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## **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

### ***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)  
Communications Manager (Andy Roberts)

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The meeting opened at 5:30pm.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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

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## **02 LOCAL GOVERNMENT PRAYER**

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Pastor Jeff Atherton from the People Builders Church delivered the Local Government Prayer.

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### **03 APOLOGIES**

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*RESOLVED: Griffiths/Cusato*

That the apology received from Councillor Dixon be accepted.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **04 CONFIRMATION OF MINUTES**

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*RESOLVED: Levido/Alley*

That the Minutes of the Ordinary Council Meeting held on 18 July 2018 be confirmed.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **05 DISCLOSURES OF INTEREST**

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Councillor Cusato declared a Non-Pecuniary, Significant Interest in Item 14.04 - T-18-01 Port Macquarie Airport Terminal Building Upgrade, the reason being that Councillor Cusato is a property owner within airport precinct – hangar 12.

Councillor Griffiths declared a Non-Pecuniary, Less Than Significant Interest in Item 12.06 - John Oxley Drive Works as Material Public Benefit, the reason being that Councillor Griffiths has a hardware business in Wauchope and as the works are for public benefit there is no perceived conflict.

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#### **06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS**

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*RESOLVED: Pinson*

That the Mayoral Discretionary Fund allocations for the period 5 July to 1 August 2018 inclusive be noted.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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Nil.

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## **08 PUBLIC FORUM**

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

1. Mr John Klose regarding Sir Edmund Barton Petition.

*RESOLVED: Levido/Griffiths*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **08.01 SIR EDMUND BARTON PETITION**

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Mr John Klose addressed Council in regard to a Sir Edmund Barton petition, tabled the petition and answered questions from Councillors.

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### **REQUESTS TO SPEAK ON AN AGENDA ITEM**

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

Item 12.04 – Ms Michelle Love in support of the recommendation.

Item 12.06 – Mr Tony Thorne in support of the recommendation.

Item 12.08 – Mr William Turner in support of the recommendation.

*RESOLVED: Levido/Turner*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Levido/Intemann*

That Standing Orders be suspended to allow items 12.04, 12.06 and 12.08 to be brought forward and considered next.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.04 PLANNING PROPOSAL: BUNDALEER AGED CARE - 67 HIGH STREET AND 4-8 JOHNSTONE STREET, WAUCHOPE - GATEWAY DETERMINATION**

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Ms Michelle Love, Love Project Management, representing the applicant, addressed Council in support of the recommendation and answered questions from Councillors.

*RESOLVED: Levido/Intemann*

That Council, mindful of the development specific nature of this spot rezoning proposal, the internal resources required to be allocated to properly complete the rezoning process and the potential for conflict of interest, defer this matter to enable the General Manager to make enquiries (as he deems appropriate) as to;

1. the ownership status of Lot 1 DP 603483 situated 4-8 Johnstone Street, Wauchope;
2. the impact of Lease S228374 and the Deed dated 20 March 1984 on any development proposal for the land;
3. the status and nature of negotiations (if any) between NSW Health, Crown Lands and Bundaleer as to the transfer of title to Lot 1 DP 603483 to Bundaleer to enable the development to practically proceed; and
4. the potential conflict of interest affecting Council due to its status as Lessee of Lease S228374 and a party to the Deed dated 20 March 1984 and actions Council should take as a consequence of any such conflict,

and bring back this Report (as expanded and modified) to Council's Meeting of 19 September 2018 for consideration.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.06 JOHN OXLEY DRIVE WORKS AS MATERIAL PUBLIC BENEFIT**

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

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

*RESOLVED: Intemann/Turner*

That Council:

1. Approve the application to undertake works involving the construction of cycleway/footpath and road works in John Oxley Drive, Port Macquarie on the basis that the work will provide material public benefit pursuant to s7.11(5)(b) of the Environmental Planning and Assessment Act 1979 (as amended), subject to the applicant entering into a Works in Kind Agreement.
2. Pursuant to Section 55(3)(i) of the Local Government Act 1993, not invite tenders for the construction of the works in Item 1, due to extenuating circumstances, as described in the report.
3. Delegate authority to the General Manager to execute the Works in Kind Agreement in item 1 above.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.08 MANAGEMENT OF THE FLYING-FOX COLONY IN KOOLONBUNG CREEK NATURE RESERVE**

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Mr William Turner addressed Council in support of the recommendation.

*RESOLVED: Intemann/Pinson*

That Council:

1. Note the information contained in the Management of the Flying-fox Colony in Kooloonbung Creek Nature Reserve report;
2. Establish a Consultative Committee for Flying-fox Management in Kooloonbung Creek;
3. Invite nominations for membership on the Committee from the following:
  - Affected residents;
  - Representatives from the Office of Environment and Heritage (OEH);
  - Representatives of the Friends of Kooloonbung;
  - Expert ecologists; and
  - Other interested community representatives.
4. Prepare a Project Plan for delivery of a Camp Management Plan and associated community consultation/engagement/education program;
5. Formally seek OEH and Local Government NSW funding for the development

- 
- of a Camp Management Plan and future implementation of the Camp Management Plan;
6. Engage a suitably qualified consultant to assist in the preparation of a new Flying-fox Camp Management Plan for Kooloonbung Creek, which takes account of new camp management options and legislation and to undertake associated community consultation (including formalised attitudinal surveys, etc.).
  7. Ensure that the Kooloonbung Creek Management Plan fully explores all other options and outlines the legislative obligations, pros, cons, and costs for management options including but not limited to:
    - a) Noise barriers (e.g. Perspex sheeting);
    - b) Buffer landscaping using non-roost trees;
    - c) Specific rebates to residents to assist with air-conditioning etc.;
    - d) (Voluntary) acquisition of properties for affected residents with these residences leased back by Council with agreements in place;
    - e) Other novel options.
  8. Further considers the draft Camp Management Plan and the options outlined therein at a future meeting of Council, with further Actions to be based on this work.
  9. Request the General Manager provide quarterly reports to Council on progress in these matters.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **09.01 REQUEST FOR LEAVE OF ABSENCE - MAYOR PETA PINSON**

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*RESOLVED: Griffiths/Levido*

That Council:

1. Grant leave of absence for Mayor Peta Pinson for the period 19 August 2018 to 2 September 2018 inclusive.
2. Note that in accordance with Section 231(3) of the Local Government Act, the Deputy Mayor will perform all duties of the Mayor during this period.
3. Allocate the Mayoral allowance to the Deputy Mayor during this period in accordance with Section 249(5) of the Local Government Act.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **09.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*RESOLVED: Intemann/Cusato*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **09.03 DELEGATED AUTHORITIES - CERTIFICATE OF IDENTIFICATION ISSUED UNDER THE SWIMMING POOLS ACT 1992**

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*RESOLVED: Levido/Alley*

That the seal of Council be affixed to the certificates of identification issued under the Swimming Pools Act 1992, for the following Council staff:

1. Craig Swift-McNair (General Manager)
2. Melissa Watkins (Director Development and Environment)
3. Lisa Saley (Ranger)
4. Natasha Jurmann (Ranger)
5. Nicholas Burrell (Ranger)
6. Mark Gollins (Building Surveyor Team Leader Building Regulation)

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **09.04 2017-2018 FINANCIAL STATEMENTS AUDIT**

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*RESOLVED: Hawkins/Levido*

1. That Council refer to audit the draft Financial Statements as at 30 June 2018.
2. That the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the General Manager, the Mayor and one Councillor as required by the Local Government Act 1993.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **09.05 2017-2018 CARRY-OVER PROJECTS**

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*RESOLVED: Hawkins/Intemann*

That Council:

1. Adopt the 2017-2018 carry-over projects outlined in the report for inclusion in the 2018-2019 budget.
2. Amend the 2018-2019 one year Operational Plan to include all projects approved to be carried over as individual action items.
3. Refer this report to the Finance, Corporate Services and Information Technology Portfolio for discussion on potential improvements in content for the 2018-2019 Carry-Over Projects Report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Cusato/Turner*

That Standing Orders be suspended to allow Item 11.01 to be brought forward and considered next.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **11.01 DRAFT MARKETS POLICY**

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*RESOLVED: Turner/Hawkins*

That Council:

1. Defer to incorporate into the draft policy a mechanism with appropriate criteria for controlling the location, frequency and scheduling of markets in the Port Macquarie CBD and other potentially sensitive locations where significant concentration of retailers exist and compete.
2. Request the General Manager report to the September 2018 meeting of Council.

*CARRIED: 8/0*

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

*AGAINST: Nil*



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#### **09.06 2017-2018 OPERATIONAL PLAN END OF YEAR - QUARTERLY PROGRESS REPORT AS AT 30 JUNE 2018**

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*RESOLVED: Griffiths/Alley*

That Council note the 2017-2018 Operational Plan End of Year - Quarterly Progress Report as at 30 June 2018.

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

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#### **09.07 MONTHLY FINANCIAL REVIEW FOR JULY 2018**

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*RESOLVED: Cusato/Hawkins*

That Council

1. Adopt the adjustments in the "Financial and Economic Implications" section of the Monthly Financial Review Report for July 2018.
2. Amend the 2018-2019 one year Operational Plan to include all budget adjustments approved in this report.

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

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#### **09.08 INVESTMENTS - JULY 2018**

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*RESOLVED: Hawkins/Alley*

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

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

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#### **09.09 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS**

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*RESOLVED: Turner/Levido*

That Council note the information provided in the Glasshouse Biennial Report and Update on Strategic Plan Recommendations report.

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

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#### **09.10 NOTICE OF MOTION - STATUS OF GRANT APPLICATIONS QUARTERLY REPORTING**

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*RESOLVED: Alley/Levido*

That Council request the General Manager investigate the resources required to provide a quarterly report to Council on the status of grant applications where Council is the applicant and report back to the October 2018 Council meeting on the outcomes of that investigation.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **09.11 NOTICE OF MOTION - PMHC SKILLED WORKFORCE**

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*RESOLVED: Intemann/Hawkins*

That Council:

1. Request the General Manager present a report to the September 2018 Council meeting on initiatives to develop key skill sets including:
  - a) Apprentice, trainee and cadetship programs, and
  - b) Work experience and internship opportunities
2. Request the General Manager present a report to the October 2018 Council meeting outlining Council's initiatives in regard to the broader workforce:
  - a) Attract, retain and develop skilled employees;
  - b) Encourage diversity in the workplace, and
  - c) Promote high levels of engagement amongst employees.
3. Request that the October 2018 report include an outline of the broad benefits of an engaged workforce and safe working environment to the Council and community in terms of productivity and efficiency.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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#### **09.12 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE**

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*RESOLVED: Griffiths/Levido*

That Council note the Development Activity and Assessment System Performance report for the fourth quarter of 2017-2018.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **10.01 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - JULY 2018**

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*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. Grant Maddison Baxter the amount of \$350 to assist with the expenses she incurred travelling to and competing at the NSW Country U16's Women's State Basketball Team at the National Basketball Championships on the Sunshine Coast, Queensland from 4 – 14 July 2018 inclusive.
2. Grant the Wauchope High School Girls Under 16's & 18's Rugby Union Teams the amount of \$500 to assist with the expenses they incurred travelling to and competing at the NSWCHS Girls Rugby State Championships held at Parramatta, Sydney from 31 July – 1 August 2018 inclusive.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **10.02 BONNY HILLS COMMUNITY PLAN**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Defer consideration of this item.
2. In view of the involvement of the Bonny Hills Progress Association to date, request the General Manager undertake further engagement with the Association on the draft plan and improvements to the community plan process.
3. Receive a further report to consider the draft plan at the September 2018 Council Meeting.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Hawkins left the meeting, the time being 07:10pm.

Councillor Hawkins returned to the meeting, the time being 07:11pm.

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### **10.03 QUESTION FROM PREVIOUS MEETING - INCLUSIVE PLAYGROUNDS**

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*RESOLVED: Pinson/Griffiths*

That Council note the information contained in the Question from Previous Meeting – Inclusive Playgrounds Report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item - 11.01 Draft Markets Policy - has been moved to another part of the document.

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### **12.01 NOTICE OF MOTION - FORESTRY CORPORATIONS OPERATIONS IN OUR LOCAL GOVERNMENT AREA**

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*RESOLVED: Alley/Pinson*

That Council:

1. Request the General Manager seek information from the Forestry Corporation on the impact of the following on the Port Macquarie-Hastings local government area:
  - a) Current and proposed forestry operations in the area;
  - b) Forestry trucks on the road network;
  - c) Water catchments with run-off and siltation of watercourse;
  - d) Koala habitat;
  - e) Biodiversity in general.
2. Request the General Manager to request senior Forestry Corporation management attend a briefing at Council on the impact of forestry operations in our local government area.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.02 DRAFT UNSEALED ROADS POLICY**

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*RESOLVED: Griffiths/Turner*

That Council:

1. Place on public exhibition the Unsealed Roads Policy commencing from 17 August 2018 for a minimum of 28 days.
2. Note that a further report is planned to be tabled at the October 2018 meeting of Council, detailing the submissions received from the public during the exhibition period.
3. Request the General Manager investigate opportunities for improving Council's current unsealed road maintenance practices including:
  - a) A review of these practices by the Australian Road Research Board (ARRB);
  - b) Supplementing gravel supply with crushed concrete;
  - c) Education and signage for improved community awareness;
  - d) Partnering with the community to undertake some works;
  - e) Sale of local roads (as appropriate) to the land owners to create private roads;
  - f) Workshops with the community regarding service levels as they relate to unsealed roads maintenance (gravel & grading), vegetation management required budget allocation.
4. Request the General Manager present a report back to Council at its August 2019 meeting in relation to outcomes of the review detailed in No. 3 above.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **12.03 ROADS CROSSING PRIVATE PROPERTY**

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*RESOLVED: Griffiths/Intemann*

That Council note the information relating to the impacts of roads crossing private property.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item - 12.04 Planning Proposal: Bundaleer Aged Care - 67 High Street and 4-8 Johnstone Street, Wauchope - Gateway Determination - has been moved to another part of the document.

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## **12.05 LOT 13 FERNBANK CREEK ROAD - CLASSIFICATION OF LAND RECENTLY ACQUIRED BY COUNCIL**

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*RESOLVED: Levido/Turner*

That Council classify Lot 13 DP1139180 (Fernbank Creek Road) as operational land.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item - 12.06 John Oxley Drive Works as Material Public Benefit - has been moved to another part of the document.

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## **12.07 CLEARING OF VEGETATION ON FLAGSTAFF HILL**

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### **MOTION**

*MOVED: Turner/Hawkins*

That Council:

1. Note the information in the Clearing of Vegetation on Flagstaff Hill report.
2. Request the General Manager to proceed to remove 6 - 8 Banksia trees, (less than 0.25Ha) from the western side of the flagstaff viewing platform, in order to maintain the heritage context and setting of the flagstaff on Flagstaff Hill by providing improved sightlines of the flagstaff from all directions, notably the Coastal Walk pathway and Doctors Walk.
3. Complete the works prior to the Bicentenary celebrations on 29 October 2018.
4. Maintain the views to and from the Flagstaff into the future as a key component of a Heritage Management Plan for the Flagstaff and also as an acknowledgement of the Flagstaff as an important heritage node along the Port Macquarie Coastal Walk.
5. Erect directional site signage along the Coastal Walk to promote the Flagstaff Hill location and investigate the possibility of additional historical and interpretive signage options.

### **AMENDMENT**

*MOVED: Intemann/Alley*

That Council:

1. Note the information in the Clearing of Vegetation on Flagstaff Hill report.
2. Not undertake clearing of any Banksias.
3. Erect directional site signage along the Coastal Walk to promote the Flagstaff Hill location and investigate the possibility of additional historical and interpretive signage options.

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## **THE AMENDMENT WAS PUT AND WAS LOST**

*MOVED:* Intemann/Alley

That Council:

1. Note the information in the Clearing of Vegetation on Flagstaff Hill report.
2. Not undertake clearing of any Banksias.
3. Erect directional site signage along the Coastal Walk to promote the Flagstaff Hill location and investigate the possibility of additional historical and interpretive signage options.

*LOST:* 2/6

*FOR:* Alley and Intemann

*AGAINST:* Cusato, Griffiths, Hawkins, Levido, Pinson and Turner

## **THE MOTION WAS PUT**

*RESOLVED:* Turner/Hawkins

That Council:

1. Note the information in the Clearing of Vegetation on Flagstaff Hill report.
2. Request the General Manager to proceed to remove 6 - 8 Banksia trees, (less than 0.25Ha) from the western side of the flagstaff viewing platform, in order to maintain the heritage context and setting of the flagstaff on Flagstaff Hill by providing improved sightlines of the flagstaff from all directions, notably the Coastal Walk pathway and Doctors Walk.
3. Complete the works prior to the Bicentenary celebrations on 29 October 2018.
4. Maintain the views to and from the Flagstaff into the future as a key component of a Heritage Management Plan for the Flagstaff and also as an acknowledgement of the Flagstaff as an important heritage node along the Port Macquarie Coastal Walk.
5. Erect directional site signage along the Coastal Walk to promote the Flagstaff Hill location and investigate the possibility of additional historical and interpretive signage options.

*CARRIED:* 7/1

*FOR:* Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

*AGAINST:* Alley

Item - 12.08 Management of the Flying-fox Colony in Kooloonbung Creek Nature Reserve - has been moved to another part of the document.

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## **13 QUESTIONS FOR NEXT MEETING**

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## **13.01 CAMDEN HAVEN SPORTING FIELDS**

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### **Question from Councillor Alley:**

Could the General Manager please provide a list of all sporting fields in the Camden Haven region, the sports that are played on each of them and the name of any sporting club that uses those facilities?

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

Nil.

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## **CONFIDENTIAL COMMITTEE OF THE WHOLE**

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### *RESOLVED: Cusato/Levido*

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-18-22 Construction of Wauchope Main Street – Improve Pedestrian Amenity

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-18-27 Alterations and Additions Port Macquarie Library

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-18-01 Port Macquarie Airport Terminal Building 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 14.04 T-17-34 Comboyne, Long Flat and Telegraph Point Sewerage Schemes - Construction

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,



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prejudice the commercial position of the person who supplied it.

Item 14.05      Legal Proceedings - PMHC v Mansfield

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

*AGAINST: Nil*

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**ADJOURN MEETING**

The Ordinary Council Meeting adjourned at 7:41pm.

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**RESUME MEETING**

The Ordinary Council Meeting resumed at 7:58pm.

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

*RESOLVED: Cusato/Hawkins*

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

Item 14.01      T-18-22 Construction of Wauchope Main Street – Improve Pedestrian Amenity

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

**RECOMMENDATION**

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b), decline to accept any of the tenders submitted for Tender T-18-22 'Construction of Wauchope Main

- 
- Street – Improve Pedestrian Amenity’, due to the requirement to refine the project scope and stage construction of the project.
2. Review the delivery approach for the Wauchope High Street improvements to support delivery of the project in multiple stages.
  3. 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 Green Construction and Management Pty Ltd that demonstrated value in addressing the requirements of Tender T-18-22, with a view to entering into a contract for the first stage of construction of Wauchope High Street pedestrian amenity improvements.
  4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-22.
  5. Allocate the \$0.5M funding for the 2018-19 Operation Plan Item 4.4.1.23 CW Roads Maritime Service (RMS) Grants – Safety and Active Transport Program to Item 4.4.1.05 CW Wauchope Main Street – Improvements to Pedestrian Amenity – Stage 1 Construction.
  6. Approve the amendment to the Operational Plan to reflect the change of funding allocation as noted in point 5.
  7. Request the General Manager present a further report to a future meeting of Council on completion of the negotiation process, for Council’s further consideration of Tender T-18-22.
  8. Request the General Manager pursue alternate grant funding options to support the delivery of additional stages of the construction of Wauchope High Street pedestrian amenity improvements.

Item 14.02 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. Accept the quotation from MCR Building Pty Ltd of \$195,915.00 (exclusive of GST) for the Alterations and Additions at Port Macquarie Library.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-16-15.

Item 14.03 T-18-01 Port Macquarie Airport Terminal Building 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

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position of the person who supplied it.

**RECOMMENDATION**

That Council:

1. Accept the revised tender from AW Edwards Pty Ltd for \$7,833,185.00 (exclusive of GST) for the Construction of the Port Macquarie Airport Terminal Building.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect to Request for Tender T-18-01.
4. Note the expected total cost of the project and endorse the overall project budget as described in the included project financial summary.
5. Commit to fund the budget shortfall from one or a combination of the following sources (listed in priority order):
  - a) NSW State and/or Australian Government Grant Funding;
  - b) Airport Reserve Funding; and
  - c) Loan Borrowings (with repayments funded from the Airport Reserve).

Item 14.04 T-17-34 Comboyne, Long Flat and Telegraph Point Sewerage Schemes - Construction

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 Ledonne Constructions Pty Ltd for Alternative Option 1 for \$22,669,630 (exclusive of GST) for the Construction of the Comboyne, Long Flat and Telegraph Point Sewerage Schemes project.
2. Accept the Schedule of Rates tendered in the Schedule of Prices from Ledonne Constructions Pty Ltd for the Construction of the Comboyne, Long Flat and Telegraph Point Sewerage Schemes project.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect to Request for Tender T-17-34.
5. Note the expected total cost of the project and endorse the overall project budget as described in the included project financial summary.

Item 14.05 Legal Proceedings - PMHC v Mansfield

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning

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litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**RECOMMENDATION**

That the Council:

1. Note the information contained in this report.
2. Authorise the General Manager to commence without prejudice discussions with the defendant in this matter.
3. Receive a further report once the without prejudice discussions have been completed.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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The meeting closed at 7:59pm.

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Peta Pinson  
Mayor