

PRESENT

Members:

Councillor Peter Besseling (Mayor)
Councillor Rob Turner
Councillor Adam Roberts
Councillor Justin Levido
Councillor Geoff Hawkins
Councillor Trevor Sargeant (Deputy Mayor)
Councillor Michael Cusato
Councillor Sharon Griffiths

Other Attendees:

Tony Hayward (General Manager)
Jeffery Sharp (Director of Infrastructure Services)
Craig Swift-McNair (Director of Corporate & Business Services)
Matt Rogers (Director of Development & Environment Services)
Lesley Atkinson (Director of Community & Cultural Development)
Stewart Todd (Group Manager Governance & Executive Services)
Lyndal Harper (Acting Communications Manager)
Bronwyn Lyon (Governance Support Officer)
Nicole Marzan (Communications Officer (Digital))

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

Rev. John West from the St Thomas Anglican Church delivered the Local Government Prayer.

03 APOLOGIES

An apology for non-attendance was received from Cr Intemann.

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Hawkins

1. That the Minutes of the Ordinary Council Meeting held on 12 December 2012 be confirmed.
2. That the Minutes of the Extra-Ordinary Council Meeting held on 6 February 2013 be confirmed.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a non-pecuniary significant interest in Item 10.03 - Application for the Closure of Part Wrights Road, Port Macquarie because he is a member of the Rotary Club of Port Macquarie Sunrise Inc. and am presently the Public Officer of the Club.

Councillor Levido declared a non-pecuniary significant interest in Item 12.11 - Rezoning request - Major Innes Road, Port Macquarie because he is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers who acts for a related party of one of the landowners within the subject area of the draft planning proposal.

Councillor Sargeant declared a pecuniary interest in Item 12.11 - Rezoning request - Major Innes Road, Port Macquarie because he is a property owner in the nearby area to the subject area of the draft planning proposal.

SUSPENSION OF STANDING ORDERS

RESOLVED: Besseling/Turner

That Standing Orders be suspended to allow Items 07.01 and 07.02 to be brought forward and considered next.

07.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

MOVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 1 December 2012 to 7 February 2013 be noted.

07.02 PORT MACQUARIE-HASTINGS COUNCIL WINS GOVERNMENT COMMUNICATIONS AUSTRALIA AWARD FOR BEST TOURISM AND EVENTS COMMUNICATION - "MISSILES MISSION"

MOVED: Besseling

That Council extend its congratulations to Council staff for their success at the 2013 Government Communications Australia Awards including winning the National Award for Best Tourism and Events Communication and achieving a Highly Commended in the Best Internal Communications / Engagement category.

06 PUBLIC FORUM

The Mayor advised of requests to speak in the Public Forum from:

1. Ms Jean Helson regarding The Health Dangers from Fluoride.
2. Mr Nik Surdonjic regarding stormwater flooding - 54 Amira Drive, Port Macquarie.
3. Ms Jenny Daniel regarding Big4 Caravan Park - noise issue affecting 15 Beach Street, Bonny Hills.

RESOLVED: Besseling/Turner

That the above requests to speak be permitted.

06.01 THE HEALTH DANGERS FROM FLUORIDE

Ms Jean Helson, representing the Citizens Against Fluoridation Inc., addressed Council in regard to the health dangers from fluoride and displayed a video.

06.02 STORMWATER FLOODING - 54 AMIRA DRIVE, PORT MACQUARIE

Mr Nik Surdonjic addressed Council in regard to stormwater flooding to his property at 54 Amira Drive, Port Macquarie.

**06.03 BIG4 CARAVAN PARK - NOISE ISSUE AFFECTING 15
BEACH STREET, BONNY HILLS**

Ms Jenny Daniel addressed Council in regard to a noise issue from the Big4 Caravan Park and the affects on her property at 15 Beach Street, Bonny Hills.

REQUESTS TO SPEAK ON AN AGENDA ITEM

The Mayor advised of the following requests to speak on agenda items:

Item 08.20 - Mr Phil Hafey in opposition to the recommendation.

Item 09.02 - Ms Julie Trowbridge in support of the recommendation.

Item 09.02 - Mr Jeff McHugh in opposition to the recommendation.

Item 09.02 - Mr Jai Cooper in support of the recommendation.

Item 09.05 - Mrs Diane Gilbert in support of the recommendation.

Item 10.03 - Mr Richard Marocco in support of the recommendation.

Item 10.04 - Mr David Capper in support of the recommendation.

Item 10.04 - Mr Hadyn Oriti in support of the recommendation.

Item 10.04 - Ms Jill Follington in support of the recommendation.

Item 11.03 - Mrs Lin Woodlands in support of the recommendation.

Item 11.03 - Mr George Hegarty in opposition to the recommendation.

Item 12.08 - Mr Peter Ellison in opposition to the recommendation.

Item 12.11- Mrs Michelle Chapman in support of the recommendation.

RESOLVED: Besseling/Turner

That the above requests to speak be permitted.

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Roberts

That Standing Orders be suspended to allow Items 08.20, 09.02, 09.05, 10.03, 10.04, 11.03, 12.08, 12.11 to be brought forward and considered next.

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
CARRIED: 8/0
AGAINST: Nil

08.20 A PROPOSAL TO ALTER THE BOUNDARIES OF THE LOCALITIES OF LAKE INNES, LAKE CATHIE AND BONNY HILLS

Mr Phil Hafey, representing the Bonny Hills Progress Association, addressed Council in opposition to the recommendation.

RESOLVED: Turner/Griffiths

That Council:

1. Make application to the Geographical Names Board to alter the boundaries of Lake Innes and Lake Cathie as depicted by the red line in the attachment titled "Lake Innes / Lake Cathie Boundary Proposal."
2. Defer any decision on altering the boundary of Lake Cathie and Bony Hills as depicted by the red and white dashed line in the attachment titled "Rainbow Beach Development" pending further consultation with the community.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.02 COMMUNITY GARDEN - CENTRAL ROAD COMMUNITY ENGAGEMENT OUTCOMES

Ms Julie Trowbridge, representing the Port Macquarie Neighbourhood Centre, addressed Council in support of the recommendation. Ms Trowbridge also answered questions from Councillors.

Mr Jeff McHugh, representing the Parklands Village residents, addressed Council in opposition to the recommendation. Mr McHugh also answered questions from Councillors.

Mr Jai Cooper, representing the Port Macquarie Community Gardens, addressed Council in support of the recommendation. Mr Cooper also answered questions from Councillors.

RESOLVED: Turner/Hawkins

1. That Council prepare a Community Gardens Policy for Council owned land which outlines:
 - a) Council's role in the establishment and ongoing management of a community garden;
 - b) The roles and responsibilities of a community group proposing to operate a community garden including specific operating guidelines;
 - c) The process by which Council land is identified and then licensed or leased to a community group for the purposes of operating a community garden; including appropriate consultation with neighbouring residents.
 2. That Council approve the proposed location in Central Road for the purposes of establishing a community garden and this new policy be developed in tandem
-

- with the Central Road Community Garden.
3. That a lease be granted to Port Macquarie Community Gardens Inc. over the Central Road location for a period of 3 years for the purpose of establishing a community garden in line with the design attached to this report.
 4. That the minimum value of the lease be such that there is no net impact on Council's general revenue in order for Council to be able to completely fulfil its role as in 1. a) above.
 5. That the lease include provisions whereby Port Macquarie Community Gardens Inc. must provide an annual report to Council addressing:
 - a) standard financial and governance criteria generally applicable to not-for-profit incorporated associations;
 - b) compliance with the operating responsibilities and guidelines as prescribed in the Community Gardens Policy.

CARRIED: 8/0

FOR: *Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner*

AGAINST: Nil

**09.05 2012 ANNUAL REPORT ON DISABILITY DISCRIMINATION ACT (DDA)
ACTION PLAN 2009-2018**

Mrs Diane Gilbert, representing the Wauchope Heated Indoor Pool Association, addressed Council in support of the recommendation.

RESOLVED: Levido/Griffiths

That Council:

1. Note the Annual Report.
2. Give consideration to the attached DDA Action Plan Budget report and the identified funding gaps.

CARRIED: 8/0

FOR: *Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner*

AGAINST: Nil

Councillor Justin Levido left the meeting, the time being 06:22pm.

**10.03 APPLICATION FOR THE CLOSURE OF PART WRIGHTS ROAD, PORT
MACQUARIE**

Mr Richard Marocco, representing the Port Macquarie Hospital Lodge Inc., addressed Council in support of the recommendation.

RESOLVED: Cusato/Turner

That Council:

1. Set the value of the land to be sold to the Port Macquarie Hospital Lodge Association Inc at the Upper Range as assessed in the valuation attached to this report.
2. Affix the Common Seal to the following documents and authorise the Mayor and General Manager to sign:
 - a) Linen plan of road closure
 - b) Contract for the Sale of land
3. Pursuant to Section 377 of the Local Government Act 1993, delegate to the General Manager, authority to sign the Section 88B Instrument.
4. Pursue avenues to support Rotary Lodge in their expansion by way of funding works and/or by way of grant funding.

CARRIED: 7/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Roberts, Sargeant and Turner

AGAINST: Nil

Councillor Justin Levido returned to the meeting, the time being 06:29pm.

10.04 ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT CONSULTATIVE GROUP

Mr David Capper, representing the Greater Port Macquarie Tourism Association, addressed Council in support of the recommendation.

Mr Hadyn Oriti, representing the Port Macquarie Chamber of Commerce, addressed Council in support of the recommendation. Mr Oriti also answered questions from Councillors.

Ms Jill Follington, representing Industry Mid North Coast, addressed Council in support of the recommendation. (withdrawn)

RESOLVED: Turner/Roberts

That Council:

1. Note the information in the report that details the key principles as articulated by the independent review into economic development and tourism.
2. Endorse the importance to the LGA of "Economic Development" as defined in this report and furthermore endorse the definition of Council's own role in the delivery of economic development services in this report.
3. Endorse the need to establish, nourish and sustain multiple strong partnerships with local business and industry sectors throughout the LGA through the Councillor portfolio structure and through various other mechanisms.
4. Support the establishment of an Economic Development Steering Group (EDSG) in accordance with the draft Terms of Reference attached to this report. The purpose of the EDSG is to assist Council lead the development of a renewed Economic Development strategy for the LGA.
5. Call for expressions of interest from individual prospective members of the EDSG who can demonstrate forward-thinking skills and who should be largely representative of, but not limited exclusively to, business associations and organisations listed in the attached report.
6. Appoint Clr Cusato, Clr Sargeant and Clr Turner to the Economic Development Steering Group for 24 months from the commencement of the EDSG.
7. Make publicly available via Council's web site the Economic Development Steering Group (EDSG) agendas and minutes.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

11.03 EXISTING HOLDING PROVISIONS - LEP 2011

Mrs Lin Woodland, representing rural landholders, addressed Council in support of the recommendation.

Mr George Hegarty, representing the Wauchope Community Progress Association, addressed Council in opposition to the recommendation.

An extension of 60 seconds was afforded to Mr George Hegarty.

RESOLVED: Griffiths/Roberts

That Council:

1. Prepare a draft planning proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979 to amend clause 4.2A(4) of Port Macquarie-Hastings LEP 2011, to extend the sunset provisions for existing holdings to 4 years after the commencement date of the LEP (ie 23 February 2015).
2. Forward the draft planning proposal referred to in 1 above to the Department of Planning and Infrastructure for a Gateway Determination, pursuant to Section 56 of the Environmental Planning and Assessment Act, 1979, with a request that this matter be expedited consistent with section 73A Expedited Amendments on the basis that the proposed planning proposal addresses a machinery LEP matter, and will not have significant adverse impact on the environment.
3. Request that the Director General of the Department of Planning & Infrastructure 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.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

12.08 TOWN BEACH PUBLIC FACILITIES (SOUTHERN) SITE OPTIONS

Mr Peter Ellison, representing the Marine Rescue Port Macquarie, addressed Council in opposition to the recommendation. Mr Ellison also answered questions from Councillors.

RESOLVED: Roberts/Hawkins

1. That Council note the options listed in this report.
2. That Council investigate further options in addition to the ones identified in this report, giving consideration to a funding model strategy and timeframe to exercise further site options identified.
3. That Council pro-actively engage with key stakeholders to determine further site options and funding models.
4. That a maximum timeframe on the above process be no more than six (6) months before a report is brought back to Council for consideration.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

Councillor Trevor Sargeant left the meeting, the time being 07:18pm.

Councillor Justin Levido left the meeting, the time being 07:18pm.

**12.11 REZONING REQUEST - MAJOR INNES ROAD, PORT MACQUARIE
[PP2011-0014] (PIN 49105)**

Mrs Michelle Chapman, representing All About Planning Pty Ltd, addressed Council in support of the recommendation.

RESOLVED: Turner/Roberts

That Council:

1. Prepare a draft 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 relation to Lots 6-8 DP 1094444 and Lots 101 and 102 DP 1134660 and adjoining roads, Major Innes Road, Port Macquarie, as described in this report.
2. Forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56 - 58 of the Environmental Planning and Assessment Act, 1979.
3. Request that the Director General of the Department of Planning & Infrastructure 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.

CARRIED: 6/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Roberts and Turner
AGAINST: Nil

Councillor Justin Levido returned to the meeting, the time being 07:22pm.
Councillor Trevor Sargeant returned to the meeting, the time being 07:22pm.

08.01 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Griffiths

That Council determine that the attachments to Item numbers 08.17, 08.18, 08.19, 10.02, 10.03, 11.04, 12.02 and 12.03 be considered as confidential, in accordance with Section 11(3) of the Local Government Act.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

08.02 FEBRUARY 2013 STATUS OF OUTSTANDING REPORTS TO COUNCIL

RESOLVED: Turner/Sargeant

That the information in the February 2013 Status of Outstanding Reports to Council be noted.

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
CARRIED: 8/0
AGAINST: Nil

08.03 BEST PRACTICE IN ALL AREAS OF CRITICAL OPERATIONS

RESOLVED: Sargeant/Turner

That Council note the General Manager's response to Councillor Sargeant's Notice of Motion (item 10.02 December 2012 Council Meeting) relating to how Council plans to research and deliver best practice in its critical areas of operations.

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
CARRIED: 8/0
AGAINST: Nil

08.04 LOCAL EMERGENCY MANAGEMENT COMMITTEE

RESOLVED: Turner/Hawkins

That in accordance with S381 of the NSW Local Government Act, 1993 Council delegate to the General Manager the powers outlined in S28(2)(a) of the State Emergency and Rescue Management 1989.

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
CARRIED: 8/0
AGAINST: Nil

08.05 QUARTERLY PROGRESS REPORT ON THE 2011-2015 DELIVERY PROGRAM AND 2012-2013 OPERATIONAL PLAN

RESOLVED: Levido/Cusato

That Council note the December Quarterly Progress Report on the 2011-2015 Delivery Program and 2012-2013 Operational Plan, as attached.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

08.06 OPTIONS FOR THE FUTURE WEBCASTING OF COUNCIL MEETINGS

MOTION

MOVED: Sargeant/Turner

That Council re-introduce the live webcasting of meetings incorporating a meeting archive and no edit facility on the basis of the manageable risk to Council.

AMENDMENT

MOVED: Besseling/Hawkins

1. That Council re-introduce the live webcasting of meetings incorporating a meeting archive and no edit facility on the basis of the manageable risk to Council.
2. That the re-introduction to live webcasting take place at such a time when Council has legal protections and privilege similar to those in State and Federal parliaments.

CARRIED: 7/1
FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts and Turner
AGAINST: Sargeant

THE AMENDMENT BECAME THE MOTION

RESOLVED: Besseling/Hawkins

1. That Council re-introduce the live webcasting of meetings incorporating a meeting archive and no edit facility on the basis of the manageable risk to Council.
2. That the re-introduction to live webcasting take place at such a time when Council has legal protections and privilege similar to those in State and Federal parliaments.

CARRIED: 7/1
FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts and Turner
AGAINST: Sargeant

**08.07 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (NSW)
ANNUAL CONFERENCE**

RESOLVED: Turner/Cusato

That Councillors Griffiths and Intemann be Council's delegates to attend the Australian Local Government Women's Association (NSW) Annual Conference to be held in Gosford from 14 to 16 March 2013.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

**08.08 NEW MODEL CODE OF CONDUCT AND PROCEDURES FOR
ADMINISTRATION**

RESOLVED: Turner/Sargeant

That Council:

1. Adopt the Port Macquarie-Hastings Council Code of Conduct and the Procedures for the Administration of the Port Macquarie-Hastings Council Code of Conduct, as attached to this report.
2. Note the appointment of the Group Manager Governance and Executive Services as the Complaints Coordinator.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Hawkins/Sargeant

That Standing Orders be suspended to allow Items 08.09, 08.10 and 08.11 to be co-joined and considered next.

08.09 INVESTMENTS - NOVEMBER 2012

AND

08.10 INVESTMENTS - DECEMBER 2012

AND

08.11 INVESTMENTS - JANUARY 2013

RESOLVED: Hawkins/Griffiths

That Council receive and note the Investment Report for November 2012, December 2012 and January 2013.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

**08.12 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2012 AND
MONTHLY BUDGET REVIEW - JANUARY 2013**

RESOLVED: Hawkins/Cusato

That Council:

1. Note the Quarterly Budget Review Statement for the December Quarter.
2. Adopt the adjustments in the "Financial Implications" section of the report for January 2013.

CARRIED: 8/0
FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

08.13 LOCAL GOVERNMENT FUNDING AND PORT MACQUARIE-HASTINGS COUNCIL

Councillor Adam Roberts left the meeting, the time being 07:50pm.

RESOLVED: Levido/Turner

That Council:

1. note the information regarding Local Government Funding and Port Macquarie-Hastings Council in this Report;
2. utilise the information in this Report to develop:
 - a) a strategy to lobby the Federal and State Governments as to the implementation of a sustainable and realistic funding model for Local Government in NSW; and
 - b) a strategy for engagement as to the funding issues with candidates for the Federal seat of Lyne in the upcoming Federal Election;
3. forward a copy of this Report to the Federal Member for Lyne, the State Member for Port Macquarie and the State Member for Oxley; and
4. place a copy of this Report with appropriate highlights on Council's website for a period of three (3) months ending 31 May 2013.
5. That the General Manager prepare a report on the implications of borrowing further money to address critical infrastructure shortfalls to the April 2013 Council Meeting.
6. That a copy of this report be forwarded to MIDROC.

Councillor Adam Roberts returned to the meeting, the time being 07:51pm.

Councillor Geoffrey Hawkins left the meeting, the time being 07:52pm.

CARRIED: 7/1

FOR: Besseling, Cusato, Griffiths, Levido, Roberts, Sargeant and Turner
AGAINST: Hawkins

Councillor Geoffrey Hawkins returned to the meeting, the time being 07:57pm.

08.14 DONATIONS TOWARDS BUILDING AND DEVELOPMENT APPLICATION FEES FOR CHARITABLE AND NON-PROFIT ORGANISATIONS

RESOLVED: Cusato/Griffiths

That Council:

1. Approve the donations for reimbursement of Development Application fees as detailed in the report;
2. Review the policy "Waiving of DA Fees and Lease Fees to Charitable and Non-Profit Organisations".

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

08.15 ASSET DISPOSAL POLICY

RESOLVED: Sargeant/Griffiths

That Council:

1. Adopt the draft Asset Disposal Policy.
2. Note that no submissions were received on the draft Asset Disposal Policy during the exhibition period.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

08.16 DRAFT SPONSORSHIP POLICY

RESOLVED: Roberts/Griffiths

That Council adopt the draft Sponsorship Policy and Sponsorship Guidelines following a recent exhibition period where nil submissions were received.

CARRIED: 7/1

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts and Turner

AGAINST: Sargeant

08.17 GLASSHOUSE FINANCES

RESOLVED: Hawkins/Roberts

That Council:

1. Note the information contained in the report.
2. Adopt the budget amendments to the current financial year as detailed in the confidential attachment.
3. Request a detailed quarterly Glasshouse financial report be tabled at relevant Council meetings commencing from the fourth quarter reporting period of the 2012/2013 financial year i.e. the first quarterly report to be tabled in July 2013. The report should be sufficiently detailed to provide a break down across the key reporting categories for the Glasshouse i.e. Commercial, Community, Cultural, Front of House, Back Of House and Glasshouse Management.
4. That a report be prepared for the March 2013 Council Meeting outlining possible options for debt reductions for the Glasshouse.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

08.18 T-12-31 SUPPLY & DELIVERY OF ONE (1) ELEVATED WORK PLATFORM

RESOLVED: Sargeant/Turner

That Council:

1. Accept the tender of \$157,000 (excl GST) from Platform Sales Australia Pty Ltd for the Supply & Delivery of One (1) Elevated Work Platform and Trailer.
2. Approve the purchase of optional extras (scheduled service agreement, lifting winch and slip on nylon spreader plates) for \$7,980 (excl GST) from Platform Sales Australia Pty Ltd.
3. Affix the seal of Council to the necessary documents.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

08.19 T-12-32 SUPPLY & HOST A CONTENT MANAGEMENT SYSTEM FOR COUNCIL'S WEBSITES

RESOLVED: Griffiths/Hawkins

That Council:

1. Accept the tender of \$93,148 (excl GST) from Seamless (Australia) Pty Ltd to supply a new Content Management System (CMS) for Part A – Council's corporate website.
2. Accept the tender of \$39,314 (excl GST) from Seamless (Australia) Pty Ltd to supply a new Content Management System (CMS) for Part B – Council's Intranet.
3. Accept the tender of \$19,800 (excl GST) from Seamless (Australia) Pty Ltd to host & support a new Content Management System (CMS) for both Council's corporate website and intranet annually for a period of two (2) years.
4. Affix the seal of Council to the necessary documents.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

08.21 EVALUATION OF COUNCIL'S REGULATORY FUNCTIONS

RESOLVED: Levido/Roberts

That:

1. Council note the evaluation of its regulatory functions; and
2. Report be prepared for consideration at Council's April 2013 Meeting as to Council's Strategic Planning operations including resource allocation, project allocation & prioritisation, stakeholder engagement procedures, a list of current projects being undertaken including a timeline as to each project, any performance benchmarking, current & future challenges and any suggestions/recommendations for improvement and enhancement of these operations.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

08.22 AMENDMENT TO 2012/2013 FEES AND CHARGES

RESOLVED: Griffiths/Hawkins

1. That Council publicly exhibit amendments the 2012-2013 Fees and Charges to include fees associated with the administration of the Public Health Act as outlined in this report, for a period of 28 days.
2. That a further report on the outcomes of the exhibition process be presented to Council.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

08.23 A FRAME SIGN POLICY AND AMENDMENTS TO THE OUTDOOR DINING PROCEDURE AND ACTIVITIES IN PUBLIC PLACES POLICY

RESOLVED: Sargeant/Cusato

That Council:

1. Adopt the 'A' Frame Sign Policy, as attached.
2. Set the applicable application fee at \$100 annually or \$200 for a three year period.
3. Amend the Activities in Public Places Policy and Outdoor Dining Procedures as provided for in this report.
4. Request the General Manager as part of the 'A' Frame Sign Policy review, in two (2) years, include:
 - a) An analysis of the implementation of the 'A' Frame Sign Policy
 - b) A Survey of the impacted businesses.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

08.24 COMPLIMENTS TO COUNCIL STAFF AND COMPLAINTS AGAINST COUNCIL SERVICE QUARTERLY REPORT OCTOBER TO DECEMBER 2012

RESOLVED: Cusato/Griffiths

That the information in the Compliments for Council Staff and Complaints Against Council Service quarterly report for the period October – December 2012 be noted.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

09.01 RECOMMENDED ITEMS FROM THE PMH SPORTING FUND SUB-COMMITTEE MEETING HELD 6 DECEMBER 2012

RESOLVED: Roberts/Hawkins

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to Ms Paige Leonhardt in the amount of \$250.00 (ex GST) in acknowledgement and recognition of her achievements to date.

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
CARRIED: 8/0
AGAINST: Nil

09.03 BACKGROUND ON THE ENVIRONMENT AND CREATIVITY CENTRE PROJECT

RESOLVED: Levido/Sargeant

That Council note the status of the proposed site for the Environment and Creativity Centre.

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
CARRIED: 8/0
AGAINST: Nil

09.04 2015 NSW LOCAL GOVERNMENT ABORIGINAL NETWORK CONFERENCE

RESOLVED: Cusato/Roberts

1. That Council supports the bid to host 2015 Local Government Aboriginal Network Conference in Port Macquarie.
2. That future requests to financially support various conferences and similar activities be accompanied by a preliminary economic impact assessment.

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
CARRIED: 8/0
AGAINST: Nil

09.06 HOME AND COMMUNITY CARE (HACC) STAGE 2 FUNDING REQUEST

RESOLVED: Cusato/Turner

That Council allocate \$33,791 to the Home and Community Care (HACC) Stage 2 project at Greenmeadows Drive to enable detailed design plans to be commissioned and be 'investment ready'.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

**10.01 MID NORTH COAST REGIONAL ORGANISATION OF COUNCILS
(MIDROC)**

RESOLVED: Levido/Cusato

That:

1. Port Macquarie-Hastings Council re-commits its support of the Mid North Coast Regional Organisation of Councils (MIDROC) and the concept of regional co-operation among councils;
2. The General Manager provide a Report to Council's April 2013 Meeting as to:
 - a) The current status of MIDROC, its activities and any future strategy or initiatives;
 - b) Those areas of Council's activities and services suited to a regional focus through MIDROC listed from easiest to most difficult; and
 - c) How a regional focus through MIDROC can be practically implemented including details and impediments;
3. The Mayor, General Manager and relevant executive staff be authorised to take a proactive role in the endeavours of MIDROC; and
4. A copy of this motion be forthwith forwarded to the Mayors and General Managers of the other MIDROC members.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

**10.02 DISPOSAL OF COUNCIL PROPERTY - 40-44 FLYNN STREET, PORT
MACQUARIE (PIN 6809)**

Councillor Michael Cusato left the meeting, the time being 08:40pm.

RESOLVED: Roberts/Hawkins

That Council:

1. Authorise the General Manager to dispose of furniture, fittings and equipment along with the cabins and 8 parcels of land in such a manner as to maximise returns, following the closure of the Port Macquarie Holiday Cabins on the 21st February 2013.
2. Affix the Common Seal and authorise the Mayor and General Manager to sign the necessary documents associated with the sale and transfer of 8 lots of land contained within the property at 40 – 44 Flynn Street, Port Macquarie more particularly described as Lots 4-8 DP24963, Lots 36 and 38 DP22883 and Lot 1 DP23380.
3. Restrict net sale proceeds into a property reserve until a viable alternative project is identified for investment.

CARRIED: 7/1

FOR: Besseling, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Cusato

**11.01 REPORT ON THE ASSESMENT OF RELOCATING FLYING FOXES FROM
KOOLOONBUNG CREEK NATURE PARK**

Councillor Michael Cusato returned to the meeting, the time being 08:45pm.

MOTION

MOVED: Turner/Hawkins

That Council note the progress on the implementation of the Kooloonbung Creek Plan of Management 2012.

AMENDMENT

MOVED: Sargeant/Griffiths

1. That Council note the progress on the implementation of the Kooloonbung Creek Plan of Management 2012.
2. That Council continue to focus primarily on the in-situ management of flying foxes.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

THE AMENDMENT BECAME THE MOTION

MOVED: Sargeant/Griffiths

1. That Council note the progress on the implementation of the Kooloonbung Creek Plan of Management 2012.
2. That Council continue to focus primarily on the in-situ management of flying foxes.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

11.02 DA2012/0502 - TWO LOT SUBDIVISION AND CLAUSE 4.6 VARIATION TO CLAUSE 4.1 BEING THE MINIMUM LOT SIZE STANDARD IN PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENT PLAN 2011, LOT 69 DP 1103700, 2 OCEAN DRIVE, KEW (PIN 51039)

RESOLVED: Sargeant/Griffiths

That DA 2012/0502 for a two (2) lot subdivision and Clause 4.6 Variation to Clause 4.1 (Minimum Lot Size Standard) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 69 DP 1103700, No. 2 Ocean Drive, Kew, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

11.04 COASTAL EROSION NOTATIONS - S149 PLANNING CERTIFICATES

RESOLVED: Sargeant/Cusato

That Council endorse the proposed action for s149 Planning Certificate Notations for Coastal Erosion at Lake Cathie.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

12.01 KOREE ISLAND PUMPING STATION

RESOLVED: Levido/Roberts

That a report be provided to Council's April 2013 Meeting, as to:

1. The operation of the Koree Island Pumping Station upon the Hastings River including details of constraints affecting the ability to pump water from the Hastings River to Council's potable water storage facilities (such a Cowarra Dam) and options available to lessen those constraints such as enhanced water filtration infrastructure; and
2. The current position both physically and legally as to the use of recycled water within the Port Macquarie-Hastings Local Government Area for both potable and non-potable uses including details of any strategy of Council currently in the process of being implemented.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

**12.02 COUNCIL OWNED UNIT - 7/23 BURRAWAN STREET, PORT MACQUARIE
- CONSIDERATION OF SALE (PIN 3103)**

RESOLVED: Hawkins/Roberts

That Council:

1. Offer for sale by Public Auction strata unit situated at 7/23 Burrawan Street, Port Macquarie more particularly described as Lot 7 SP 12938.
2. Note the reserve sale price to be set at auction will be that as instructed by the General Manager in accordance with independent valuation advice received from Council's consultant valuer.
3. Affix the Common Seal of Council for signing and sealing the necessary documents associated with the sale of this unit.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

**12.03 ACQUISITION OF LAND REAR 23 BURRAWAN STREET, PORT
MACQUARIE (PIN 37709)**

RESOLVED: Sargeant/Hawkins

That Council:

1. Offer to purchase an area of vacant common land contained within SP 12938 and situated at the rear of 23 Burrawan Street, Port Macquarie.
2. Set a purchase price based on valuation advice at \$320m² for an area of approximately 130m² (subject to final survey) and meet the additional acquisition costs as outlined in this report.
3. Affix the Common Seal of Council for signing and sealing the necessary documents associated with the Contract, Transfer and subdivision documents in relation to the purchase of land at rear of 23 Burrawan Street, Port Macquarie.
4. In accordance with the provisions of the Local Government Act 1993 classify the land being purchased as "operational" land.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

12.04 STINGRAY CREEK BRIDGE - OCEAN DRIVE NORTH HAVEN

RESOLVED: Turner/Griffiths

That Council:

1. Support in principle major repairs of Stingray Creek bridge as the preferred approach to the management of the asset until Council is in a position to support and fund the replacement of the bridge and;
2. Seek approval of the Minister for Roads and Ports for the use of the current special grant to fund the repair option.
3. Adopt the repair option generally in accordance with the preferred option discussed in this report (ie to provide a 20 year design life and 30 tonne load capacity)
4. Exhibit for community comment the repair option. The exhibition period is to include a community information session.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

**12.05 ROADS AND TRANSPORT ASSETS 2012/2013 WORKS PROGRAM
DELIVERY STATUS**

RESOLVED: Levido/Roberts

That Council acknowledge the status of the progress of the Roads and Transport Assets 2012/2013 Works Program.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

12.06 WAUCHOPE TOWN CENTRE ROAD BYPASS

RESOLVED: Levido/Griffiths

That this matter be deferred to enable:

1. further investigations including consultation with Road and Maritime Services, the Wauchope Community and Wauchope Chamber of Commerce to be undertaken; and
2. the provision of a detailed briefing to Councillors,

with a further updated Report dealing with (1) above and available options to be presented to Council's May 2013 Meeting.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

**12.07 COMMUNITY ENGAGEMENT OUTCOMES FOR TOWN BEACH TOILET,
KIOSK & GYM EQUIPMENT (PIN 42042)**

The Director of Infrastructure Services tabled an additional submission.

RESOLVED: Sargeant/Cusato

That Council:

1. Adopt the short and long term plans for the Town Beach Amenities Block / kiosk and gym equipment as exhibited with the Community and amend the Town Beach Master Plan (northern) as detailed in this report.
2. Request that the General Manager and Mayor finalise the design for a modern kiosk / toilet structure that is appropriate (delicately and tastefully balancing the potentially simultaneous conflicting demands of attractive design with discrete merging of structure and landscape) in this highly visible iconic coastal location and following approval of the design by Council invite tenders for the construction of the new facility.
3. Commence the installation of the gym equipment on the Town Beach Reserve.
4. That Council incorporate a hardstand area for use as a judges platform.
5. As part of the detailed design of the toilet block and kiosk, Council investigate a suitable design to permit relocation during high water eventualities.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

12.09 40 KMH PEDESTRIAN ZONE LAKE ROAD PORT MACQUARIE

RESOLVED: Cusato/Griffiths

That Council implement the Lake Road 40 KMH high pedestrian zone in accordance with the approved designs.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner

AGAINST: Nil

**12.10 DRAFT LEP 2011 (AMENDMENT NO 16) - PUBLIC SUBMISSIONS
[PP2011-0012] (PIN 42731)**

RESOLVED: Cusato/Levido

That Council:

1. Submit the draft LEP 2011 (Amendment No 16) as exhibited for approval by the Minister.
2. Thank, in writing, all those who made submission for their contribution and provide information on Council's decision on the matter.

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

**12.12 CROWN LANDS DIVISION, DEPARTMENT OF PRIMARY INDUSTRIES -
ACCEPTANCE OF PUBLIC RESERVES MANAGEMENT FUND PROGRAM
GRANTS**

RESOLVED: Griffiths/Roberts

That Council accept the following grant offers from the Public Reserves Management Fund Program:

1. Hamilton Green Reserve \$20,000
2. Lorne Recreation Reserve \$4,000
3. Bain Park \$7,500

CARRIED: 8/0

FOR: Besseling, Cusato, Griffiths, Hawkins, Levido, Roberts, Sargeant and Turner
AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

**13.01 AFFORDABLE HOUSING IN PORT MACQUARIE-HASTING
LGA**

Question from Cr Adam Roberts:

In reference to a recent report published called the 9th Annual Demographia International Housing Affordability Survey identifying Port Macquarie as the most unaffordable housing markets in Australia.

Can the General Manager please outline if indeed affordable housing in our LGA is a priority for Council and if not why not? Or if it is a priority, could you please provide in detail what measures Council is currently undertaking to ensure our LGA is working towards having the most *affordable* housing in Australia including how these measures will be benchmarked and measured to show performance and possible progress towards this target.

Comments by Councillor (if provided):

Nil.

**13.02 YOUTH SERVICES AND INITIATIVES IN THE PORT
MACQUARIE-HASTINGS LGA**

Question from Cr Adam Roberts:

What is the total current budget allocation for all Council initiated youth services and initiatives for the LGA? How are these funds sourced and allocated and what are the existing measureable targets and outcomes Council is aiming towards in regards to its involvement in supporting the youth of our area?

Comments by Councillor (if provided):

Nil.

The meeting closed at 9.17pm.

.....
Peter Besseling
Mayor
