

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 Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Alex Fisher)
Director Strategy and Growth (Jeffery Sharp)
Group Manager Governance and Procurement (Blair Hancock)
Governance Support Officer (Bronwyn Lyon)
Acting Communications Manager (Nicole Marzan)

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 Phil Brown from the Generocity Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Hawkins

1. That the Minutes of the Ordinary Council Meeting held on 20 June 2018 be confirmed.
2. That the Minutes of the Extra-Ordinary Council Meeting held on 4 July 2018 be confirmed.

CARRIED: 9/0

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

05 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That Council note that there were no Mayoral Discretionary Fund allocations made for the period 7 June to 4 July 2018 inclusive.

CARRIED: 9/0

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

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Nil.

08 PUBLIC FORUM

Nil.

09.01 RESIGNATION FROM THE MID NORTH COAST REGIONAL ORGANISATION OF COUNCILS (MIDROC)

MOTION

MOVED: Griffiths/Cusato

That Council:

1. Resign as a member of the Mid North Coast Regional Organisation of Councils (MIDROC) at the July 2018 MIDROC Board meeting, to focus energies on ensuring the success of the new Mid North Coast Joint Organisation (MNCJO).
2. Request the General Manager allocate any remaining Port Macquarie-Hastings Council funding that is distributed from MIDROC, to the operation of the MNCJO, as detailed in the Financial & Economic Implications section of this Resignation from the Mid North Coast Regional Organisations of Council report.

AMENDMENT

MOVED: Intemann/Hawkins

That Council:

1. Resign as a member of the Mid North Coast Regional Organisation of Councils (MIDROC) at the July 2018 MIDROC Board meeting, to focus energies on ensuring the success of the new Mid North Coast Joint Organisation (MNCJO).
2. Request the General Manager allocate any remaining Port Macquarie-Hastings Council funding that is distributed from MIDROC, to a reserve, as detailed in the Financial & Economic Implications section of this Resignation from the Mid North Coast Regional Organisations of Council report.

CARRIED: 9/0

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

AGAINST: Nil

FORESHADOWED MOTION

MOVED: Turner

That the matter be deferred pending outcome of whether PMHC will receive a refund from MIDROC.

THE AMENDMENT BECAME THE MOTION AND WAS PUT

RESOLVED: Intemann/Hawkins

That Council:

1. Resign as a member of the Mid North Coast Regional Organisation of Councils (MIDROC) at the July 2018 MIDROC Board meeting, to focus energies on ensuring the success of the new Mid North Coast Joint Organisation (MNCJO).
2. Request the General Manager allocate any remaining Port Macquarie-Hastings Council funding that is distributed from MIDROC, to a reserve, as detailed in the Financial & Economic Implications section of this Resignation from the Mid North Coast Regional Organisations of Council report.

CARRIED: 8/1

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

AGAINST: Turner

09.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Intemann/Griffiths

That Council note the information contained 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 DISCLOSURE OF INTEREST RETURN

RESOLVED: Griffiths/Dixon

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

1. Director Development and Environment.
2. Ranger.

CARRIED: 9/0

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

AGAINST: Nil

09.04 INVESTMENTS - JUNE 2018

RESOLVED: Intemann/Hawkins

That Council note the Investment Report for the month of June 2018.

CARRIED: 9/0

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

AGAINST: Nil

09.05 POLICY REVIEW - MEDIA RELATIONS POLICY

RESOLVED: Intemann/Turner

That Council:

1. Add a reference to the Mayor in both Sections 2.2.1 and 5 of the draft Media Relations Policy.
2. Place on public exhibition the draft Media Relations Policy from 23 July 2018 for a period of 28 days.
3. Note that a further report is planned to be tabled at the September 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

09.06 QUESTION FROM PREVIOUS MEETING - USE OF DRONES

RESOLVED: Griffiths/Alley

That Council note the information contained within the Question from Previous Meeting – Use of Drones report regarding the legalities of drones usage over public and private property.

CARRIED: 9/0

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

AGAINST: Nil

09.07 QUESTION FROM PREVIOUS MEETING - ENFORCEMENT OF UNLAWFUL ACTIVITY POLICY

RESOLVED: Turner/Intemann

That Council:

1. Note the information contained within the Question from Previous Meeting – Enforcement of Unlawful Activity Policy report.
2. Request the General Manager undertake a review of the Regulatory Enforcement Policy in relation to its adequacy for assessing the cost benefits of taking enforcement action, prior to such action taking place.
3. Request the General Manager report back to a future meeting of Council as soon as practicable on the findings of the review referred to in 2) above.
4. Request the General Manager provide a report to the September 2018 Council meeting listing a breakdown of legal fees on a case by case basis for matters costing more than \$10,000 in the 2017-2018 financial year.

CARRIED: 9/0

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

AGAINST: Nil

10.01 QUESTION FROM PREVIOUS MEETING - LIBRARY FUNDING CUTS

RESOLVED: Hawkins/Alley

That Council:

1. Note the information provided in the Question from Previous Meeting - Library Funding Cuts report as well as the information in this report.
2. Request the General Manager to submit a further report to Council at the earliest opportunity when the details of the extent and nature of the NSW Coalition Government's cuts and adjustments to Library funding is known.
3. Request the General Manager to include in the above report:
 - a) Appropriate Key Performance Indicators and benchmarking data (current and historical) that assists in determining how efficiently and effectively the libraries under the control of Port Macquarie-Hastings Council perform in comparison to other council owned and operated libraries in NSW, and
 - b) Comparative data (current and historical), readily and currently available, showing the financial support for council owned and operated libraries across the various states and territories of Australia.

CARRIED: 9/0

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

AGAINST: Nil

10.02 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - JUNE 2018

RESOLVED: Pinson/Cusato

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 Kye Wilson be granted \$350.00 to assist with expenses he will incur travelling to and competing as a member of the Under 17's NSW/ACT AFL Team to compete in three rounds across June, July & August 2018 at Sydney, Gold Coast and Melbourne respectively.
2. That Blake Elliot be granted \$225.00 to assist with the expenses he will incur competing at the NSWCHS Open Boys Touch Football Championships to be held at Bateau Bay from 3 – 5 July 2018 inclusive.
3. That Tylee Donovan be granted \$200.00 to assist with expenses he will incur competing as a member of the NRL 2018 KARI Aboriginal Resources Indigenous U18's Team to compete in Sydney on July 1 2018.

CARRIED: 9/0

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

AGAINST: Nil

10.03 CULTURAL STEERING GROUP - BICENTENARY WORKING GROUP UPDATE

The Director Strategy and Growth tabled the Bicentennial Logo summary sheet.

RESOLVED: Turner/Intemann

That Council:

1. Note the progress of the Bicentenary Working Group.
2. Endorse the Bicentenary Strategy and 2018 Bicentenary Overview.
3. Allocate \$15,000 from the Bicentenary Activities Fund for the operation of a quick grant fund pool to support community-led Bicentenary activities up to \$3000 per event/project to enable agility without being limited to the 2 rounds of the community grant program in August/February.
4. Adopt the logo, as tabled, for the Bicentenary activities.

CARRIED: 9/0

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

AGAINST: Nil

10.04 CULTURAL PLAN QUARTERLY PROGRESS REPORT

RESOLVED: Turner/Hawkins

That Council note the information in the Port Macquarie-Hastings Council Cultural Plan 2016-2019 Quarterly Progress report.

CARRIED: 9/0

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

AGAINST: Nil

12.01 TRANSFER TO COUNCIL OF LAND FOR SEWER PURPOSES

RESOLVED: Intemann/Dixon

That Council:

1. Accept the transfer of Lot 374 DP1237302.
2. Delegate authority to the General Manager to execute, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the transfer in accordance with the Electronic Transactions Act 2000.
3. Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 374 Deposited Plan 1237302 as “operational land” by placing on public exhibition the proposed resolution, “It is intended to classify Lot 374 Deposited Plan 1237302 (land off Phar Lap Circuit, Port Macquarie) as “operational land”, from 19 July 2018 for a minimum period of 28 days.
4. Note that a further report will be tabled at the September 2018 Ordinary Council meeting, detailing any submissions received from the public during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

12.02 ACQUISITION OF LAND AND EASEMENT - LONG FLAT SEWERAGE SCHEME

RESOLVED: Hawkins/Cusato

That Council:

1. Pay the negotiated amount of \$70,000 (GST free) as compensation to the owner of Lot A DP381856, K J Camilleri, for the acquisition of:
 - a) the easement for the drainage of sewage and right of access marked (A) in Mark Rogers' draft plan of survey reference 17380DP01 and,
 - b) the land shown as Lot 2 in Mark Rogers' draft plan of survey reference 17380DP01.
2. Pay the owner's legal costs for the property conveyance.
3. Delegate authority to the General Manager to execute, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the Electronic Transactions Act 2000.

CARRIED: 9/0

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

AGAINST: Nil

12.03 QUESTION FROM PREVIOUS MEETING - FERNBANK CREEK BOAT RAMP AND JETTY UPGRADE PROGRESS

RESOLVED: Cusato/Dixon

That Council note the information contained in the Question from Previous Meeting - Fernbank Creek Boat Ramp and Jetty Upgrade Progress report.

CARRIED: 9/0

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

AGAINST: Nil

12.04 DA2018 - 81 - TWO LOT SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - 32 LORNE ROAD, KENDALL

RESOLVED: Intemann/Alley

That the determination of DA2018 – 81 for a two lot subdivision including clause 4.6 variation to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 18, DP 838421, No. 32 Lorne Road, Kendall, be noted.

CARRIED: 9/0

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

AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

13.01 INCLUSIVE PLAYGROUNDS

Question from Mayor Pinson:

In light of the recent successful installation of the Liberty Swing at Town Beach North, could the General Manager please detail how Council intends to provide more inclusive playgrounds across the local government area?

Comments by Mayor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/Griffiths

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-18-19 Provision of Group Training 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 14.02 T-18-20 Supply and Delivery of an approximate 21m Elevated Work Platform

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 14.03 T-18-27 Alterations and Additions Port Macquarie Library

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 6:25pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 6:36pm

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Hawkins/Alley

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

Item 14.01 T-18-19 Provision of Group Training Services

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

RECOMMENDATION

That Council:

1. Accept the tender from HGT Australia Limited T/As Novaskill for the Provision of Group Training Services for a two (2) year period commencing 1 August 2018, with one (1) option to extend for a further one (1) year period, such option(s) to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Accept the Schedule of Rates from HGT Australia Limited T/As Novaskill Ltd for the Provision of Group Training Services.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-19.

Item 14.02 T-18-20 Supply and Delivery of an approximate 21m Elevated Work Platform

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 Monitor Industries Pty Ltd t/as Monitor Lifts for \$137,250 (exclusive of GST) for the supply and delivery of an approximate 21m Elevated Work Platform.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-20.

Item 14.03 T-18-27 Alterations and Additions Port Macquarie Library

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 that no conforming tenders were received for Tender T-18-27 Alterations and Additions Port Macquarie Library.
2. In accordance with the Local Government (General) Regulations 2005 clauses 178(3)(e) and 178(4), decline to invite fresh tenders and enter into negotiations with MCR Building Pty Ltd:
 - a) to avoid delays to the completion of the Port Macquarie Library alteration works and risk grant funding; and
 - b) with a view to entering into a contract in relation to the subject of the tender.
3. Request the General Manager present a further report to the 18 August 2018 meeting of Council on completion of the negotiation process, for Council's further consideration of Tender T-18-27 based on the outcome of the negotiations.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-27.

CARRIED: 9/0

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

AGAINST: Nil

The meeting closed at 6:37pm.

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Peta Pinson
Mayor