14.05 T-18-06 Invasive weed control, vegetation management for bushfire Works and Feral Animal Management Services

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 tenders from the following contractors to be appointed to a panel arrangement for the provision of Invasive Weed Control, Vegetation Management for Bushfire Works and Feral Animal Management Services for a two (2) year period commencing 1 June 2018, with one (1) option to extend for a further two (2) year period, such option to be for the benefit of the Council and may be exercised only by the Council in its sole discretion:
 - a) Australian Environmental Services Pty Ltd
 - b) BARRC – Bushland & Rainforest Restoration & Consulting;
 - c) Biodiversity Australia Pty Ltd t/a Naturecall Environmental;
 - d) Gondwana Bush Restoration;
 - e) Guppy Enterprises Pty Ltd t/a Aus Eco Solutions;
 - f) Reconeco Pty Ltd;
 - g) B & T Whitehead t/a Saltair Flora and Fauna; and
 - h) KL Benson & JD McGahey t/a Wild Things Native Gardens.
2. Accept the Schedule of Rates from:
 - a) Australian Environmental Services Pty Ltd
 - b) BARRC – Bushland & Rainforest Restoration & Consulting;
 - c) Biodiversity Australia Pty Ltd t/a Naturecall Environmental;
 - d) Gondwana Bush Restoration;
 - e) Guppy Enterprises Pty Ltd t/a Aus Eco Solutions;
 - f) Reconeco Pty Ltd;
 - g) B & T Whitehead t/a Saltair Flora and Fauna; and
 - h) KL Benson & JD McGahey t/a Wild Things Native Gardens for the provision of Invasive Weed Control, Vegetation Management for Bushfire Works and Feral Animal Management Services.

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3. Affix the seal of Council to the necessary documents
 4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-06.

Item 14.06 T-18-02 Southern Arm Trunk Main Cowarra Balance Tank to Pacific Highway

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 Eire Constructions Pty Ltd for \$2,863,505.00 (exclusive of GST) for the construction of the Southern Arm Trunk Main - Cowarra Balance Tank to Pacific Highway.
2. Accept the Schedule of Rates from Eire Constructions Pty Ltd for the construction of the Southern Arm Trunk Main - Cowarra Balance Tank to Pacific Highway.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-02.

The meeting closed at 9.13pm.

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Peta Pinson
Mayor