

---

**PRESENT****Members:**

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

**Other Attendees:**

General Manager (Craig Swift-McNair)  
Acting Director of Community and Economic Growth (Liesa Davies)  
Acting Director of Corporate and Organisational Services (Robyn Wilson)  
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)  
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**

---

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

---

---

**03 APOLOGIES**

---

Nil.

---

---

**04 CONFIRMATION OF MINUTES**

---

*RESOLVED: Levido/Intemann*

That the Minutes of the Ordinary Council Meeting held on 14 December 2016 be confirmed.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**05 DISCLOSURES OF INTEREST**

---

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.05 - Local Environmental Plan 2011 - Administrative Review [PP2016-7], the reason being that Councillor Levido a Partner in law firm Donovan Oates Hannaford and the firm acts for the owners of two separate properties to be part of the Draft Planning Proposal being the subject of the report.

Councillor Dixon declared a Non-Pecuniary, Less Than Significant Interest in Item 11.02 - Construction Industry Action Plan, the reason being that Councillor Dixon has an extended family member in the Action Group.

Councillor Dixon declared a Non-Pecuniary, Significant Interest in Item 11.03 - Commercial Activities on Council-managed Land Policy, the reason being that Councillor Dixon has a family member who uses Council managed land as a personal trainer.

*RESOLVED: Hawkins/Cusato*

That the Disclosures of Interest as presented be noted.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

The Mayor advised that he had no Mayoral Minutes to present to the Meeting, however he thanked, on behalf of Council, the Rural Fire Services and all emergency services and support staff for their efforts on the weekend during the unprecedented and catastrophic heatwave conditions.

---

---

**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

---

*RESOLVED: Levido/Turner*

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: 9/0*

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

*AGAINST: Nil*

---

**08 PUBLIC FORUM**

---

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

1. Dr Debra King regarding Fernbank Creek Road.
2. Mrs Nancy Burley regarding parks and gardens budget. Presentation and safety issues - Town Beach and surrounds.

*RESOLVED: Cusato/Dixon*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**08.01 FERNBANK CREEK ROAD**

---

Dr Debra King, resident of Fernbank Creek Road, addressed Council in regard to Fernbank Creek Road and displayed a presentation.

---

**08.02 PARKS AND GARDENS BUDGET. PRESENTATION AND SAFETY ISSUES - TOWN BEACH AND SURROUNDS**

---

Mrs Nancy Burley addressed Council in regard to parks and gardens budget, presentation and safety issues - Town Beach and surrounds. Mrs Burley also answered questions from Councillors.

---

---

**REQUESTS TO SPEAK ON AN AGENDA ITEM**

---

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

Item 09.14 - Mr Malcolm Merrick in support of the recommendation.

Item 12.03 - Mr Peter King in opposition of the recommendation.

Item 12.03 - Ms Lisa McLeod in support of the recommendation.

Item 12.03 - Mr Peter Stace in opposition of the recommendation.

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

Item 13.09 - Mr Mike Parsons in support of the recommendation.

*RESOLVED: Hawkins/Cusato*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**SUSPENSION OF STANDING ORDERS**

---

*RESOLVED: Alley/Hawkins*

That Standing Orders be suspended to allow Items 09.14, 12.03, 13.01 and 13.09 to be brought forward and considered next.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.14 REVIEW OF SELECT COUNCIL COMMITTEES**

---

Mr Malcolm Merrick, representing the Port Macquarie Tacking Point Lions Club Inc., addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Turner/Cusato*

1. Establish a new Steering Group called the 'Cultural Steering Group'.
2. Adopt the Cultural Steering Group Charter as included in this Review of Select Council Committees report.
3. Seek Expressions of Interest (EOI) for members of the Cultural Steering Group, with the results of the EOI to be reported to the 19 April 2017 Ordinary Meeting of Council.

- 
4. Work with members of the following existing Council Committees to transition them into working groups with objectives, actions and reporting lines to the Cultural Steering Group:
    - a) Port Macquarie-Handa Sister City Sub-committee.
    - b) Australia Day Sub-committee.
    - c) Port Macquarie-Hastings Youth Advisory Committee.
  5. Work with Heritage, Arts and Cultural Priorities Advisory Group to transition it into the Cultural Steering Group.
  6. Replace quarterly Glasshouse reporting to Council with six monthly reporting in February and August each year detailing key performance measures and financial information for the previous financial year period.

*CARRIED: 7/2*

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

*AGAINST: Griffiths and Hawkins*

---

**12.03 DA2016 - 774.1 MULTI DWELLING HOUSING AND 1 INTO 13 LOT  
STRATA SUBDIVISION AT LOT 3 DP 634929, NO. 1096 OCEAN DRIVE,  
BONNY HILLS**

---

Ms Clarke advised that Ms Lisa McLeod submitted the Request to Address form on behalf of both herself and Mr Collins and requested they be permitted to speak.

*RESOLVED: Turner/Dixon*

That the requests for Ms Donna Clark and Mr Derek Collins to speak on item 12.03 be acceded to.

*CARRIED: 9/0*

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

Mr Peter Stace, neighbour, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Derek Collins, architect, addressed Council in support of the recommendation and answered questions from Councillors.

Mr Peter King, member of local residents group, addressed Council in opposition of the recommendation, displayed a presentation and answered questions from Councillors.

Ms Donna Clarke, applicant, addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Levido/Turner*

That DA 2016 - 774.1 for Multi Dwelling Housing and 1 into 13 Lot Strata Subdivision at Lot 3, DP 634929, No. 1096 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions and the following:

- Amend condition 2 in Section B to read: "Stormwater systems including sub-surface drainage for retaining walls."
-

- 
- New condition in Section B of the consent to read: "Prior to issue of the Construction Certificate dwelling number 8 architectural plans are to be amended to be consistent with the overall site plan and provide for a minimum 1.9m setback to the north western corner of the patio from the northern boundary."
  - Replace condition 18 in Section E of the consent with a condition to read: "Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams. All waste receptacles are to be collected from within the site and adjacent to each individual dwelling or pursuant to such other alternate proposal approved by Council."

CARRIED: 9/0

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

AGAINST: Nil

---

### 13.01 BUILDING BETTER REGIONS FUND - ROUND 1 FUNDING APPLICATIONS

---

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

Dixon left the meeting, the time being 7:17pm.

Dixon returned to the meeting, the time being 7:20pm.

*RESOLVED: Cusato/Levido*

That Council:

1. Submit the following applications for Round 1 of the Building Better Regions Fund:

*Infrastructure Projects Stream:*

- a) Lake Rd duplication from Toorak Court to the Oxley Highway;
- b) Upgrade of the Coastal Walkway from Town Beach Port Macquarie to Windmill Hill (including wayfinding signage).

*Community Investments Stream:*

- a) Expansion of the Creative Summer Program at the Glasshouse.
- b) Local skills audit as included in the Port Macquarie-Hastings Economic Development Strategy.

2. That Council make representations to the Member for Lyne and Member for Cowper to provide detailed information on and request their support for our application.

---

CARRIED: 9/0

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

AGAINST: Nil

---

### 13.09 OPTIMISING UTILISATION OF PORT MACQUARIE SPORTS FIELDS

---

Mr Mike Parsons, representing Football Mid North Coast, addressed the Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Cusato

That Council:

1. Note the information contained within the Optimising Utilisation of Port Macquarie Sports Fields Report.
2. Request the General Manager provide a report to the 19 July 2017 Ordinary Council Meeting to:
  - a) Report on progress against the adopted Recreation Action Plan 2015-2025.
  - b) Propose an updated implementation plan that incorporates additional priorities identified in the Optimising Utilisation of Port Macquarie Sports Fields report.
3. Consider an allocation in the development of the 2017-2018 Budget and Operational Plan to carry out priority works to be identified in the updated Recreation Action Plan 2015-2025.

CARRIED: 9/0

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

AGAINST: Nil

---

### 09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

---

RESOLVED: Turner/Cusato

That Council:

1. Note the information in the Status of Reports from Council Resolutions report.
2. Add the annual Recreation Action Plan report (as described in the Plan itself) as a cyclic annual report each July.

CARRIED: 9/0

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

AGAINST: Nil

---

---

**09.02 PERFORMANCE MEASUREMENT FRAMEWORK**

---

*RESOLVED: Hawkins/Dixon*

That the information in the Performance Measurement Framework report be noted.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.03 PROJECT MANAGEMENT**

---

*RESOLVED: Hawkins/Alley*

That Council:

1. Adopt the Project Management Policy, as attached to the Project Management report.
2. Rescind the:
  - a) Project Management and Gateway Policy.
  - b) Project Management Guidelines Policy.
3. Request the General Manager table a report at the October 2017 meeting of the Audit, Risk and Improvement Committee on the implementation, operation and effectiveness to date of the Project Management Policy.
4. Request the General Manager table a report at the November 2017 Council meeting on the implementation, operation and effectiveness to date of the Project Management Policy, incorporating the views of the Audit, Risk and Improvement Committee.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.04 DESIGNATED PERSONS**

---

*RESOLVED: Cusato/Levido*

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

- Ranger (Litter and Illegal Dumping).

*CARRIED: 9/0*

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

*AGAINST: Nil*

---



---

**09.05 DISCLOSURE OF INTEREST RETURN**

---

*RESOLVED: Levido/Hawkins*

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

- Sport and Recreation Officer.
- Building Surveyor- Regulation.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.06 MAKING A DECISION ABOUT FUTURE RATES**

---

*RESOLVED: Intemann/Hawkins*

That Council:

1. Adopt the amended 2013-2017 Delivery Program.
2. Adopt the amended Long Term Financial Plan 2016-2026.
3. Request the General Manager submit an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508(2) of the NSW Local Government Act 1993, for a permanent single year Special Rate Variation (SRV) of 3.89% in addition to the rate peg amount of 1.5% (total 5.39%), noting that this is a continuation of the funding provided by the existing SRV which expires June 2017, for the purpose of maintaining and renewing Council's road network.

*CARRIED: 8/1*

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

*AGAINST: Griffiths*

---

**09.07 MONTHLY FINANCIAL REVIEW FOR JANUARY 2017**

---

*RESOLVED: Hawkins/Levido*

That Council adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for January 2017.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.08 QUARTERLY BUDGET REVIEW STATEMENT**

---

*RESOLVED: Levido/Cusato*

That Council note the Quarterly Budget Review Statement for the December 2016 quarter.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.09 INVESTMENTS - DECEMBER 2016**

---

*RESOLVED: Hawkins/Alley*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.10 INVESTMENTS - JANUARY 2017**

---

*RESOLVED: Alley/Hawkins*

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

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.11 GLASSHOUSE QUARTERLY REPORT AND UPDATE ON STRATEGIC  
PLAN RECOMMENDATIONS**

---

*RESOLVED: Turner/Griffiths*

That Council note the information provided in the Glasshouse Quarterly Report And Update on Strategic Plan Recommendations Report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.12 2016-2017 OPERATIONAL PLAN QUARTERLY PROGRESS REPORT AS  
AT 31 DECEMBER 2016**

---

*RESOLVED: Cusato/Griffiths*

That Council note the 2016-2017 Operational Plan Quarterly Progress Report as at 31 December 2016.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**09.13 ALTERNATE CHAIRS FOR COMMITTEES**

---

*RESOLVED: Levido/Turner*

That Council note the process to appoint Alternate Chairs to subcommittees, groups and boards.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item - 09.14 Review of Select Council Committees - has been moved to another part of the document.

---

**09.15 REVISED ECONOMIC DEVELOPMENT STEERING GROUP CHARTER  
AND NEW MEMBERSHIP**

---

*RESOLVED: Turner/Hawkins*

That Council:

1. Adopt the revised Economic Development Steering Group Charter.
2. Include the Chair of the External Grants and Revenue portfolio as an additional Councillor member of the Economic Development Steering Group.
3. Note expressions of interest for members of the Group will be undertaken in late February, with recommended membership to be reported to the 19 April 2017 Ordinary Meeting of Council.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**10.01 CONTAMINATED LAND POLICY - DRAFT**

---

*RESOLVED: Intemann/Griffiths*

That Council:

1. Place the draft Contaminated Land Policy and Guidelines on public exhibition between 16 February 2017 and 17 March 2017.
2. Note that further report to be tabled at the May 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**10.02 COMMUNITY EVENTS PROGRAM TO END OF APRIL 2017**

---

*RESOLVED: Turner/Griffiths*

That Council note the Community events program for the period March- April 2017.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**11.01 CHANGES TO THE NSW CROWN LAND MANAGEMENT ACT 2016**

---

*RESOLVED: Hawkins/Levido*

That Council note the information provided regarding changes to the NSW Crown Land Management Act 2016.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**11.02 CONSTRUCTION INDUSTRY ACTION PLAN**

---

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

---

*RESOLVED: Intemann/Levido*

That Council note:

1. The completion of actions identified within the Construction Industry Action Plan.
2. The ongoing role for the Construction Industry Action Group as a means for Council and industry engagement.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

### **11.03 COMMERCIAL ACTIVITIES ON COUNCIL-MANAGED LAND POLICY**

---

Councillor Dixon declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:00pm.

*RESOLVED: Levido/Griffiths*

That Council:

1. Note the recent review of the Commercial Activities on Council-managed Land Policy.
2. Place on public exhibition Commercial Activities on Council-managed Land Policy commencing from 24 February 2017 to 23 March 2017 for a minimum of 28 days.
3. Note that a further report is planned to be tabled at the 19 April 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Dixon returned to the meeting, the time being 08:04pm.

---

**12.01 DA2013 - 625.4 - MODIFICATION TO DESIGN OF PREVIOUS APPROVED MEDICAL CENTRE INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 180 DP 1197447, 8 HIGHFIELDS CIRCUIT, PORT MACQUARIE**

---

*RESOLVED: Levido/Cusato*

That the determination of DA2013 - 625.4 for a modification to design of previous approved medical centre including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 180 DP 1197447, 8 Highfields Circuit, Port Macquarie, be noted.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**12.02 DA2016 - 0657.1 - RESIDENTIAL FLAT BUILDING WITH STRATA SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 2 & 3 DP 18259 AND LOT 1 & 2 DP 1454, 52-58 CHURCH STREET, PORT MACQUARIE**

---

*RESOLVED: Intemann/Cusato*

That the determination of DA2016 - 657.1 for a residential flat building with strata subdivision including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 2 & 3 DP 1454 and Lot 1 & 2 DP 1454, No. 52-58 Church Street, Port Macquarie, be noted.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item - 12.03 DA2016 - 774.1 Multi Dwelling Housing And 1 Into 13 Lot Strata Subdivision At Lot 3 DP 634929, No. 1096 Ocean Drive, Bonny Hills - has been moved to another part of the document.

---

**12.04 DA2016 - 0798.1 - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 78 DP 232885, 28 DENT CRESCENT, PORT MACQUARIE.**

---

*RESOLVED: Intemann/Turner*

That the determination of DA2016 - 798.1 for demolition of existing dwelling and construction of new dwelling including Clause 4.6 variation to Clause 4.3 (height of building) and Clause 4.4 (floor space ratio) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 78 DP 232885, 28 Dent Crescent, Port Macquarie, be noted.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item - 13.01 Building Better Regions Fund - Round 1 Funding Applications - has been moved to another part of the document.

---

**13.02 ASSET MANAGEMENT POLICY**

---

*RESOLVED: Hawkins/Intemann*

That Council:

1. Place on public exhibition from 24 February 2017 until 25 March 2017 (28 days) the draft Asset Management Policy.
2. Note that a further report will be tabled at the April 2017 meeting of Council, detailing the submissions received from the public during this exhibition period.
3. Request the General Manager table the Asset Management Policy at the February 2017 Audit, Risk and Improvement Committee, with the views of the Audit, Risk and Improvement Committee being included with other submissions in the further report on the Asset Management Policy to be tabled at the April 2017 meeting of Council.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

### 13.03 STORMWATER DRAINAGE - RISKS AND OPPORTUNITIES

---

*RESOLVED: Levido/Turner*

That Council:

1. Note the documented significant risks associated with the maintenance and management of the Public Stormwater Drainage Network.
2. Give consideration to an annual allocation of \$215,000 as part of the Operational Budget commencing in 2017/18 for the establishment of a Stormwater Cleaning, CCTV and Condition Assessment Team, including 2 new staff and specialist plant and equipment to enable the expansion and continuation of the CCTV and Condition Assessment program commenced in 2015/16.
3. Give consideration to an annual allocation of \$1,000,000 as part of the Operational Budget towards the commencement of a stormwater renewals program commencing 2017/18. This allocation includes the creation of a new Stormwater Renewals Operational Crew consisting of a Team Leader, Plant Operator and Labourer and associated plant and equipment to facilitate the physical stormwater renewal works.
4. Request the General Manager develop and implement a proactive maintenance program for the maintenance of Open Drains and Gross Pollution Traps,
5. Give consideration to an annual allocation of \$60,000 as part of the Operational Budget and commencing in 2017/18 towards the development and implementation of a proactive maintenance plan for Council's Drainage Reserves and Stormwater Basins.
6. Request the Water, Sewer and Stormwater Portfolio to continue to investigate a revised funding model for stormwater capital works for consideration as part of the 2018/19 and future Operational Plans to address the risks associated with the management of Council's Stormwater Network.
7. Request the General Manager make a further detailed submission to the Minister for Local Government for a 100% increase to the current stormwater levy, levied pursuant to Local Government Amendment (Stormwater) Act, 2005.

*CARRIED: 8/1*

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

*AGAINST: Griffiths*



---

**13.04 RECLASSIFICATION OF LAND FOR HASTINGS REGIONAL SPORTS COMPLEX**

---

*RESOLVED: Levido/Cusato*

That Council:

1. Give public notice of its intention to classify Lot 52 DP1035553, Lots 11 & 12 DP855941 and Lot 2 DP1118155 (land situated on the corner of Oxley Highway and Stoney Creek Road, Wauchope) as "community land", concurrent with the exhibition of the draft planning proposal to permit the land to be used as a multi-use regional sports and recreation precinct.
2. Note that a further report will be presented to Council following the exhibition period, outlining details of any submissions received.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**13.05 LOCAL ENVIRONMENTAL PLAN 2011 - ADMINISTRATIVE REVIEW [PP2016-7]**

---

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:12pm.

*RESOLVED: Intemann/Griffiths*

That Council:

1. Prepare a draft planning proposal as described in this report, pursuant to section 55 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to the 15 Issues, as generally described in this report.
2. Forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to sections 56 - 58 of the Act.
3. Request that the Director General of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Levido returned to the meeting, the time being 8:14pm.

---

**13.06 PLANNING CONTROLS OVER SIGNAGE IN PUBLIC AREAS - POST-EXHIBITION REVIEW**

---

*RESOLVED: Dixon/Cusato*

That Council:

1. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 42), relating to signage in public areas.
2. In relation to the submission, advise that the matters raised will be considered in relation to the details of the Town and Village signage to be considered at a future Council meeting.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**13.07 DEED OF VARIATION - LAURIETON RESIDENTIAL RESORT PLANNING AGREEMENT**

---

*RESOLVED: Hawkins/Levido*

That Council delegate authority to the General Manager to determine and execute the Laurieton Residential Resort Planning Agreement Deed of Variation.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

**13.08 SIENNA GRANGE RESIDENTIAL AGED CARE FACILITY PLANNING AGREEMENT**

---

*RESOLVED: Intemann/Dixon*

That Council delegate authority to the General Manager to enter into and execute the Sienna Grange Residential Aged Care Facility Planning Agreement on behalf of Council incorporating amendments referred to in the report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item - 13.09 Optimising Utilisation of Port Macquarie Sports Fields - has been moved to another part of the document.

---

**14 QUESTIONS FOR NEXT MEETING**

---

---

**14.01 QUARRIES IN THE PORT MACQUARIE-HASTINGS LOCAL GOVERNMENT AREA**

---

**Question from Councillor Cusato:**

1. Does Council undertake or is Council planning to undertake investigations into the availability of quarry material within the Local Government Area for use on our unsealed road network?
2. Does Council have plans to reopen, lease or acquire sites for the purpose of ensuring there is adequate supplies of quarry materials, like gravel and rock, for our road building and infrastructure needs into the future?

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

Nil.

---

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

---

*RESOLVED: Levido/Turner*

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-16-48 Wrights Creek Flood Study and Floodplain Risk Management Study and Plan

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-16-56 Flynns Beach Seawall Construction (Stage 1)

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-16-59 Pavement Rejuvenation 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 Sewer Main Construction - Links Crescent to Elkhorn Grove Cul-De-Sac

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 15.05 T-17-01 Design Services for Hastings Regional Sporting Complex - Stoney Creek Road, Wauchope

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

*AGAINST: Nil*

---

**ADJOURN MEETING**

The Ordinary Council Meeting adjourned at 8:14pm.

---

**RESUME MEETING**

The Ordinary Council Meeting resumed at 8:18pm.

---

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

---

*RESOLVED: Alley/Dixon*

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

Item 15.01 T-16-48 Wrights Creek Flood Study and Floodplain Risk Management Study and Plan

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 WMA Water Pty Ltd for \$114,060 (exclusive of GST) for the Wrights Creek Flood Study and Floodplain Risk Management Study and Plan.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-48.

Item 15.02 T-16-56 Flynns Beach Seawall Construction (Stage 1)

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 clause 178 (1) (b), decline to accept any of the tenders submitted for T-16-56 Flynns Beach Seawall Construction (Stage 1) as none of the tenders offered an appropriate functional outcome within the funding currently available for the project.
2. Consider a design criteria review of the current seawall solution and/or undertake further investigations into alternative technologies to achieve a more cost effective solution whilst attaining comparable functional outcomes.
3. Consider investigating alternative funding sources to achieve a minimum initial functional stage of the current seawall design.
4. Upon confirmation of a revised scope and/or an increase in project budget, invite fresh tenders based on the revised details.
5. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-56.

---

**Item 15.03 T-16-59 Pavement Rejuvenation 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 quotations, through Local Government Procurement contract, Bitumen, Emulsions and Asphalt Materials and Services (LGP213), from the following suppliers to be appointed to a panel of suppliers for Pavement Rejuvenation Services for the period 16 February 2017 to 27 February 2018. Noting no available extension.
  - a. Downer EDI Works Pty Ltd
  - b. Fulton Hogan Industries Pty Ltd
  - c. SRS Roads
2. Accept the Schedule of Rates from Downer EDI Works Pty Ltd, Fulton Hogan Industries Pty Ltd and SRS Roads.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-59.

**Item 15.04 Sewer Main Construction - Links Crescent to Elkhorn Grove Cul-De-Sac**

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 Sewer Main Construction - Links Crescent to Elkhorn Grove Cul-De-Sac report.
2. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances and unavailability of reliable and competitive tenders, as described in this report, does not invite tenders for the construction of a sewer main from Links Crescent to Elkhorn Grove cul-de-sac, as a satisfactory result would not be achieved.
3. Delegate authority to the General Manager to enter into an agreement for construction of the gravity sewer main, subject to the negotiated cost being generally in accordance with Council's estimate.

**Item 15.05 T-17-01 Design Services for Hastings Regional Sporting Complex - Stoney Creek Road, Wauchope**

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 clause 178 (1) (b), decline to accept any of the tenders submitted for Tender T-17-01 Design Services for the Hastings Regional Sporting Complex at Stoney Creek Road, Wauchope due to the potential need to refine the scope of works;
2. Decline to invite fresh tenders and enter into negotiations with all tenderers that have submitted conforming tenders for Tender T-17-01, with a view to obtaining improved value for money submissions based on the refined scope of works; and
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-01.

*CARRIED: 9/0*

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

*AGAINST: Nil*

---

The meeting closed at 8:18pm.

.....  
Peter Besseling  
Mayor