
PRESENT**Members:**

Councillor Peter Besseling (Mayor)
Councillor Rob Turner
Councillor Michael Cusato
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)
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)
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 Judy Taylor from the Wauchope Anglican Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Turner/Dixon

That the apology received from Councillor Griffiths be accepted.

CARRIED: 8/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Intemann

That the Minutes of the Ordinary Council Meeting held on 15 February 2017 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Dixon declared a Pecuniary Interest in Item 13.05 - Draft Yippin Creek Structure Plan - Consideration of Submissions and Adoption, the reason being that Councillor Dixon has extended family member who is involved in the development.

Councillor Cusato declared a Pecuniary Interest in Item 15.01 - T-17-02 Provision of Architectural Design Services for Port Macquarie Airport Terminal Upgrade, the reason being that Councillor Cusato owns a hanger within the Airport.

Councillor Cusato declared a Non-Pecuniary, Less Than Significant Interest in Item 15.03 - Services Contract - Maintenance and Support of Security Screening Equipment at Port Macquarie Airport, the reason being that Councillor Cusato owns a hanger in the general aviation area of the Airport.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.04 - South Lindfield Urban Release Area - Update [PP2002-6.1], the reason being that Councillor Levido is a Partner in law firm Donovan Oates Hannaford and the firm acts for the owners of a property within the area being the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.05 - Draft Yippin Creek Structure Plan - Consideration of Submissions and Adoption, the reason being that Councillor Levido is a Partner in law firm Donovan Oates Hannaford and the firm acts for the owners of a property within the Structure Plan area being the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.07 - Proposed Changes to the PMH Local Environmental Plan 2011 and Development Control Plan 2013 To Accommodate Urban Growth at Rainbow Beach, the reason being that Councillor Levido is a Partner in law firm Donovan Oates Hannaford and the firm acts for a related entity of the Owner of the property being the subject of the report.

Councillor Alley declared a Pecuniary Interest in Item 12.04 - Site Specific LEP Amendments, the reason being that the subject matter of this item includes LEP changes to a property immediately adjacent to property that is owned by the Anglican Church Property Trust, Diocese of Newcastle which holds that property for the benefit of the Anglican Parish of the Camden Haven, of which Councillor Alley serves as the Treasurer on the Parish Council.

RESOLVED: Hawkins/Intemann

That the Disclosures of Interest as presented be noted.

CARRIED: 8/0

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

AGAINST: Nil

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 1 December 2016 to 1 March 2017 inclusive be noted.

CARRIED: 8/0

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

AGAINST: Nil

06.02 INQUIRY INTO THE OPERATION, EFFECTIVENESS AND CONSEQUENCES OF THE PUBLIC GOVERNANCE, PERFORMANCE AND ACCOUNTABILITY (LOCATION OF CORPORATE COMMONWEALTH ENTITIES) ORDER 2016

RESOLVED: Besseling

That Council note the submission to the Senate Finance and Public Administration Reference Committee in relation to the Inquiry into the Operation, Effectiveness and Consequences of the Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016.

CARRIED: 8/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Nil.

08 PUBLIC FORUM

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

1. Ms Robyn Sparkes regarding safety for swimmers at Shelly Beach.

RESOLVED: Dixon/Alley

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

CARRIED: 8/0

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

AGAINST: Nil

08.01 SAFETY FOR SWIMMERS AT SHELLY BEACH

Ms Robyn Sparkes addressed Council in regard to safety for swimmers at Shelly Beach.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

Item 13.04 - Ms Michelle Love in opposition of the recommendation.

Item 13.04 - Mr Anthony Thorne in support of the recommendation.

Item 13.05 - Mr Anthony Thorne in support of the recommendation.

Item 13.07 - Ms Susan East in support of the recommendation.

Item 13.07 - Mr Scott Marchant in support of the recommendation.

RESOLVED: Hawkins/Cusato

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

CARRIED: 8/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Alley/Turner

That Standing Orders be suspended to allow Items 13.04, 13.05 and 13.07 to be brought forward and considered next.

CARRIED: 8/0

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

AGAINST: Nil

13.04 SOUTH LINDFIELD URBAN RELEASE AREA - UPDATE [PP2002-6.1]

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 5:46pm.

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

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

RESOLVED: Intemann/Dixon

That Council:

1. Amend the South Lindfield Urban Release Area Planning Proposal by omitting the Vilro land and resubmit the Planning Proposal to the Department of Planning and Environment for a revised Gateway Determination.
2. Amend the draft Koala Plan of Management for the revised Urban Release Area detailed in the report.
3. Amend the Voluntary Planning Agreements (VPAs) for the South Lindfield Urban Release Area by:
 - a. Omitting the Vilro land,
 - b. Providing that the road contributions will be quarantined for the construction costs of the northern 50 metres (measures along the common boundary) of the proposed road between Nos 171 and 175 John Oxley Drive and the intersection at John Oxley Drive,
 - c. Omitting the requirement for payment of environmental management land contributions.
4. Proceed with exhibition of the South Lindfield Urban Release Area Planning Proposal subject to a revised Gateway Determination and satisfactory resolution of the above matters.

CARRIED: 7/0

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

AGAINST: Nil

13.05 DRAFT YIPPIN CREEK STRUCTURE PLAN - CONSIDERATION OF SUBMISSIONS AND ADOPTION

Councillor Dixon declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 6:10pm.

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of sight during the Council's consideration.

Mr Anthony Thorne of King and Campbell, addressed Council in support of the recommendation.

RESOLVED: Cusato/Alley

That Council:

1. Adopt the draft Yippin Creek Structure Plan, subject to the recommended changes detailed in this report.
2. Write to all residents, individuals and State agencies who lodged submissions advising of Council's decision and thanking them for their contribution to the draft Structure Plan for Yippin Creek.
3. Commence implementation of the Yippin Creek Structure Plan, including:
 - 3.1 Discussions with landowners to gauge the level of interest in and agree a process for implementation of amendments to the Port Macquarie-Hastings Local Environmental Plan 2011 to rezone land in the Structure Plan Area.
 - 3.2 Consideration of the outcomes of 3.1 above in determining strategic planning priorities in the context of the Port Macquarie-Hastings Urban Growth Management Strategy, which is currently under review.

CARRIED: 6/0

FOR: Besseling, Alley, Cusato, Hawkins, Intemann and Turner

AGAINST: Nil

Dixon returned to the meeting, the time being 06:15pm.

13.07 PROPOSED CHANGES TO THE PMH LOCAL ENVIRONMENTAL PLAN 2011 AND DEVELOPMENT CONTROL PLAN 2013 TO ACCOMMODATE URBAN GROWTH AT RAINBOW BEACH

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of sight during the Council's consideration.

Ms Susan East, representing the Lake Cathie Progress Association and the Bonny Hills Progress Association, addressed Council in support of the recommendation.

Mr Scott Marchant of King and Campbell, representing a landowner, addressed Council in support of the recommendation.

RESOLVED: Turner/Cusato

That Council:

1. As a result of the consideration of submissions, make the changes set out in the attached planning proposal to the draft LEP as described in the report.
2. 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 36) as described in the attached planning proposal.
3. Adopt the attached draft development control plan provisions for Rainbow Beach and incorporate as part of the area-based provisions of Development Control Plan 2013, to commence on or about the date of commencement of LEP 2011 (Amendment No 36).
4. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 06:33pm.

09.01 MEMORANDUM OF UNDERSTANDING WITH NORFOLK ISLAND REGIONAL COUNCIL

RESOLVED: Intemann/Cusato

That Council delegate authority to the General Manager to enter into a Memorandum of Understanding with the Norfolk Island Regional Council for the sharing of information and experience relevant to Local Government practices in New South Wales.

CARRIED: 8/0

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

AGAINST: Nil

09.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Intemann/Cusato

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

CARRIED: 8/0

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

AGAINST: Nil

09.03 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR HAWKINS

RESOLVED: Cusato/Dixon

That Council grant leave of absence for Councillor Hawkins for the period 12 April 2017 to 7 June 2017, which includes the Ordinary Meetings of Council scheduled for 19 April 2017 and 17 May 2017.

CARRIED: 8/0

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

AGAINST: Nil

09.04 DESIGNATED PERSONS

RESOLVED: Levido/Hawkins

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

- Road Safety Co-ordinator.

CARRIED: 8/0

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

AGAINST: Nil

09.05 GIPA AGENCY INFORMATION GUIDE

RESOLVED: Hawkins/Alley

That Council adopt the attached Government Information (Public Access) Act Agency Information Guide.

CARRIED: 8/0

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

AGAINST: Nil

09.06 MONTHLY FINANCIAL REVIEW FOR FEBRUARY 2017

RESOLVED: Hawkins/Cusato

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

CARRIED: 8/0

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

AGAINST: Nil

09.07 INVESTMENTS - FEBRUARY 2017

RESOLVED: Hawkins/Cusato

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

CARRIED: 8/0

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

AGAINST: Nil

09.08 RESCISSION OF "BACKDATING OF PENSIONER CONCESSION REBATES" POLICY

RESOLVED: Levido/Alley

That Council:

1. Rescind the superseded "Backdating of Pensioner Concession Rebates" Policy.
2. Note that there is no change to the "Pensioner Concession Rebates Policy" which was adopted in July 2015 and is current policy.

CARRIED: 8/0

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

AGAINST: Nil

09.09 ICT STRATEGY IMPLEMENTATION STATUS

RESOLVED: Hawkins/Turner

That Council note the information in the ICT Strategy Implementation Status report.

CARRIED: 8/0

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

AGAINST: Nil

09.10 SIX MONTHLY DELIVERY PROGRAM 2013-2017 - PROGRESS REPORT (JULY TO DECEMBER 2016)

RESOLVED: Intemann/Cusato

That the information in the six monthly Delivery Program 2013-2017 progress report (July to December 2016) be noted.

CARRIED: 8/0

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

AGAINST: Nil

09.11 AMENDMENT TO 2016-2017 FEES AND CHARGES

RESOLVED: Levido/Turner

That Council adopt the following fees and charges (including GST) for inclusion in the 2016-2017 Schedule of Fees and Charges:

1. Environment: Issue of Clean Up, Prevention and Noise Control Notices - \$520 (GST not applicable);
2. Burial - Lawn Cemetery - Innes Gardens: Grave Digging Fee - \$1,400;
3. Burial - Lawn Cemetery - Innes Gardens: Grave Digging Fee - Double Depth Beams - 1st Interment - \$1,850;
4. Burial - Lawn Cemetery - Innes Gardens: Grave Digging Fee - Child up to 12 years - \$925;
5. Burial - All General Cemeteries: Port Macquarie General Digging Fee - \$1,850;
6. Burial - All General Cemeteries: Grave Digging Fee - \$1,400;
7. Burial - All General Cemeteries: Grave Digging Fee - Child up to 12 years - \$925.

CARRIED: 8/0

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

AGAINST: Nil

09.12 OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL

RESOLVED: Turner/Hawkins

That Council request the General Manager develop a draft Local Preference Policy incorporating a 5% Notional Price Offset, to be presented to the April 2017 Ordinary Council Meeting for consideration.

CARRIED: 7/1

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

AGAINST: Cusato

09.13 SUBMISSION ON THE NSW PLANNING LEGISLATION UPDATES

RESOLVED: Intemann/Levido

That Council request the General Manager make a submission to the NSW Government on the Planning Legislation Updates as outlined in the Submission on the NSW Planning Legislation Updates report.

CARRIED: 8/0

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

AGAINST: Nil

10.01 RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - FEBRUARY 2017 MEETING

RESOLVED: Cusato/Alley

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

1. That Harrison Northey be granted the amount of \$250.00 to assist him with the expenses he would have incurred travelling to and competing at the NSW State Age Swimming Championships held in Sydney from 12 - 17 December 2016.
2. That Xander Hicks be advised that his application does not meet the criteria set down by the Mayor's Sporting fund. That should Xander gain selection to represent NSW at a State competition in the future; the Mayor's Sporting Fund would encourage Xander to again apply for assistance.
3. Annika Toohey be granted the amount of \$500.00 to assist her with the expenses she will incur competing as a member of the NSW Under 18's State Hockey Team at the 2017 Under 18's National Hockey Championships to be held in Hobart Tasmania from 19 April to 29 April 2017 inclusive.

CARRIED: 8/0

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

AGAINST: Nil

10.02 DRAFT DISABILITY INCLUSION ACTION PLAN

RESOLVED: Alley/Turner

That Council:

1. Place on exhibition the draft 2017-2020 Disability Inclusion Action Plan for a period of 28 days from 27 March to 23 April 2017.
2. Note that a further report is planned to be tabled at the June 2017 meeting of Council, detailing the submissions received from the public during the exhibition.

CARRIED: 8/0

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

AGAINST: Nil

11.01 PLANNING FOR COUNCIL'S PARTRIDGE CREEK RESIDENTIAL LAND HOLDING

RESOLVED: Levido/Turner

That Council:

1. Request the General Manager to finalise and lodge a Development Application for the development of Council's Partridge Creek Residential land holding at Thrumster.
2. Engage with adjoining land owners as necessary to allow for the Development Application to be finalised.

CARRIED: 8/0

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

AGAINST: Nil

11.02 2017-2021 ECONOMIC DEVELOPMENT STRATEGY

RESOLVED: Turner/Cusato

That Council:

1. Place on public exhibition the Draft 2017-2021 Economic Development Strategy for a period of 28 days from 20 March to 17 April 2017 inclusive.
2. Undertake broad consultation during the exhibition period with industry and business groups.
3. Note that a further report is planned to be tabled at the 17 May 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

12.01 DRAFT WASTE STRATEGY 2017 - 2024

RESOLVED: Intemann/Cusato

That Council:

1. Place the draft Waste Strategy 2017-2024 on public exhibition between 16 March to 14 April 2017.
2. Note that a further report is planned to be tabled at the May 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

12.02 GRANT OFFERS FROM THE NSW OFFICE OF ENVIRONMENT AND HERITAGE

RESOLVED: Levido/Intemann

That Council:

1. Accept grant offers of \$48,000 (Koala Road Strike Project) and \$14,000 (Koala Monitoring Project) from the NSW Office of Environment and Heritage under the Saving our Species Koala Programme.
 2. Amend the 2017/2018 budget to reflect these grants.
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CARRIED: 8/0

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

AGAINST: Nil

12.03 LAKE CATHIE COASTAL MANAGEMENT DEVELOPMENT CONTROL PLAN (DCP) PROVISIONS - PUBLIC EXHIBITION SUBMISSIONS REPORT

RESOLVED: Levido/Intemann

That Council:

1. Adopt the additional provisions to Chapter 2.4 Hazard Management of Port Macquarie-Hastings Development Control Plan (DCP) 2013, as described in this report.
2. Repeal the Lake Cathie Interim Planning Controls (25 July 2012).
3. Publish a public notice of this decision and forward a copy of the approved Development Control Plan to the Director General of the Department of Planning within 28 days.

CARRIED: 8/0

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

AGAINST: Nil

12.04 SITE SPECIFIC LEP AMENDMENTS

Councillor Alley declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 7:14pm.

RESOLVED: Intemann/Dixon

That Council:

1. Invite the proponents for site specific LEP amendments at:
 - a. Lots 1 and 2 DP 1091253, Beach St Bonny Hills;
 - b. Lot 2 DP 771931, Mission Terrace Lakewood;
 - c. Lot 435 DP 1222921, Crestwood Dr Port Macquarie;
 - d. Lots 37 & 39 DP 1191701, Frogs Rd Sancro;to submit fees and information to support the preparation of Planning Proposals for each site.
2. Commence investigations of a. to d. above as part of Council's strategic land use planning program.
3. Consider a further report following the initial investigations and determine whether to proceed with Planning Proposals to rezone the lands in each case.
4. Consider a further report on the status of all proposed site specific LEP amendments following adoption of the revised Port Macquarie-Hastings Urban Growth Management Strategy and determine priorities in Council's strategic land use planning program.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Alley returned to the meeting, the time being 07:15pm.

**13.01 QUESTION FROM PREVIOUS MEETING - QUARRIES IN THE PORT
MACQUARIE-HASTINGS LOCAL GOVERNMENT AREA**

RESOLVED: Cusato/Dixon

That Council note the information relating to recent work undertaken by staff in the management of quarry materials, in particular those used for the maintenance of our unsealed road network.

CARRIED: 8/0

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

AGAINST: Nil

**13.02 CLASSIFICATION OF PUBLIC LAND - LOTS 87 AND 89 DEPOSITED
PLAN 1219489, BOLTWOOD WAY, THRUMSTER**

RESOLVED: Levido/Cusato

That Council classify Lots 87 and 89 Deposited Plan 1219489 (land situated on Boltwood Way, Thrumster) as operational land.

CARRIED: 8/0

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

AGAINST: Nil

13.03 PROPOSED ROAD NAMING, TOWN BEACH, PORT MACQUARIE

RESOLVED: Cusato/Alley

That Council:

1. Pursuant to Section 7 of the Roads Regulation 2008, publicly notify the proposed naming of roads at Town Beach, Port Macquarie as listed in recommendations 2 and 3 below for a period of 15 days in accordance with Section 7.1.4 of the Geographical Names Board publication NSW Addressing User Manual.
2. Advertise the name "Alban Place" for the road formation leading off Stewart Street, Port Macquarie to the south wall of the Hastings River breakwall.
3. Advertise the name "Elliot Way" for the road formation leading off Stewart Street, Port Macquarie to the Marine Rescue Building and Town Beach Kiosk and then rejoining at William Street.

CARRIED: 8/0

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

AGAINST: Nil

Item - 13.04 South Lindfield Urban Release Area - Update [PP2002-6.1] - has been moved to another part of the document.

Item - 13.05 Draft Yippin Creek Structure Plan - Consideration of Submissions and Adoption - has been moved to another part of the document.

13.06 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Intemann/Levido

That Council note the Development Activity and Assessment System Performance report for the second quarter of 2016-2017.

CARRIED: 8/0

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

AGAINST: Nil

Item - 13.07 Proposed Changes to the PMH Local Environmental Plan 2011 and Development Control Plan 2013 To Accommodate Urban Growth at Rainbow Beach - has been moved to another part of the document.

14 QUESTIONS FOR NEXT MEETING

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-17-02 Provision of Architectural Design Services for Port Macquarie Airport Terminal Upgrade

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 Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that

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| | would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. |
| Item 15.03 | Services Contract - Maintenance and Support of Security Screening Equipment at Port Macquarie Airport

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 | Hastings Regional Sporting Complex - Adjacent Land Options

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 | Tastings on Hastings - Event Coordination

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. |
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, Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner
AGAINST: Nil
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ADJOURN MEETING

The Ordinary Council Meeting adjourned at 7:20pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 7:39pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Levido/Turner

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

Item 15.01 T-17-02 Provision of Architectural Design Services for Port Macquarie Airport Terminal Upgrade

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 lump sum tender from MODE Design Corp. Pty Ltd for \$343,200 (excl. GST) for the provision of Architectural Design Services for the Port Macquarie Airport Terminal Upgrade.
2. Accept the Schedule of Rates from MODE Design Corp. Pty Ltd and note additional provisional items for the purposes of managing potential variations to the contract.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-02.

Item 15.02 Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie

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 receipt of correspondence from Lands Advisory Services Pty Ltd dated 14 March 2017.
2. In accordance with the Roads Act 1993, undertake community engagement and notify statutory authorities of Council's intention to close part of Pacific Drive, north of Home Street, Port Macquarie as detailed in the body of the Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie report.
3. Subject to no submissions, by way of objection, being received to the proposed road closing, make application to the Department of Industry - Lands to close part of Pacific Drive, north of Home Street, Port Macquarie as detailed in the body of the Proposed Road Closure - Part Pacific Drive North of Home Street, Port Macquarie report.
4. Subject to the road closure process request the Department of Industries - Lands vest the closed road in Council as operational land.

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5. Subject to the road closure process and Resolutions 2-4 above:
 - (a) delegate authority to the General Manager to enter into direct negotiations with adjoining landowners for sale of the land, noting that this represents the best value option for Council in disposing of this land,
 - (b) note that the direct negotiations referred to in 5(a) are to ensure that all costs are to be paid by the adjoining landowners and that the sale price is to be based on terms no less favourable than the market value as determined by Council's consultant valuer at the date of publication of a Notice of Road Closure in the NSW Government Gazette.
 6. Subject to Resolutions 2-5 above delegate authority to the General Manager to:
 - (a) sign the Land Titles Office Request Form and Land and Property Information Transfer Form;
 - (b) sign the Plan of Road Closure and First Title Creation;
 - (c) sign the Contracts for Sale.

Item 15.03 Services Contract - Maintenance and Support of Security Screening Equipment at Port Macquarie Airport

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. Pursuant to Section 55 (3) (i) of the Local Government Act 1993, due to the unavailability of competitive or reliable tenderers as described in this report, resolves to not invite tenders for the services contract for the maintenance and support of security screening equipment at Port Macquarie Airport.
2. Accept the quotation from Smiths Detection (Australia) Pty Ltd for \$204,480 (ex GST) for the maintenance and support of security screening equipment at Port Macquarie Airport, subject to agreement of the final terms and conditions of contract being satisfied, including but not limited to, the term being for a three (3) year period, with an option to extend for a further one (1) year period, such option to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
3. Delegate authority to the General Manager to enter into the final and agreed services contract with Smiths Detection (Australia) Pty Ltd.
4. That Smiths Detection (Australia) Pty Ltd be informed of this resolution.
5. Subject to satisfactory resolution 2 above, affix the seal of Council to the necessary documents.
6. Maintain the confidentiality of the documents and considerations in respect of the quotation from Smiths Detection (Australia) Pty Ltd.

Item 15.04 Hastings Regional Sporting Complex - Adjacent Land Options

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. Reject the offer from Mr Peter Roche on the proposed southern extension of the Hastings Regional Sporting Complex.
2. Delegate authority to the General Manager to negotiate the purchase of 1 Clarke Lane, Wauchope, based on Council's valuation.
3. Request the General Manager investigate potential access arrangements from Randall Street to 1 Clarke Lane, with a view to improving vehicular movement to the Hastings Regional Sporting Complex.
4. Request the General Manager table a report at a future meeting of Council on the outcome of the negotiations as soon as possible.

Item 15.05 Tastings on Hastings - Event Coordination

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 in consideration of submissions received for RFQ-17-03 Tastings on Hastings Event Coordinator the evaluation panel's recommendation, that all submissions be declined and respondents appropriately notified.
2. Adopt Option 5 (a modified Tastings on Hastings event in the Port Macquarie CBD using in-house Council resources supported by specialist contractors) as the proposed delivery model for the 2017 Tastings on Hastings.

CARRIED: 8/0

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

AGAINST: Nil

The meeting closed at 7:40pm.

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Peter Besseling
Mayor