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**PRESENT****Members:**

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

**Other Attendees:**

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

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The meeting opened at 5:30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 LOCAL GOVERNMENT PRAYER**

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Pastor Jeff Atherton from the People Builders Church delivered the Local Government Prayer.

Councillor Intemann arrived at the meeting, the time being 5:31pm.

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**03 APOLOGIES**

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Nil.

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

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**04 CONFIRMATION OF MINUTES**

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*RESOLVED: Sargeant/Griffiths*

That the Minutes of the Ordinary Council Meeting held on 15 June 2016 be confirmed.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**05 DISCLOSURES OF INTEREST**

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Councillor Besseling declared a Non-Pecuniary, Significant Interest in Item 15.04 - T-16-37 Provision of Lifeguard Services, the reason being that Councillor Besseling is a member of the Port Macquarie SLSC. One of the tenderers are SLSNSW related.

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**06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS**

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*RESOLVED: Besseling*

That the Mayoral Discretionary Fund allocations for the period 2 June to 30 June 2016 inclusive be noted with the following amendment:

Replace 'Donation to Hastings Women's & Children's Refuge' with 'Port Macquarie Hastings Domestic and Family Violence Specialist Service'.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Cusato/Roberts*

That Council determine that the attachments to Item Number 13.06 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**08 PUBLIC FORUM**

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There were no applications to address Council in the Public Forum.

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**REQUESTS TO SPEAK ON AN AGENDA ITEM**

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

Item 12.01 - Mr Dennis Stone in opposition of the recommendation.

Item 12.01 - Mr Christopher Willmott in opposition of the recommendation.

Item 12.06 - Mr Donald McRae in opposition of the recommendation.

Item 12.06 - Ms Michelle Love in support of the recommendation.

Item 12.06 - Mr Douglas Heagney in opposition of the recommendation.

*RESOLVED: Griffiths/Roberts*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Hawkins/Turner*

That Standing Orders be suspended to allow Items 12.01 and 12.06 to be brought forward and considered next.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.01 DEVELOPMENT CONTRIBUTIONS ASSESSMENT POLICY**

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Mr Dennis Stone, Stoney Park Water Sports and Recreation, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Christopher Willmott, Riverlodge Tourist Area, addressed Council in opposition of the recommendation and answered questions from Councillors.

*RESOLVED: Hawkins/Sargeant*

That Council:

1. Place the draft amended Development Contributions Assessment Policy on public exhibition between 22 July 2016 and 26 August 2016.
2. Consider a further report in October 2016 on the amended policy following completion of the public exhibition period.
3. Extend the current trial provisions referred to in the report until the further report is presented to the October 2016 Council Meeting.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.06 DA2006 - 593.3 SECTION 96 MODIFICATION TO DESIGN OF RESIDENTIAL FLAT BUILDING CONTAINING A MIX OF PERMANENT DWELLINGS, SERVICED APARTMENTS, RESTAURANTS AND COMMERCIAL TENANCIES - LOTS 1 & 2 DP 780593, LOT 1 DP 947705, LOT 1 DP 350138, LOT 1 DP 664057, 16 LORD STREET, 50 WILLIAM STREET AND CHURCH STREET, PORT MACQUARIE**

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Mr Donald McRae, Strata Plan 31868 'Seawatch', addressed Council in opposition of the recommendation and answered questions from Councillors.

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

Mr Douglas Heagney, Executive Committee 'Seawatch', addressed Council in opposition of the recommendation.

**MOTION**

*MOVED: Hawkins/Roberts*

That DA 2006 - 593 for a Modification to design of Residential Flat Building Containing Mix of Permanent Dwellings, Serviced Apartments, Restaurants and Commercial tenancies at Lot 1 DP 780593, Lot 1 DP 947705, Lot 1 DP 350138, Lot 2 DP 780593, Lot 1 DP 664057, 16 Lord Street, 50 William Street and Church Street, Port Macquarie, be determined by granting the modified consent subject to the recommended conditions as outlined in the report and the following additional conditions:

- 
- Ready access and signage is to be provided to the basement car park for visitors and patrons of commercial tenancies. Details of access arrangements to be provided with the construction certificate application.

**AMENDMENT**

*MOVED: Intemann/*

That DA 2006 - 593 for a Modification to design of Residential Flat Building Containing Mix of Permanent Dwellings, Serviced Apartments, Restaurants and Commercial tenancies at Lot 1 DP 780593, Lot 1 DP 947705, Lot 1 DP 350138, Lot 2 DP 780593, Lot 1 DP 664057, 16 Lord Street, 50 William Street and Church Street, Port Macquarie be determined by granting the modified consent subject to the recommended conditions as outlined in this report With the addition that signage is to be provided to indicate that the underground parking is for public use.

*WITHDRAWN*

**THE MOTION WAS PUT**

*RESOLVED: Hawkins/Roberts*

That DA 2006 - 593 for a Modification to design of Residential Flat Building Containing Mix of Permanent Dwellings, Serviced Apartments, Restaurants and Commercial tenancies at Lot 1 DP 780593, Lot 1 DP 947705, Lot 1 DP 350138, Lot 2 DP 780593, Lot 1 DP 664057, 16 Lord Street, 50 William Street and Church Street, Port Macquarie, be determined by granting the modified consent subject to the recommended conditions as outlined in the report and the following additional conditions:

- Ready access and signage is to be provided to the basement car park for visitors and patrons of commercial tenancies. Details of access arrangements to be provided with the construction certificate application.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.01 STATUS OF OUTSTANDING REPORTS TO COUNCIL**

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*RESOLVED: Roberts/Hawkins*

That Council note the information in the Status of Outstanding Reports to Council report and note the inclusion of Yippin Creek Structure Plan Report to be included for the August 2016 Council Meeting.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.02 2016-2017 COUNCILLOR AND MAYORAL FEES**

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*RESOLVED: Sargeant/Roberts*

That in relation to Councillor remuneration for the 2016-2017 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 2016 to be \$18,840.
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 2016 to be \$59,930 (this amount includes the fee payable to a Councillor).
3. Amend the 2016-2017 budget allocation for Councillor and Mayoral Fees in accordance with the fees set for 2016-2017.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.03 CODE OF MEETING PRACTICE**

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*RESOLVED: Intemann/Cusato*

That Council:

1. Pursuant to section 363 of the Local Government Act 1993, amend the code of meeting practice as outlined in the Code of Meeting Practice report.
2. Pursuant to section 364 of the Local Government Act 1993, make the adopted code of meeting practice publicly available.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.04 DESIGNATED PERSONS**

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*RESOLVED: Intemann/Griffiths*

That Council determine that the following position become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:

- Group Manager Organisational Performance.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.05 INVESTMENTS - JUNE 2016**

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*RESOLVED: Hawkins/Sargeant*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.06 COUNCIL POLICY REVIEW**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Adopt the draft policy template attached to the Council Policy Review report.
2. Request that within the next 12 months, the General Manager review all policies that have not been reviewed in the last 12 months that were identified as requiring a change during the 2015 Council policy review.
3. Place on public exhibition from 29 July 2016 to 26 August 2016 (28 days) the Beach Areas Permitting Dogs in the Local Government Area Policy, with the intention to rescind.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.07 GLASSHOUSE QUARTERLY REPORT**

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*RESOLVED: Roberts/Griffiths*

That Council note the information provided in the Glasshouse Quarterly Report.

*CARRIED: 7/1*

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

*AGAINST: Sargeant*

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**09.08 CORPORATE BRAND REVIEW**

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*RESOLVED: Turner/Hawkins*

That Council note the updated logo and corporate style guide as part of Council's ongoing Corporate Brand Review.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**10.01 QUESTION FROM PREVIOUS MEETING - MANAGEMENT ARRANGEMENTS FOR COUNCIL OWNED HALLS**

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*RESOLVED: Intemann/Hawkins*

That Council note the response to the question on notice regarding management arrangements for Council Owned Halls.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**10.02 RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - JUNE 2016 MEETING**

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Councillor Hawkins left the meeting, the time being 07:15pm.

*RESOLVED: Besseling/Turner*

That Council:

1. Pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to:
  - a) Annika Toohey in the amount of \$500.00 to assist with the expenses she will incur travelling to and competing at the All Schools National Hockey Championships to be held in Melbourne from 6 - 13 August 2016 inclusive.
  - b) Wauchope High Schools Under 16's Girls and the Open Girls Rugby Team's in the amount of \$800.00 to assist with the expenses they will incur travelling to and competing at both the NSW Secondary Schools Rugby Sevens to be held on 28 June in Sydney, and the Combined High Schools State Rugby Championships to be held in Sydney on a date yet to be determined in August 2016.
2. Endorse the recommendation put forward by the Mayor's Sporting Fund Sub-Committee to include additional wording in both the Mayor's Sporting Fund Criteria and Mayor's Sporting Fund Application Form in an effort to provide more clarity to applicants regarding the sports supported by the fund.



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CARRIED: 7/0

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

AGAINST: Nil

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**11.01 ECONOMIC DEVELOPMENT STRATEGY 2013-2016 - SIX MONTHLY  
REPORT ON PROGRESS**

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RESOLVED: Turner/Cusato

That Council note the six monthly progress report on implementation of the 2013-2016 Port Macquarie-Hastings Economic Development Strategy.

CARRIED: 7/0

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

AGAINST: Nil

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Item 12.01 Development Contributions Assessment Policy - has been moved to another part of the document.

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**12.02 DA2016 - 160.1 DWELLING AND POOL INCLUDING CLAUSE 4.6  
OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) UNDER THE  
PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2015 -  
LOT 110 DP 1213147 NO 91 CRESTWOOD DRIVE, PORT MACQUARIE**

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RESOLVED: Sargeant/Roberts

That the determination of DA2016 - 160.1 for a Dwelling and Pool including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 - Lot 110 DP 1213147 No 91 Crestwood Drive, Port Macquarie be noted.

CARRIED: 7/0

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

AGAINST: Nil

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**12.03 DA2016 - 171.1 DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 21 DP 1082856, NO 11 OCEAN RIDGE TERRACE, PORT MACQUARIE**

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Councillor Hawkins returned to the meeting, the time being 07:16pm.

*RESOLVED: Sargeant/Griffiths*

That the determination of DA 2016 - 171.1 for a Dwelling including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 - Lot 21 DP 1082856, No 11 Ocean Ridge Terrace, Port Macquarie be noted.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.04 DA2016 - 227 TWO (2) LOT SUBDIVISION INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 LOT SIZE UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - 5077 OXLEY HIGHWAY, LONG FLAT**

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*RESOLVED: Sargeant/Griffiths*

That DA 2016 - 227 for a 2 lot torrens title subdivision including clause 4.6 objection to clause 4.1 lot size (minimum lot size) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1, DP 333531, No. 5077 Oxley Highway, Long Flat, be determined by granting consent subject to the recommended conditions.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.05 DA2016 - 284.1 RESIDENTIAL SUBDIVISION (16 LOTS) INCLUDING  
CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF THE  
PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT  
LOT 4 DP 615261, OCEAN DRIVE, LAKE CATHIE**

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*RESOLVED: Griffiths/Roberts*

That DA 2016 - 284.1 for a Residential Subdivision (16 Lots) Including Clause 4.6 Objection to Clause 4.1 (Minimum Lot Size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 4, DP 615261, Ocean Drive, Lake Cathie, be determined by granting consent subject to the recommended conditions.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 12.06 DA2006 - 593.3 Section 96 Modification To Design Of Residential Flat Building Containing A Mix Of Permanent Dwellings, Serviced Apartments, Restaurants And Commercial Tenancies - Lots 1 & 2 DP 780593, Lot 1 DP 947705, Lot 1 DP 350138, Lot 1 DP 664057, 16 Lord Street, 50 William Street And Church Street, Port Macquarie - has been moved to another part of the document.

### 13.01 WATER RESTRICTION TRIGGER LEVELS AND UNIFORM REGIONAL WATER RESTRICTIONS

*RESOLVED: Intemann/Griffiths*

That Council:

1. Adopt the 2014 uniform Regional Water Restrictions as outlined in this report.
2. Adopt trigger levels for water restrictions for the Port Macquarie-Hastings LGA as follows:

Level	Restrictions - Residential outdoor component	Trigger Point (% of combined storage)
<b>Water conservation measures</b>	No unattended hoses between the hours of 9:00am and 4:00pm	<b>Not applicable</b>
<b>1 Moderate</b>	Micro sprays and drippers / sub-surface can be used for a maximum of 15 minutes and hand held hoses can be used for 1 hour every second day, between the hours of 4:00pm and 9:00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned	<b>70%</b>
<b>2 High</b>	Micro sprays and drippers / sub-surface can be used for a maximum of 15 minutes and hand held hoses can be used for ½ an hour every second day, between the hours of 4:00pm and 9:00am on odd or even days matching house numbering system. Other irrigation and unattended hoses banned	<b>60%</b>
<b>3 Very High</b>	No irrigation permitted. Use of buckets any time or hand held hoses for a maximum of 10 minutes every second day between the hours of 4:00pm and 9:00am on odd or even days matching house numbering system	<b>45%</b>
<b>4 Severe</b>	All external use of potable water banned. Grey water use only	<b>35%</b>
<b>Emergency</b>	As directed by Port Macquarie-Hastings Council	<b>25%</b>

3. Delegate the General Manager the power to impose water restrictions in line with the adopted trigger levels, with the opportunity to exercise discretion with a maximum 3% variance, giving due consideration to the time of year and prevailing weather conditions.
4. Delegate the General Manager the power to lift water restrictions in line with the adopted trigger levels with the opportunity to exercise discretion with a maximum 3% variance, giving due consideration to potential for pumping and storage levels.
5. Update all previous advice on water restrictions, including website detail, information brochures, water policy and water restriction signage.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.02 BROADWATER CANAL MAINTENANCE PLAN - COMMUNITY  
REFERENCE GROUP**

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*RESOLVED: Roberts/Hawkins*

That Council:

1. Extend the tenure of the Broadwater Community Reference Group for a further 24 months until August 2018, to meet with the Director of Infrastructure & Asset Management at least twice per year.
2. Retain the groups existing four (4) resident members.
3. Call for Expressions of Interest for three (3) new group members.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.03 TRANSFER OF LAND TO COUNCIL CONTAINING SEWER  
INFRASTRUCTURE**

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*RESOLVED: Sargeant/Hawkins*

That Council classify Lot 226 Deposited Plan 1212069 as operational land.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.04 LAND ACQUISITION AT THE INTERSECTION OF HASTINGS RIVER  
DRIVE AND NEWPORT ISLAND ROAD**

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*RESOLVED: Hawkins/Cusato*

That Council:

1. Pay compensation in the amount of \$3,000 (excl. GST ) to the owners of Lot 1 DP826003, Matzwin Pastoral Company Pty Limited, for the acquisition of that part of Lot 1 DP826003 more particularly described in the plan of acquisition as Lot 11 DP1212525.
2. Delegate authority to the General Manager to sign and execute:
  - a. Contract for Sale/Deed of Acquisition
  - b. Land Titles Office Transfer form.
3. Dedicate Lot 11 DP1212525 as public road.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.05 PACIFIC HIGHWAY UPGRADE - NAMING OF SERVICE ROADS**

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*RESOLVED: Roberts/Turner*

That Council:

1. Name the service road (Road 1) situated between Fernbank Creek Road and Hastings River Drive as "Winery Drive".
2. Name the service road (Road 2) situated between Hastings River Drive and the Blackmans Point Road Interchange as "Hastings River Drive".
3. Name the service road (Road 3) situated between the Blackmans Point Road Interchange and Haydons Wharf Road as "Telegraph Point Road".
4. Name the road (Road 4) being the remnant section of Blackmans Point Road as "Hosking Road".
5. Advise Roads and Maritime Services of the adopted road names.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.06 QUEENS GRANT ESTATE - ACQUISITION OF PRIVATE LOTS**

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*RESOLVED: Roberts/Turner*

That Council:

1. Note the information contained in the Queens Grant Estate - Acquisition of Private Lots report.
2. Continue with the acquisition programme of lots in the Queens Grant Estate, based on land valuation as assessed by the Valuer General at the time of acquisition.
3. Rescind the following Council Resolutions relating to Item 12.02 dated 17 December 2014:
  - a) Accept the offer by Mr and Mrs Adams to sell Lot 39 in DP 219719 in the Queens Grant Estate to Council at a purchase price of \$20,000.
  - b) Pay reasonable legal fees incurred by Mr & Mrs Adams with the sale of their land to Council.
  - c) Upon the settlement of this sale commence the procedure to classify this land "Operational".
  - d) Affix the seal of Council to the necessary legal transfer documents associated with the purchase of Lot 39 DP 219719.
  - e) Delegate authority to the General Manager to sign and execute a Contract of Sale for the purchase of Lot 39 in DP 219719.

*CARRIED: 7/1*

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

*AGAINST: Cusato*

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**13.07 RIVER BREEZE ESTATE PLANNING AGREEMENT**

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*RESOLVED: Cusato/Griffiths*

That Council delegate authority to the General Manager to enter into and execute the River Breeze Estate Road Works Planning Agreement on behalf of Council.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.08 PLANNING PROPOSAL FOR RESIDENTIAL INFILL AND ENVIRONMENTAL PURPOSES - LINCOLN ROAD, CASTLE COURT & MARIAN DRIVE, PORT MACQUARIE**

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*RESOLVED: Cusato/Griffiths*

That Council:

1. Prepare a Planning Proposal pursuant to section 55 of the Environmental Planning Assessment Act 1979 in relation to Lot 1 DP 1066820 and Lot 34 DP 856163, Lincoln Road, Castle Court and Marian Drive, Port Macquarie, for residential infill and environmental purposes as described in this report.
2. Submit 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, as well as the issue of 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.
3. Delegate authority to the Director Development and Environmental to make any amendments to the Planning Proposal as a result of the Section 56 Gateway Determination, prior to public exhibition of the proposal.
4. In conjunction with the landowner, prepare a Voluntary Planning Agreement as referred to in this report and publicly exhibit the Planning Agreement for a minimum of 28 days in accordance with clause 25D of the Environmental Planning and Assessment Regulation 2000.
5. Request the General Manager present a further report following the public exhibition period to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**14 QUESTIONS FOR NEXT MEETING**

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**14.01 PHYSICAL COMMENCEMENT OF DEVELOPMENT APPLICATIONS**

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**Question from Councillor Intemann:**

What constitutes physical commencement of an approved development and how, if at all, does this differ from the previous criteria entitled substantial commencement?

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

Nil.

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Cusato/Roberts*

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 T-16-10 Town Square Catenary Lighting - Electrical Design and Construct

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 15.02 T-16-21 Construction of Kew Waste Transfer Station

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 15.03 T-16-36 Provision of Ice Picking 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 15.04 T-16-37 Provision of Lifeguard 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.



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Item 15.05 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 15.06 Sale of Council Land - 6 Enterprise Place, Wauchope (Lot 315 DP1075670)

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 15.07 Acquisition of Land - 33 Commerce Street, Wauchope (Lot 307 DP1075670)

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

3. That the resolutions made by the Council in Confidential Committee of the Whole (Closed Session) be made public as soon as practicable after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

CARRIED: 8/0

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

AGAINST: Nil

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**ADJOURN MEETING**

The Ordinary Council Meeting adjourned at 7:29pm.

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**RESUME MEETING**

The Ordinary Council Meeting resumed at 7:53pm.

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

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*RESOLVED: Roberts/Hawkins*

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

**Item 15.01 T-16-10 Town Square Catenary Lighting - Electrical Design and Construct**

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

**RECOMMENDATION**

That Council:

1. In accordance with the Local Government (General) Regulations 2005, 178 1 (b), decline to accept any of the tenders submitted for Tender T-16-10 for Town Square Catenary Lighting - Electrical Design and Construct.
2. Decline to invite fresh tenders due to the limited number of submissions received for this Tender and due to the submissions received not adequately addressing Council's requirements for Town Square Catenary Lighting - Electrical Design and Construct.
3. In accordance with Local Government (General) Regulations 2005, 178 (3) (a), cancel the proposal for contract.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-10.

**Item 15.02 T-16-21 Construction of Kew Waste Transfer Station**

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 Commercial Project Group Pty Ltd for \$3,605,501 (exclusive of GST) for Construction of Kew Waste Transfer Station.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-21.
4. Increase the project budget to \$4,313,539 as detailed in this report.

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Item 15.03 T-16-36 Provision of Ice Pigging 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 tender from Suez Water and Treatment Solutions Pty Ltd for the provision of Ice Pigging Services for a three (3) year period commencing 21 July 2016, with options to extend for up to a further two (2) x one (1) year periods (at Council's sole discretion).
2. Accept the Schedule of Rates from Suez Water and Treatment Solutions Pty Ltd for the provision of Ice Pigging 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-16-36.

## Item 15.04 T-16-37 Provision of Lifeguard 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 tender from Surf Life Saving Services Pty Ltd for \$2,514,998 (exclusive of GST) for the Provision of Lifeguard Services for a five (5) year period commencing on 21 July 2016 and also include Service Option 1 at a cost of \$106,673 as outlined in the report.
2. Accept the Schedule of Rates from Surf Life Saving Services Pty Ltd for the Provision of Lifeguard 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-16-37.
5. Increase the 2016/17 operational budget for Lifeguard Services to \$477,515 as detailed in the Financial & Economic Implications section of this report.

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Item 15.05 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 to the General Manager authority to:
  - Enter into the Call Option, with terms no less favourable than those attached to the report, for the purposes of providing Gowing Bros Limited an option to purchase the property in accordance with the Contract.

Item 15.06 Sale of Council Land - 6 Enterprise Place, Wauchope (Lot 315 DP1075670)

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 offer from Mr Geoffery Peckham of \$145,000 ex GST for the purchase of Council's land at 6 Enterprise Place, Wauchope, subject to Contract.
2. Delegate authority to the General Manager to sign and execute the necessary documents associated with the sale of this land.
3. Place the proceeds from the sale of this land into Council's Property Reserve Fund for the purposes of future property investment.

Item 15.07 Acquisition of Land - 33 Commerce Street, Wauchope (Lot 307 DP1075670)

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

RECOMMENDATION

That Council:

1. Submit an offer subject to Contract to purchase 33 Commerce Street Wauchope (Lot 307 DP 1075670) as outlined in the Financial and Economic Implications section of this report.

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2. Subject to formal acceptance of Council's offer, delegate authority to the General Manager to sign and execute the Contract of Sale and the necessary legal transfer documents associated with the purchase of 33 Commerce Street Wauchope.
  3. Subject to settlement and pursuant to section 34 of the Local Government Act 1993, commence the procedure to classify Lot 307 DP 1075670 as operational land by placing on public exhibition the proposed resolution "It is intended to classify Lot 307 Deposited Plan 1075670 (land situated at 33 Commerce Street Wauchope) as operational land", for a minimum period of 28 days.
  4. Subject to Resolution 3 above, note that a further report will be tabled to Council following completion of the public exhibition period, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

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The meeting closed at 7:53pm.

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Peter Besseling  
Mayor