
PRESENT**Members:**

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director of Community and Economic Growth (Tricia Bulic)
Director of Corporate and Organisational Services (Rebecca Olsen)
Director of Development and Environment Services (Matt Rogers)
Director of Infrastructure and Asset Management (Jeffery Sharp)
Group Manager Governance and Executive Services (Blair Hancock)
Governance Support Officer (Bronwyn Lyon)
Communication Engagement and Marketing Team Leader (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

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

03 APOLOGIES

RESOLVED: Besseling/Turner

That the apology received from Councillor Michael Cusato be accepted.

CARRIED: 8/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Hawkins

That the Minutes of the Ordinary Council Meeting held on 16 December 2015 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling/Turner

That the Mayoral Discretionary Fund allocations for the period 5 December to 3 February 2016 inclusive be noted.

CARRIED: 8/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Roberts/Griffiths

That Council determine that the attachments to Item Numbers 09.08 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

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

AGAINST: Nil

08 PUBLIC FORUM

Nil.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

Item 13.06 - Mrs Diane Gilbert in support of the recommendation.

RESOLVED: Levido/Roberts

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

CARRIED: 8/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Intemann

That Standing Orders be suspended to allow 13.06 to be brought forward and considered next.

CARRIED: 8/0

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

AGAINST: Nil

13.06 NATIONAL STRONGER REGIONS FUND - FUNDING APPLICATIONS FOR ROUND 3

Mrs Diane Gilbert, representing the Wauchope Heated Indoor Pool Association, addressed Council in support of the recommendation.

RESOLVED: Intemann/Levido

That Council submit an application for Round 3 of the National Stronger Regions Fund for the upgrade of the Wauchope Pool.

CARRIED: 8/0

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

AGAINST: Nil

09.01 STATUS OF OUTSTANDING REPORTS TO COUNCIL

RESOLVED: Intemann/Turner

That the information in the February 2016 Status of Outstanding Reports to Council be noted.

CARRIED: 8/0

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

AGAINST: Nil

09.02 AMENDMENT OF OCEAN DRIVE DUPLICATION STEERING GROUP CHARTER

RESOLVED: Levido/Sargeant

That Council endorse an amendment to the Ocean Drive Duplication Steering Group Charter by the addition of Robyn Wilson, Chief Financial Officer, to the Group, replacing Monika Bretmaisser, Group Manager Financial Services.

CARRIED: 8/0

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

AGAINST: Nil

09.03 DISCLOSURE OF INTEREST RETURN

RESOLVED: Sargeant/Levido

That Council note the Disclosure of Interest returns for:

1. Development Assessment Planner.
2. Building Surveyor.

CARRIED: 8/0

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

AGAINST: Nil

09.04 DELEGATED AUTHORITIES - CERTIFICATE OF IDENTIFICATION ISSUED UNDER THE SWIMMING POOLS ACT 1992

RESOLVED: Griffiths/Turner

That the seal of Council be affixed to the certificates of identification issued under the

Swimming Pools Act 1992, for the following Council staff:

a) Michael Roberts (Building Surveyor)

CARRIED: 8/0

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

AGAINST: Nil

09.05 INVESTMENTS - DECEMBER 2015

RESOLVED: Hawkins/Griffiths

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

CARRIED: 8/0

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

AGAINST: Nil

09.06 INVESTMENTS - JANUARY 2016

RESOLVED: Hawkins/Griffiths

That Council note the Investment Report for the month of January 2016.

CARRIED: 8/0

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

AGAINST: Nil

09.07 GLASSHOUSE QUARTERLY REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS

RESOLVED: Roberts/Griffiths

That Council note the information provided in the report.

CARRIED: 8/0

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

AGAINST: Nil

09.08 QUARTERLY BUDGET REVIEW STATEMENT

RESOLVED: Hawkins/Levido

That Council note the Quarterly Budget Review Statement for the December 2015

quarter.

CARRIED: 8/0

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

AGAINST: Nil

09.09 MONTHLY FINANCIAL REVIEW FOR JANUARY 2016

RESOLVED: Levido/Hawkins

That Council adopt the adjustments in the "Financial Implications" section of the report for January 2016.

CARRIED: 8/0

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

AGAINST: Nil

09.10 2015-2016 OPERATIONAL PLAN QUARTERLY PROGRESS REPORT AS AT 31 DECEMBER 2015.

RESOLVED: Intemann/Hawkins

That Council note the 2015-2016 Operational Plan Quarterly Progress Report as at 31 December 2015.

CARRIED: 8/0

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

AGAINST: Nil

09.11 IPART DRAFT REPORT ON REVIEW OF REPORTING & COMPLIANCE BURDENS ON LOCAL GOVERNMENT

RESOLVED: Hawkins/Intemann

That Council request the General Manager make a submission to the Independent Pricing and Regulatory Tribunal (IPART) on the Review of Reporting and Compliance Burdens on Local Government as detailed in the body of this report.

CARRIED: 8/0

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

AGAINST: Nil

10.01 COMMUNITY EVENT PROGRAM APRIL 2016

RESOLVED: Turner/Levido

That Council notes the proposed program of community events for April 2016. The government programmed weeks are used to highlight social inclusion and participation in community life including Seniors week, Youth Week, Heritage Week, ANZAC Commemorations and Creative Ageing Festival which will form a month long program that encourages community capacity building.

CARRIED: 8/0

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

AGAINST: Nil

11.01 ROAD CLOSURE - PART HAY STREET, PORT MACQUARIE

RESOLVED: Levido/Roberts

That Council:

1. Make application to the Department of Primary Industries - Lands to close that part of Hay Street, Port Macquarie comprising generally the Glasshouse podium and stairs.
2. Request the Department of Primary Industries - Lands vest the closed road in Council as operational land.
3. Affix the Common Seal to:
 - a. Plan of Road Closure and First Title Creation
 - b. Plan of Consolidation of the closed road and Lot 1 DP1140251
4. Delegate to the General Manager authority to sign the Land Titles Office Request Form.

CARRIED: 8/0

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

AGAINST: Nil

11.02 FREE CAMPING MANAGEMENT STRATEGY

RESOLVED: Sargeant/Griffiths

That Council:

1. Note the update on free camping in the Port Macquarie-Hastings region since Council's adoption of the Free Camping Position Statement.
2. Agree to a continuation of the current approach to and monitoring of free camping as per the previously adopted Position Statement.

CARRIED: 8/0

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

AGAINST: Nil

12.01 DA2015 - 643.1 - TWO (2) LOT SUBDIVISION AND CONSTRUCTION OF NEW DWELLING WITH CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) UNDER PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 27 DP 733503, 16-18 WATERVIEW CRESCENT, WEST HAVEN

RESOLVED: Sargeant/Turner

That the determination of DA2015 - 643.1 for a two (2) lot subdivision and construction of new dwelling with Clause 4.6 variation to Clause 4.3 (Height of Buildings) under Port Macquarie Hastings Local Environmental Plan 2011, Lot 27 DP 733503, 16-18 Waterview Crescent, West Haven, be noted.

CARRIED: 8/0

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

AGAINST: Nil

12.02 DA2014 - 227.2 - MODIFICATION TO DWELLING ADDITIONS INCLUDING A CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 371 DP 236950, 43 VENDUL CRESCENT, PORT MACQUARIE

RESOLVED: Hawkins/Sargeant

That the determination of the section 96(1A) modification to DA2014 - 227.2 for dwelling additions including a clause 4.6 objection to clause 4.3 (Height of Buildings) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 371, DP 236950, No. 43 Vendul Crescent, Port Macquarie, be noted.

CARRIED: 8/0

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

AGAINST: Nil

12.03 DA2015 - 612.1 - DWELLING, POOL AND BOAT RAMP INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.4 (FLOOR SPACE RATIO) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - 125 PARK STREET, PORT MACQUARIE

RESOLVED: Griffiths/Turner

That the determination of DA2015 - 612.1 for a dwelling, pool and boat ramp including clause 4.6 objection to clause 4.4 (floor space ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 1156002, No. 125 Park Street, Port Macquarie, be noted.

CARRIED: 8/0

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

AGAINST: Nil

**12.04 DEDICATION OF ENVIRONMENTAL RESIDUE LAND ON LOT 100
DP1211516, 6 CATHIE ROAD PORT MACQUARIE.**

RESOLVED: Sargeant/Intemann

1. That Council accept the offer from Bermuda Breezes Residences Pty Ltd to dedicate the proposed residue environmental land on Lot 100 DP 1211516 to Council.
2. That the Common Seal Of Council be affixed to the linen plan of the subdivision (boundary adjustment)
3. That the General Manager be delegated authority to sign the Contract for the Sale of Land and the Land and Property Information Transfer form.

CARRIED: 7/1

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

AGAINST: Griffiths

**12.05 RECOMMENDED ITEM FROM COAST, ESTUARY AND FLOODPLAIN
ADVISORY SUB-COMMITTEE - NSW GOVERNMENT REFORM
PACKAGE FOR THE MANAGEMENT OF THE NSW COASTLINE**

RESOLVED: Intemann/Turner

That Council make a submission on the Reform Package for the Management of the NSW Coastline in line with the issues identified in the report and the following additional points as identified by the Coast, Estuary and Floodplain Advisory Sub-Committee:

1. Buffer zones proposed in the proposed State Environmental Planning Policy should be able to be reviewed to take climate change effects into consideration.
2. Watson Taylor Lake to be added to the list of sensitive lakes in Schedule 1 of the proposed State Environmental Planning Policy.

CARRIED: 8/0

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

AGAINST: Nil

**13.01 LAND ACQUISITION - UPGRADE OF THE INTERSECTION OF OCEAN
DRIVE AND HOUSTON MITCHELL DRIVE, LAKE CATHIE**

RESOLVED: Hawkins/Sargeant

That Council:

1. Pay compensation in the total amount of \$18,000 (GST Exclusive) to the owners of Lot 34 Deposited Plan 803801, being RTS Super Pty Limited, Stacks Super Pty Limited and TJS Super Pty Limited for the acquisition of that part of Lot 34 Deposited Plan 803801 more specifically described as Lot 3 in registered plan of acquisition, Deposited Plan 1210904.
2. On acquisition of Lot 3 Deposited Plan 1210904 dedicate the land as public road pursuant to Section 10 of the Roads Act 1993.
3. Delegate to the General Manager authority to sign -
 - a. Contract for Sale/Deed of Acquisition
 - b. Land and Property Information Transfer Form.

CARRIED: 8/0

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

AGAINST: Nil

13.02 PROPOSED NAMING OF AN AREA OF OPEN SPACE WITHIN THE SOVEREIGN HILLS LAND RELEASE

RESOLVED: Griffiths/Turner

That Council:

1. Note the content of the submissions received by the Geographical Names Board.
2. Request the Geographical Names Board to continue processing the naming application as Joeys Meadow.

CARRIED: 8/0

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

AGAINST: Nil

13.03 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Griffiths/Roberts

That Council note the Development Activity and Assessment System Performance Report for the second quarter of 2015-2016.

CARRIED: 8/0

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

AGAINST: Nil

13.04 TOWN BEACH NORTH AMENITIES PROJECT UPDATE

RESOLVED: Levido/Turner

That Council:

1. Note the information contained in the report.
2. Proceed to tender for the construction of the Town Beach North Amenity Building as per finalised designs.
3. Fund the additional costs for this project from a combination of S94 and reserve funding.

CARRIED: 8/0

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

AGAINST: Nil

13.05 RECREATIONAL BOATING UPDATE

RESOLVED: Intemann/Sargeant

That Council note the information contained within this report.

CARRIED: 8/0

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

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

14.01 2013 ARRB REPORT

Question from Councillor Intemann:

What is the status of Council's actions in response to the ARRB report of 2013 and where is Council up to in implementing the ARRB recommendations?

Comments by Councillor (if provided):

Nil.

14.02 FAILURE OF NEWLY RECONSTRUCTED SECTION OF WILLIAM STREET EAST, PORT MACQUARIE

Question from Councillor Roberts:

What was the cause of the apparent failure of a newly reconstructed section of William Street east, Port Macquarie, adjacent to the Primary School and Tea

Rooms?

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/Hawkins

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

Item 15.01 EOI-15-10 Lease of Town Beach Kiosk, Town Beach, Port Macquarie, NSW

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, prejudice the commercial position of the person who supplied it.

Item 15.02 Cairncross Waste Collection Truck Depot - Proposal Not To Proceed

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, prejudice the commercial position of the person who supplied it.

Item 15.03 Tender T-15-31 Supply and Delivery of Chemicals

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, prejudice the commercial position of the person who supplied it.

Item 15.04 Tender T-15-65 Landscaping Services

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, prejudice the commercial position of the person who supplied it.

Item 15.05 Stingray Creek Bridge update

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, prejudice the commercial position of the person who supplied it.

3. That the resolutions made by the Council in Confidential Committee of the Whole (Closed Session) be made public as soon as practicable after the

conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

CARRIED: 8/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 6.35pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 6.39pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Roberts/Griffiths

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

Item 15.01 EOI-15-10 Lease of Town Beach Kiosk, Town Beach, Port Macquarie, NSW

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 Expression of Interest submission received from C M & L A Harris for the Lease of Town Beach Kiosk, Port Macquarie NSW.
2. On behalf of the Reserve Trust, finalise the terms of the Lease for an initial term of two (2) years with an option for a further three (3) years, with the Lease commencing from the date of issue of the Occupation Certificate for the upgraded Town Beach Marine Rescue building.
3. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-15-10.

Item 15.02 Cairncross Waste Collection Truck Depot - Proposal Not To Proceed

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 approve Variation 1 in accordance with Section 9 of the General Conditions of Contract of the Waste Collection Services Contract T-13-21 to no longer proceed with the Cairncross Transport Depot.

Item 15.03 Tender T-15-31 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 March 2016 to 28 February 2018 with a further twelve (12) month option available:
 - a) BOC Limited for the supply of Carbon Dioxide and maintenance of Carbon Dioxide Vessel and Associated Equipment;
 - b) Camden Haven Pool Chemicals for the supply of Sodium Hypochlorite;
 - c) IXOM Operations Pty Ltd for the supply of Hydrofluorosilicic Acid and Sodium Hypochlorite;
 - d) Omega Chemicals for the supply of Liquid Aluminium Sulphate;
 - e) Sibelco Australia Limited for the supply of Hydrated Lime.
2. Accept the Schedule of Rates from BOC Limited, Camden Haven Pool Chemicals, IXOM Operations Pty Ltd, Omega Chemicals and Sibelco Australia Limited for the Supply and Delivery of Chemicals.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-31.

Item 15.04 Tender T-15-65 Landscaping 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 the tenders from the following suppliers to be appointed to a panel of suppliers for the Provision of Landscaping Services for a two (2) year period commencing 1 March 2016, with an option to extend for a further one (1) year period:
 - a) BNJ Landscaping Pty Ltd
 - b) Lawrence Outdoor Industries Pty Ltd.
2. Accept the schedule of rates received from BNJ Landscaping Pty Ltd and Lawrence Outdoor Industries Pty Ltd for the provision of Landscaping Services.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-65.

Item 15.05 Stingray Creek Bridge update

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 note the information provided in the Stingray Creek Bridge Update report.

CARRIED: 8/0

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

AGAINST: Nil

The meeting closed 6.39pm.

.....
Peter Besseling
Mayor