
PRESENT

Members:

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director of Corporate Performance (Rebecca Olsen)
Director of Development and Environment (Matt Rogers)
Acting Director of Infrastructure (Andrew Doig)
Group Manager Strategic Land Use Planning (Peter Cameron)
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 Mayor opened the Meeting with an Acknowledgement of Country and welcomed all in attendance in the Chamber.

02 LOCAL GOVERNMENT PRAYER

Pastor Simon Chen from the Port Macquarie Baptist 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 16 August 2017 be confirmed.

CARRIED: 9/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Geoff Hawkins declared a Non-Pecuniary – Less than Significant Interest in Item 09.05 – 2017 Local Government NSW Conference, the reason being he has put himself forward to attend the Conference.

Councillor Peter Alley declared a Non-Pecuniary – Less than Significant Interest in Item 09.05 – 2017 Local Government NSW Conference, the reason being he has put himself forward to attend the Conference.

Mayor Peta Pinson declared a Non-Pecuniary – Less than Significant Interest in Item 09.05 – 2017 Local Government NSW Conference, the reason being she has put herself forward to attend the Conference.

Councillor Lisa Intemann declared a Non-Pecuniary – Less than Significant Interest in Item 10.01 – 8th Handa Dashi Float Festival and 80th Anniversary of Handa City, Japan, the reason being she is nominated to attend Handa and represent Council.

Mayor Peta Pinson declared a Non-Pecuniary – Significant Interest in Item 14.01 - T-17-38 - Albert Street Bridge Replacement (Kendall), the reason being that she owns a company that has business dealings with one of the tender applicants.

Councillor Levido declared a Non-Pecuniary – Significant Interest in Item 14.01 - T-17-38 – Albert Street Bridge Replacement (Kendall), the reason being he is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers and the firm acts for one of the tenderers in the subject report.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

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

CARRIED: 9/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

The General Manager confirmed that there was no confidential correspondence to the Ordinary Council Meeting.

08 PUBLIC FORUM

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

- Mrs Priscilla Flemming regarding withdrawal of DA for walking track in the rainforest behind Chepana Street, Lake Cathie.
- Mr Corey Enfield regarding the dead whale buried at Nobbys Beach, Port Macquarie.

RESOLVED: Turner/Hawkins

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

CARRIED: 9/0

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

AGAINST: Nil

08.01 WITHDRAWAL OF DA FOR WALKING TRACK IN THE RAINFOREST BEHIND CHEPANA STREET, LAKE CATHIE

Mrs Priscilla Flemming, on behalf of the Lake Cathie Landcare Group, addressed Council regarding the withdrawal of the DA for the walking track in the rainforest behind Chepana Street, Lake Cathie and requested Council try again for a successful DA. Mrs Flemming answered questions from Councillors.

08.02 DEAD WHALE BURIED AT NOBBYS BEACH, PORT MACQUARIE

Mr Corey Enfield, proprietor of Soul Surfing and on behalf of the local surfing community, addressed Council regarding the dead whale buried at Nobbys Beach and human safety concerns, requesting that the whale be dug up and removed from the beach. Mr Enfield answered questions from Councillors.

REQUEST TO SPEAK ON AN AGENDA ITEM

Councillor Levido left the meeting, the time being 6:26pm.

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

Item 12.01 – Mr Andrew McGrath in support of the recommendation and in relation to DA2016-701 – Seniors Housing Aged Care Facility - 1 Highfields Circuit, Port Macquarie.

Item 12.01 – Mr Matt Hafford in support of the recommendation and in relation to DA2016-701 – Seniors Housing Aged Care Facility - 1 Highfields Circuit, Port Macquarie.

RESOLVED: Dickson/Cusato

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

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Alley

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

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

**12.01 DA2016 - 701 - SENIORS HOUSING AGED CARE FACILITY INCLUDING
CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND
CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-
HASTINGS LOCAL ENVIRONMENTAL 2011 - 1 HIGHFIELDS CIRCUIT,
PORT MACQUARIE**

Councillor Levido returned to the meeting, the time being 6:27pm.

Mr Andrew McGrath, Project Architect, addressed Council in support of the proposed development at 1 Highfields Circuit, Port Macquarie and answered questions from Councillors.

Mr Matt Hafford, Palmcare Pty Ltd, addressed Council in support of the proposed development at 1 Highfields Circuit, Port Macquarie and answered questions from Councillors.

RESOLVED: Levido/Cusato

*That consideration of this item be deferred pending an on-site inspection by
Councillors and a report come back to Council following the on-site inspection.*

CARRIED: 8/1

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

AGAINST: Pinson

09.01 CREATION OF OFFICE OF DEPUTY MAYOR

RESOLVED: Cusato/Levido

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be twelve (12) months.
3. Elect the Deputy Mayor by way of open voting.

CARRIED: 9/0

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

AGAINST: Nil

The General Manager, acting as Returning Officer, called for nominations for the Office of Deputy Mayor.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Lisa Intemann, nominated by two Councillors and accepted by Councillor Lisa Intemann.

The Returning Officer then called for a show of hands in favour of Councillor Intemann for Deputy Mayor.

All Councillors supported Councillor Intemann's nomination.

The Returning Officer declared Councillor Intemann elected to the Office of Deputy Mayor for the ensuing period as resolved by Council.

The Mayor congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

09.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Levido/Griffiths

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

CARRIED: 9/0

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

AGAINST: Nil

09.03 COUNCIL MEETINGS DATES FOR 2018

RESOLVED: Griffiths/Dickson

That Council set the Ordinary Council Meeting dates for 2018 as the third Wednesday of each month (with the exception being no meeting scheduled in January, and an earlier meeting in December due to the proximity of Christmas) being:

- 21 February
- 21 March (Taking the Council to the Community - Wauchope)
- 18 April
- 16 May
- 20 June
- 18 July
- 15 August
- 19 September
- 17 October (Taking the Council to the Community - Laurieton)
- 21 November
- 12 December.

CARRIED: 9/0

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

AGAINST: Nil

09.04 FUNDING APPLICATIONS FOR STRONGER COUNTRY COMMUNITIES FUND AND REGIONAL CULTURAL FUND

RESOLVED: Intemann/Cusato

That Council:

1. Note that funding applications for Round 1 of the Stronger Country Communities Fund will be submitted in line with the funding requirements by the closing date of 18 October 2017.
2. Note the information relating to the funding application made under the Regional Cultural Fund for new seating for the Ross Family Studio at the Glasshouse.
3. Advise local MPs Leslie Williams and Melinda Pavey of Council's applications under the Stronger Country Communities Fund and request their support for funding.

CARRIED: 9/0

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

AGAINST: Nil

09.05 2017 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

Mayor Peta Pinson, Councillor Geoff Hawkins and Councillor Peter Alley declared Non-Pecuniary – Less than Significant Interests in this item.

RESOLVED: Levido/Griffiths

That Council:

1. Grant approval for Mayor Peta Pinson, Councillor Geoff Hawkins and Councillor Peter Alley to attend the 2017 Local Government NSW Annual Conference to be held in Sydney from 4 to 6 December 2017.
2. Determine that Mayor Peta Pinson, Councillor Geoff Hawkins and Councillor Peter Alley be Council's voting delegates for the Elections of Office Bearers and the Board of Local Government NSW at the Conference.
3. Determine that Mayor Peta Pinson, Councillor Geoff Hawkins and Councillor Peter Alley be Council's voting delegates for voting on motions which determine the policies and priorities for the Local Government NSW and the sector.

CARRIED: 9/0

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

AGAINST: Nil

09.06 QUESTION FROM PREVIOUS MEETING - NSW GOVERNMENT FUNDING

RESOLVED: Intemann/Hawkins

That Council:

1. Note the information provided in relation to NSW Government funding.
2. Request the General Manager give consideration to how best to gain feedback on unsuccessful funding applications so as to improve the chance of funding in future applications and request the General Manager raise the issue of feedback on unsuccessful funding applications with relevant State Ministers in upcoming meetings.
3. Request the General Manager consult Councillors on the issues to be raised at any future Ministerial meetings, and advise the outcomes.

CARRIED: 9/0

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

AGAINST: Nil

09.07 QUESTION FROM PREVIOUS MEETING - DIRECTOR INFRASTRUCTURE POSITION

RESOLVED: Levido/Turner

That Council note the information provided in relation to the Director of Infrastructure position.

CARRIED: 9/0

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

AGAINST: Nil

09.08 PROPERTY INVESTMENT POLICY

RESOLVED: Hawkins/Griffiths

That Council:

1. Place on public exhibition from 25 September 2017 until 24 October 2017 (28 days) the draft Property Investment Policy.
2. Note that a further report will be tabled at the November 2017 meeting of Council, detailing the submissions received from the public during this exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

09.09 INVESTMENT POLICY - REVIEW AND RATING AGENCY DOWNGRADE

RESOLVED: Hawkins/Griffiths

That Council:

1. Adopt the recommended course of action to hold the investments impacted by the rating downgrade event until maturity.
2. Place the revised Investment Policy on public exhibition from 27 September 2017 to 24 October 2017 (28 days).
3. Note that a further report will be tabled at the November 2017 meeting of the Council detailing the submissions received from the public in relation to the Investment Policy, during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

09.10 INVESTMENTS - AUGUST 2017

RESOLVED: Alley/Intemann

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

CARRIED: 9/0

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

AGAINST: Nil

09.11 MONTHLY FINANCIAL REVIEW FOR AUGUST 2017

Councillor Turner left the meeting, the time being 7:23pm.

Councillor Turner returned to the meeting, the time being 7:24pm.

RESOLVED: Intemann/Pinson

That Council:

1. Adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for August 2017.
2. Authorise the General Manager to allocate appropriate funds to address the whale situation on Nobbys Beach, Port Macquarie, as necessary.

CARRIED: 9/0

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

AGAINST: Nil

09.12 SIX MONTHLY DELIVERY PROGRAM 2013-2017 - PROGRESS REPORT (JANUARY TO JUNE 2017)

RESOLVED: Alley/Intemann

That the information in the six monthly Delivery Program 2013-2017 progress report (January to June 2017) be noted.

CARRIED: 9/0

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

AGAINST: Nil

09.13 PAYMENT OF WATER FUND DIVIDEND FOR THE YEAR 2015-2016

RESOLVED: Levido/Hawkins

That Council:

1. Note the achievement of substantial compliance with each of the six best practice guidelines (NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007) of:
 - (a) Strategic Business Planning
 - (b) Pricing
 - (c) Water Conservation
 - (d) Performance Reporting
 - (e) Integrated Water Cycle Management
2. Authorise the application to the NSW Government for approval to pay a dividend of \$966,930 to the General Fund from Water Supply operations in accordance with the NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007.
3. Determine that if successful in its application that the dividend will be quarantined for stormwater works.

CARRIED: 9/0

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

AGAINST: Nil

09.14 FINANCIAL ASSISTANCE GRANTS

RESOLVED: Intemann/Hawkins

That Council note the 2017-2018 Grant calculations provided by the NSW Local Government Grants Commission for Port Macquarie-Hastings Council in relation to the Financial Assistance Grant calculations.

CARRIED: 9/0

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

AGAINST: Nil

09.15 QUESTION FROM PREVIOUS MEETING - FINANCIAL RESERVES REVIEW

RESOLVED: Levido/Alley

That Council note the update regarding the status of the Financial Reserves Review.

CARRIED: 9/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.16 RECOMMENDED ITEM FROM AUDIT, RISK AND IMPROVEMENT COMMITTEE - LEGISLATIVE COMPLIANCE 2016-2017

RESOLVED: Hawkins/Intemann

That Council note the information contained in the report.

CARRIED: 9/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.17 RECOMMENDED ITEM FROM AUDIT, RISK AND IMPROVEMENT COMMITTEE - AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT 2016-2017

RESOLVED: Hawkins/Cusato

That Council note the Audit, Risk and Improvement Committee Annual Report for the period 2016-2017.

CARRIED: 9/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.18 NSW CROWN LAND NEGOTIATION PROGRAM - EXPRESSION OF INTEREST

RESOLVED: Levido/Alley

That Council note that an Expression of Interest has been submitted in relation to the NSW Crown Land Negotiation Program.

CARRIED: 9/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

09.19 LAND CLASSIFICATION - LAND ACQUISITION FOR EXPANSION OF THE HOLLISDALE RURAL FIRE SERVICE

RESOLVED: Griffiths/Dickson

That Council classify Lot 11 DP1232850 (Pappinbarra Road, Hollisdale) as operational land.

CARRIED: 9/0

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

AGAINST: Nil

09.20 COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2016-2017

RESOLVED: Griffiths/Intemann

That Council note the Compliments and Complaints Annual Report for 2016-2017.

CARRIED: 9/0

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

AGAINST: Nil

10.01 8TH HANDA DASHI FLOAT FESTIVAL AND 80TH ANNIVERSARY OF HANDA CITY, JAPAN

Councillor Lisa Intemann declared a Non-Pecuniary – Less than Significant Interest in this item.

RESOLVED: Levido/Griffiths

That Council:

1. Note and accept the invitation from the Mayor of Handa City for three (3) delegates from Port Macquarie-Hastings to attend the 8th Handa Float Festival and 80th Anniversary of Handa City celebrations in Handa, Japan from 5 to 9 October 2017.
2. Endorse the Deputy Mayor, Lisa Intemann and Handa Working Group members, Ms Patricia Johnson and Mr Bruce Hardy, as Council's delegates to attend the 8th Handa Float Festival and 80th Anniversary of Handa celebrations in Handa, Japan from 5 to 9 October 2017.
3. Note that the Deputy Mayor's travel expenses will be covered from within the existing 2017-2018 Mayoral budget.
4. Note that the travel expenses for Ms Patricia Johnson and Mr Bruce Hardy will be a combination of funds within the existing 2017-2018 Handa Sister City budget and a personal contribution from both Ms Johnson and Mr Hardy.
5. Note that any personal expenses relating to attendance at the Float Festival will be the responsibility of each individual.

CARRIED: 8/1

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Cusato

10.02 QUESTION FROM PREVIOUS MEETING - LEASH-FREE DOG PARKS

RESOLVED: Turner/Pinson

That Council:

1. Note the information contained in the report.
2. Consider further alternatives for leash-free dog parks in the formation of the 2018-2019 Operational Plan.

CARRIED: 9/0

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

AGAINST: Nil

10.03 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - AUGUST 2017 MEETING

RESOLVED: Intemann/Griffiths

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. Maddison Drewitt be granted the amount of \$500.00 to assist with the expenses she will incur travelling to and competing as a member of the Under 13's Girls State Hockey Team at the National Hockey Championships to be held in Perth from 26 September to 9 October 2017 inclusive.
2. Tom Berryman be granted the amount of \$350.00 to assist with the expenses he will incur travelling to and competing at the Pacific School Games (Swimming) to be held in Adelaide from 2 December to 9 December 2017 inclusive.
3. Morgan Jean be granted the amount of \$250.00 to assist with the expenses he will incur travelling to and competing as a member of the North Coast Team at the NSW CHS Athletics Championships to be held in Sydney from 6 September to 8 September 2017 inclusive.

Councillor Hawkins left the meeting, the time being 07:56pm.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

10.04 ANNUAL REPORT OF THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2016-2017

RESOLVED: Pinson/Intemann

That Council note the information outlined in the Annual Report of the Activities for the Mayor's Sporting Fund 2016-2017.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Item 12.01 – DA2016 - 701 – Seniors Housing Aged Care Facility Including Clause 4.6 Objection To Clause 4.3 (Height Of Buildings) And Clause 4.4 (Floor Space Ratio) Of The Port Macquarie-Hastings Local Environmental 2011 - 1 Highfields Circuit, Port Macquarie – has been moved to another part of the Minute document.

12.02 DA2017 - 342.1 NEW DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 271 DP 831575, 14 COASTLANDS PLACE, PORT MACQUARIE

RESOLVED: Intemann/Levido

That the determination of DA2017 – 342.1 for dwelling a including clause 4.6 objection to clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 271, DP 831575, No. 14 Coastlands Place, Port Macquarie, be noted.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

12.03 DA2017 - 414.1 ALTERATIONS AND ADDITIONS TO DWELLING AND CONSTRUCTION OF SWIMMING POOL INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDING) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 266 DP236277, NO 13 THE SUMMIT ROAD, PORT MACQUARIE

RESOLVED: Turner/Griffiths

That DA 2017 – 414.1 for alterations and additions to dwelling and construction of swimming pool including clause 4.6 variation to clause 4.3 (Height of Building) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 266, DP 236277, 13 The Summit Road, Port Macquarie be noted.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

Councillor Hawkins returned to the meeting, the time being 07:58pm.

12.04 DA2017 - 444.1 DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 41 DP 285493, 30 BIRRAMEL DRIVE, DUNBOGAN

RESOLVED: Levido/Turner

That the determination of DA2017 - 444.1 for a dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie-Hastings Local Environmental Plan 201 at Lot 41 DP 285493, 30 Birramal Drive, Dunbogan, be noted.

CARRIED: 9/0

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

AGAINST: Nil

12.05 QUESTION FROM PREVIOUS MEETING - DA - WOOLWORTHS FOOD FOR LESS BUILDING

RESOLVED: Intemann/Turner

That Council note the report on the status of the DA Woolworths Food For Less Building.

CARRIED: 9/0

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

AGAINST: Nil

12.06 QUESTION FROM PREVIOUS MEETING - TREE MANAGEMENT

MOTION: Griffiths

That Council:

1. Note the information contained in the report.
2. Review tree related policies, plans and practices to reduce public risk.
3. Request the GM to provide comparative information on tree policies and management practices from other Councils.
4. Provide a briefing to Councillors and a further report to Council on proposed improvements.

LAPSED FOR WANT OF A SECONDER.

FORESHADOWED MOTION:

MOVED: Alley

That Council note the information contained in the report.

THE MOTION WAS PUT.

RESOLVED: Alley/Hawkins

That Council note the information contained in the report.

CARRIED: 9/0

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

AGAINST: Nil

12.07 THRUMSTER LOCAL ORDERS POLICY

RESOLVED: Intemann/Levido

That Council:

1. Publicly exhibit the attached draft Local Orders Policy to Restrict Keeping of Dogs in Core Koala Habitat Areas at Thrumster for 28 days between 4 October 2017 and 1 November 2017.
2. Accept submissions on the Local Orders Policy for a period of 42 days commencing on 4 October 2017.
3. Consider a further report following completion of the public exhibition period, including a review of submissions and any necessary amendments to the draft Local Orders Policy.

CARRIED: 6/3

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

AGAINST: Cusato, Griffiths and Pinson

13 QUESTIONS FOR NEXT MEETING

13.01 ROADSIDE LITTER CLEAN-UP PROGRAM

Question from Councillor Cusato:

Does Council have a roadside litter clean-up program, including the local main arterial roads, and does Council engage with the State Government to ensure roads (including the Oxley Highway) are kept in an acceptable condition for visitors and local residents?

Comment by Councillor (if provided):

Nil.

13.02 DIRECTOR OF DEVELOPMENT & ENVIRONMENT POSITION

Question from Councillor Levido:

Could the General Manager advise the present position as to the filling of the imminently to be vacant Director of Development & Environment role.

Comment by Councillor (if provided):

Nil.

13.03 SECTIONS 226(A) AND (C) OF THE LOCAL GOVERNMENT ACT 1993

Question from Councillor Levido:

Could the GM advise the practical application of Sections 226(a) and (c) of the Local Government Act 1993 in so far as they relate to Port Macquarie-Hastings Council?

Comment by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/Dickson

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 14.01 T-17-38 Albert Street Bridge Replacement (Kendall)

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 14.02 T-17-39 Bulli Creek Bridge Replacement

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 14.03 T-17-44 Pipeline Design - Bonny Hills Reclaimed Water Mains

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 14.04 T-17-14 Mulching of Greenwaste and Woodwaste

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 14.05 EOI-17-10 Independent Member of the Town Centre Master Plan Sub-Committee

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

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

CARRIED: 9/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.42 pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 8.57 pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Levido/Cusato

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

Item 14.01 T-17-38 Albert Street Bridge Replacement (Kendall)

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.
RECOMMENDATION

That Council:

1. Accept the tender from Eire Constructions Pty Ltd for \$612,389 (exclusive of GST) for the complete demolition, removal and replacement of Albert Street Bridge at Kendall.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of T-17-38.

Item 14.02 T-17-39 Bulli Creek Bridge Replacement

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.

RECOMMENDATION

That Council:

1. Accept the tender from Bridge and Civil Pty Ltd for \$1,780,000 (exclusive of GST) for the replacement of Bulli Creek Bridge on Comboyne Road.
2. Accept the Schedule of Rates from Bridge and Civil Pty Ltd for variation to the project.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of T-17-39.

Item 14.03 T-17-44 Pipeline Design - Bonny Hills Reclaimed Water Mains

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.

RECOMMENDATION

That Council:

1. Accept the tender from Eco Logical Australia Pty Ltd for \$94,055 (exclusive of GST) to undertake the Pipeline Design of the Bonny Hills Reclaimed Water Mains.
2. Accept the Schedule of Rates from Eco Logical Australia Pty Ltd to undertake the Pipeline Design of the Bonny Hills Reclaimed Water Mains.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-44.

Item 14.04 T-17-14 Mulching of Greenwaste and Woodwaste

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.

RECOMMENDATION

That Council:

1. Accept the tender from Davis Earthmoving Pty Ltd to undertake the mulching of Greenwaste and Woodwaste from Council's waste facilities for a term of two (2) years with an option to extend for a further two (2) x one (1) year periods,

(such option to be for the benefit of the Council and may be exercised only by the Council in its sole discretion).

2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-17-14.

Item 14.05 EOI-17-10 Independent Member of the Town Centre Master Plan Sub-Committee

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.

RECOMMENDATION

That Council:

1. Appoint the new member in the listed representative position, to the Town Centre Master Plan Sub-Committee, following completion of the current two (2) year membership term:
 - (a) CBD Trader - Ms Geraldine Haigh.
2. Review the Town Centre Master Plan Sub-Committee Charter prior to calling for EOIs for membership in June 2018, with a specific focus on membership and representation.
3. Invite Mr John McGuigan to be a non-voting Sub-Committee Member utilising Clause 3.4 of the current Charter, for a period of 12 months.
4. Commence the appointments by inviting the new members to the next Town Centre Master Plan Sub-Committee Meeting on 28 September 2017.
5. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-17-10.

The meeting closed at 8.58pm.

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Peta Pinson
Mayor