

PRESENT

Members:

Councillor Lisa Intemann (Deputy Mayor) Councillor Rob Turner Councillor Sharon Griffiths Councillor Peter Alley Councillor Justin Levido Councillor Lee Dixon

Other Attendees:

General Manager (Craig Swift-McNair) Director of Corporate Performance (Rebecca Olsen) Director of Development and Environment (Matt Rogers) Director of Strategy and Growth (Jeffery Sharp) Group Manager Governance and Procurement (Blair Hancock) Governance Support Officer (Bronwyn Lyon) Communications Manager (Andy Roberts)

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Mr David Rees from the Port City Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Levido/Dixon

- 1. That the apology received from Councillor Hawkins be accepted. Councillor Hawkins being absent on approved leave.
- 2. That the apology received from Councillor Cusato be accepted. Councillor Cusato being absent on approved leave.



CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Griffiths

That the Minutes of the Ordinary Council Meeting held on 19 April 2017 be confirmed.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

05 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Intemann

That the Mayoral Discretionary Fund allocations for the period 6 April to 3 May 2017 inclusive be noted.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

06.02 GENERAL MANAGER PERFORMANCE REVIEW PANEL - INTERIM MEMBERSHIP

RESOLVED: Intemann

That Council appoint Councillor Justin Levido to the General Manager's Performance Review Panel from 18 May 2017 until further notice.



06.03 REGIONAL JOBS AND INVESTMENT PACKAGE

RESOLVED: Intemann

That the Deputy Mayoral Minute on the Regional Jobs and Investment Package not be dealt with.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Turner

That Council determine that the attachments to Item Numbers 09.07 and 09.09 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

08 PUBLIC FORUM

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

REQUESTS TO SPEAK ON AN AGENDA ITEM

The Deputy Mayor advised of requests to speak on an agenda item, as follows: Item 12.01 - Mr Neil Yates in support of the recommendation. Item 13.05 - Mr Tony Thorne in support of the recommendation.

RESOLVED: Turner/Griffiths That the requests to speak be acceded to.



SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Griffiths

That Standing Orders be suspended to allow Items 12.01 and 13.05 to be brought forward and considered next.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

12.01 DA2017 - 32.1 - ADDITION OF FLOATING PONTOON AND STORAGE SHED FOR JET SKIS ASSOCIATED WITH AN EMERGENCY SERVICES FACILITY (MARINE RESCUE) - LOT 1 DP 1064060, BULLER STREET, PORT MACQUARIE

Mr Neil Yates, Marine Rescue Port Macquarie, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Dixon

That DA2017 - 32 for the addition of a floating pontoon and storage shed for jet skis associated with an emergency services facility (Marine Rescue) at Lot 1 and 2, DP 1064060, No. 11A Buller Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

13.05 PLANNING PROPOSAL - LOT 14 DP240042, PIONEER STREET, NORTH HAVEN. KING AND CAMPBELL PTY LTD FOR RD & ML TATE AND TATE DEVELOPMENTS PTY LTD

Mr Tony Thorne, King and Campbell Pty Ltd, representing the applicant, addressed Council in support of the recommendation.

RESOLVED: Levido/Dixon

That Council:

- Prepare a planning proposal 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 respect to Lot 14 DP 240042, Pioneer Street North Haven to change the zoning of the land to part residential, part rural and part environmental protection, as described in this report.
- 2. Forward 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.

- 3. Request that the Secretary of the Department of Planning & Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under section 59 of the Act in respect of the planning proposal.
- 4. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal as a result of the Section 56 Gateway Determination, prior to public exhibition of the proposal.
- 5. Undertake community consultation in accordance with the Gateway Determination.
- 6. Receive a report following the public exhibition period to demonstrate compliance with the Gateway Determination and to assess any submissions received.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Griffiths/Alley

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

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

09.02 DEPUTY MAYOR FEES WHILE EXERCISING THE ROLE OF MAYOR

RESOLVED: Levido/Alley

That Council apply the adopted Mayoral fee on a pro rata basis to the Deputy Mayor (including the fee payable to a Councillor) for such time as the Deputy Mayor exercises the responsibilities and duties of the Mayor.



09.03 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR ALLEY

RESOLVED: Turner/Griffiths

That Council grant leave of absence for Councillor Alley for the period 24 June 2017 to 26 July 2017, which includes the Ordinary Meeting of Council scheduled for 19 July 2017.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

09.04 2016-2017 OPERATIONAL PLAN QUARTERLY PROGRESS REPORT AS AT 31 MARCH 2017

RESOLVED: Turner/Alley

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

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

09.05 MONTHLY FINANCIAL REVIEW FOR APRIL 2017

RESOLVED: Griffiths/Turner

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

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

09.06 INVESTMENTS - APRIL 2017

RESOLVED: Griffiths/Alley

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

09.07 QUARTERLY BUDGET REVIEW STATEMENT

RESOLVED: Griffiths/Alley

That Council note the Quarterly Budget Review Statement for the March 2017 quarter.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

09.08 OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH COUNCIL

RESOLVED: Alley/Turner

That Council:

- 1. Continue to implement the currently adopted integrated strategy to support local business.
- 2. Place the draft Local Preference Policy incorporating a 5% Notional Price Offset, on public exhibition for a period of 28 days from 24 May to 21 June 2017.
- 3. Request the General Manager provide a briefing to Councillors in August 2017 detailing the submissions received from the public during the exhibition period and a further report to Council.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

09.09 QUESTION FROM PREVIOUS MEETING - TENDER ASSESSMENTS

RESOLVED: Intemann/Levido

That Council note the information provided in the Question from Previous Meeting-Tender Assessments report.

09.10 MAKING A DECISION ABOUT FUTURE RATES

MOTION

MOVED: Turner/Alley

That Council note that:

- 1. The Independent Pricing and Remuneration Tribunal (IPART) have determined that Port Macquarie-Hastings Council may increase its general income in 2017-18 by 5.39%, including the rate peg of 1.5%.
- 2. The special variation can be permanently retained in Council's general income base.
- 3. This special variation is effectively a continuation of the current general income base as it replaces the funding provided by the existing special variation which will expire on 30 June 2017.
- 4. The net impact on rates in 2017-18 is an increase of 1.5%.
- 5. The mandatory purpose of the special variation is for the maintenance and renewal of Council's road network.

FORESHADOWED MOTION

MOVED: Griffiths

That Council note that:

- 1. The Independent Pricing and Remuneration Tribunal (IPART) have determined that Port Macquarie-Hastings Council may increase its general income in 2017-18 by 5.39%, including the rate peg of 1.5%.
- 2. The special variation can be permanently retained in Council's general income base.
- 3. This special variation is effectively a continuation of the current general income base as it replaces the funding provided by the existing special variation which will expire on 30 June 2017.
- 4. The net impact on rates in 2017-18 is an increase of 1.5%.
- 5. The mandatory purpose of the special variation is for the maintenance and renewal of Council's road network.
- 6. Implement a special rate variation for a four year period.

THE MOTION WAS PUT

RESOLVED: Turner/Alley

That Council note that:

- 1. The Independent Pricing and Remuneration Tribunal (IPART) have determined that Port Macquarie-Hastings Council may increase its general income in 2017-18 by 5.39%, including the rate peg of 1.5%.
- 2. The special variation can be permanently retained in Council's general income base.
- 3. This special variation is effectively a continuation of the current general income base as it replaces the funding provided by the existing special variation which will expire on 30 June 2017.
- 4. The net impact on rates in 2017-18 is an increase of 1.5%.
- 5. The mandatory purpose of the special variation is for the maintenance and renewal of Council's road network.



CARRIED: 5/1 FOR: Alley, Dixon, Intemann, Levido and Turner AGAINST: Griffiths

10.01 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - MARCH AND APRIL 2017 MEETINGS

RESOLVED: Levido/Dixon

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. Matthew Catania be granted the amount of \$500.00 to assist with the expenses he will incur travelling to and competing at the Australian Junior Athletics Championships to be held at Sydney Olympic Park from 26 March to 2 April 2017 inclusive.
- Harrison Northey be granted the amount of \$500.00 to assist with the expenses he will incur travelling to and competing at the 2017 Georgina Hope National Age Swimming Championships to be held at Brisbane Aquatic Centre, Queensland from 18 - 20 April 2017 inclusive.
- Luke Mapstone be granted the amount of \$500.00 to assist with the expenses he will incur travelling to and competing at the 2017 Georgina Hope National Age Swimming Championships to be held at Brisbane Aquatic Centre, Queensland from 18 - 20 April 2017 inclusive.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

11.01 2017-2021 ECONOMIC DEVELOPMENT STRATEGY

RESOLVED: Turner/Levido

That Council:

- Note the submissions and feedback received on the draft 2017-2021 Economic Development Strategy during the public exhibition period 20 March - 17 April 2017.
- 2. Adopt the 2017-2021 Economic Development Strategy as amended based on public comment and further review by the Economic Development Steering Group.
- 3. Note six-monthly reports will be presented to Council to update on implementation of the Strategy.



Item - 12.01 DA2017 - 32.1 - Addition Of Floating Pontoon And Storage Shed For Jet Skis Associated With an Emergency Services Facility (Marine Rescue) - Lot 1 DP 1064060, Buller Street, Port Macquarie - has been moved to another part of the document.

12.02 DA2017 - 149.1 DWELLING AND SWIMMING POOL INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 65 DP 239779, NO. 13 THIRD AVENUE, BONNY HILLS

RESOLVED: Griffiths/Alley

That the determination of DA 2017 - 149.1 for a Dwelling and Swimming Pool including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 65, DP 239779, No. 13 Third Avenue, Bonny Hills, be noted.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

12.03 DRAFT WASTE STRATEGY 2017 - 2024 EXHIBITION SUBMISSIONS

RESOLVED: Griffiths/Levido

That Council adopt the Port Macquarie-Hastings Waste Strategy 2017-2024 incorporating the amendments noted in the report.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

12.04 CONTAMINATED LAND POLICY

RESOLVED: Griffiths/Levido

That Council adopt the Contaminated Land Policy and Guidelines as attached to this report.



13.01 TOWN CENTRE MASTER PLAN SUB-COMMITTEE CHARTER

RESOLVED: Turner/Griffiths

That Council adopt the amended Town Centre Master Plan Sub-Committee Charter in line with the revised Council organisation structure as adopted 19 April 2017.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

13.02 INFRASTRUCTURE WORKS PROGRAM UPDATE

RESOLVED: Levido/Dixon

That Council:

- 1. Note the information provided in this report.
- 2. Adopt the adjustments to the 2016/17 Operational Plan as detailed.
- 3. Adopt the capital works budget adjustments as detailed in the report.
- 4. Give consideration to including the projects deferred from the 2016/17 Operational Plan into the 2017/18 Operational Plan to be adopted in June 2017.

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

13.03 SETTLEMENT SHORES CANAL MAINTENANCE PLAN

RESOLVED: Levido/Griffiths

That Council:

- 1. Place on public exhibition the draft Settlement Shores Canal Maintenance Plan from 30 May 2017 until 27 June 2017 (28 days).
- 2. Note that a further report is planned to be tabled at the July 2017 meeting of Council, detailing the submissions received from the public during the exhibition period.



13.04 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Griffiths/Dixon

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

CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

Item - 13.05 Planning Proposal - Lot 14 DP240042, Pioneer Street, North Haven. King and Campbell Pty Ltd for RD & ML Tate and Tate Developments Pty Ltd - has been moved to another part of the document.

14 QUESTIONS FOR NEXT MEETING

14.01 MANAGEMENT OF ROADSIDE VEGETATION

Question from Councillor Griffiths:

Can the General Manager please detail the current processes in place for the management of roadside vegetation and the various resourcing and legislative constraints that exist around this and any other relevant information.

Comments by Councillor (if provided):

Nil.

14.02 WATERCRAFT STORAGE - HASTINGS RIVER FORESHORE, PORT MACQUARIE

Question from Councillor Intemann:

Can the General Manager please provide information on the constraints and opportunities associated with additional watercraft storage along the Hastings River foreshore in Port Macquarie?

Comments by Councillor (if provided):

Nil.



CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/Dixon

- 1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole (Closed Session) on the basis that items to be considered are of a confidential nature.
- 2. That Council move into Confidential Committee of the Whole (Closed Session) to receive and consider the following items:
 - Item 15.01 T-17-07 Supply of Two (2) 40kw Out-front Self Propelled Mowers

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-17-18 Pipeline Design - Beechwood Water Supply 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.

Item 15.03 T-17-20 TCMP Town Square

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-17-26 Bespoke Furniture Design and Supply - Town Square 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, confer a commercial advantage on a competitor of the Council.

Item 15.05 Construction of Houston Mitchell Drive Stages 2 and 3 Update

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

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.



ADJOURN MEETING

The Ordinary Council Meeting adjourned at 6:47pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 6:54pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/Alley

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

Item 15.01 T-17-07 Supply of Two (2) 40kw Out-front Self Propelled Mowers

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 quotation, through Local Government Procurement, from Scone Outdoors, for the purchase of two (2) 40kw Out-front Self Propelled Mowers for \$184,014 (excl GST).
- 2. Affix the seal of Council to the necessary documents.
- 3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-07.

Item 15.02 T-17-18 Pipeline Design - Beechwood Water Supply 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:

- Accept the tender from GANDEN Engineers and Project Managers for \$120,290 (exclusive of GST) to undertake the Pipeline Design of the Beechwood Water Supply Upgrade.
- 2. Affix the seal of Council to the necessary documents.
- 3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-18.



Item 15.03 T-17-20 TCMP Town Square

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 Commercial Project Group Pty Ltd for \$2,290,010 (exclusive of GST) to undertake the construction of an upgraded TCMP Town Square.
- 2. Affix the seal of Council to the necessary documents.
- 3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-20.

Item 15.04 T-17-26 Bespoke Furniture Design and Supply - Town Square 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, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

- Accept the tender from Street Furniture Australia Pty Ltd for \$159,152 (exclusive of GST) for the design and supply services for bespoke furniture associated with the Town Square Upgrade.
- 2. Affix the seal of Council to the necessary documents.
- 3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-26.

Item 15.05 Construction of Houston Mitchell Drive Stages 2 and 3 Update

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

RECOMMENDATION

That Council:

- 1. Note the update on the progress of the Construction of Houston Mitchell Drive Upgrade Stages 2 and 3.
- 2. Approve the project budget adjustment as detailed in the report.
- 3. Request the General Manager to Execute the Deed of Settlement and Release.
- Maintain the confidentiality of the documents and considerations in respect of Tender T-16-03 and the Deed of Settlement and Release.



CARRIED: 6/0 FOR: Alley, Dixon, Griffiths, Intemann, Levido and Turner AGAINST: Nil

The meeting closed at 6:54pm.

Lisa Intemann Deputy Mayor