

PRESENT

Members:

Councillor Peter Besseling (Mayor)
Councillor Rob Turner
Councillor Adam Roberts
Councillor Lisa Intemann
Councillor Geoff Hawkins
Councillor Trevor Sargeant
Councillor Sharon Griffiths

Other Attendees:

General Manager (Craig Swift-McNair)
Director of Infrastructure & Asset Management (Jeffery Sharp)
Acting Director of Commercial Services & Industry Engagement (Rebecca Olsen)
Director of Development & Environment (Matt Rogers)
Acting Director of Community & Organisational Development (Lucilla Marshall)
Group Manager Governance & Executive Services (Stewart Todd)
Acting Group Manager Community Engagement & Planning (Lyndal Harper)
Governance Support Officer (Bronwyn Lyon)

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.

The Mayor wished all a Merry Christmas and a Happy New Year.

02 LOCAL GOVERNMENT PRAYER

Pastor Mark Van Der Veer introduced Reverend Malcolm Haulser from the Port Macquarie Ministers' Association who delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Sargeant/Hawkins

1. That the apology received from Councillor Levido be accepted.
2. That the apology received from Councillor Cusato be accepted.

CARRIED: 7/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Turner/Intemann

That the Minutes of the Ordinary Council Meeting held on 19 November 2014 be confirmed.

CARRIED: 7/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Besseling declared a Non-Pecuniary, Significant Interest in Item 09.01 - 25th Anniversary of Sister City Relationship between Port Macquarie-Hastings Council and Handa City - Visit to Japan April 2015, the reason being that there is a potential for any travel to Japan being seen as my personal interests being in conflict with my public duty as Mayor and therefore, I will have no involvement in the matter by absenting myself from taking part in any debate or voting.

Councillor Sargeant declared a Non-Pecuniary, Significant Interest in Item - 09.01 - 25th Anniversary of Sister City Relationship between Port Macquarie-Hastings Council and Handa City - Visit to Japan April 2015, the reason being that Councillor Sargeant is a travel beneficiary of the report.

Councillor Griffiths declared a Pecuniary Interest in Item 11.02 - 18 John Oxley Drive, Port Macquarie - Business Rezoning - Letter from Minister for Planning (PP2011-7.2; PIN 48392), the reason being that Councillor Griffiths is the owner of a business in Wauchope and it could be perceived that through the approval of rezoning of 18 John Oxley Drive, an appreciable loss or gain may be likely.

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under section 451(4) & (5) of the Local Government Act 1993 in relation to Draft Structure Plan for the Greater Sancrox Area (Item 13.14).

Councillor Roberts declared a Non-Pecuniary, Significant Interest in Item 11.02 - 18

John Oxley Drive, Port Macquarie - Business Rezoning - Letter from Minister for Planning (PP2011-7.2; PIN 48392), the reason being that Councillor Roberts has a close relative who holds bulky goods zoned land nearby and may be affected by a decision on this item.

Councillor Roberts declared a Pecuniary Interest in Item 15.04 - Tender T-14-50 Tastings on Hastings Event Coordinator, the reason being that Councillor Roberts' business, Yankee Deli, has been and is likely to be a future stallholder at the event should it go ahead.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 6 November to 4 December 2014 inclusive be noted.

CARRIED: 7/0

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

AGAINST: Nil

06.02 SYDNEY SIEGE

RESOLVED: Besseling

That Council:

1. Express its condolences to the family and friends of those killed in the recent Siege at Sydney's Lindt Chocolat Café.
2. Express support for others involved and affected by this tragic event.
3. Condemn the actions of those wishing to use violence and terror to disrupt our peaceful, democratic society.

CARRIED: 7/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Nil.

08 PUBLIC FORUM

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

1. Mr Gregory Smith regarding the Lake Cathie revetment wall.
2. Mr Daryl Davis regarding increased traffic problems - Logans Crossing.
3. Mr Steve Stewart and Steve Read regarding taxi rank access.

RESOLVED: Hawkins/Turner

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

CARRIED: 7/0

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

AGAINST: Nil

08.01 LAKE CATHIE REVETMENT WALL

Mr Gregory Smith addressed Council in regard to the Lake Cathie revetment wall.

08.02 INCREASED TRAFFIC PROBLEMS - LOGANS CROSSING

Mr Daryl Davis addressed Council in regard to increased traffic problems at Logans Crossing and in relation to Item 12.04 - DA 2014- 0576 Waste Transfer Station at Lot 14 DP 1103758 Herons Creek Road, Kew and answered questions from Councillors.

08.03 TAXI RANK ACCESS

Mr Steve Stewart, representing the Port Macquarie Taxis, addressed Council in regard to taxi rank access and answered questions from Councillors.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

- Item 09.10 - Mr Alan Hardy in opposition of the recommendation.
- Item 09.10 - Mr Graham Hargreaves in support of the recommendation.
- Item 09.10 - Mr Alfred Johnston in support of keeping the natural regeneration area.
- Item 11.02 - Mr Chris Condon in support of the recommendation.
- Item 11.02 - Mr Tony Thorne in support of the recommendation.
- Item 12.03 - Ms Cheyne Flanagan in support of the recommendation.
- Item 12.03 - Dr Roger Barlow in support of the recommendation.
- Item 12.08 - Mr Robert Smallwood in support of the development application.
- Item 12.08 - Mrs Kimarie Meyers in opposition of the development application.
- Item 12.08 - Mr Alan Crawford in opposition of the development application.
- Item 13.12 - Mr Malcolm McNeil in opposition of the recommendation.
- Item 13.14 - Mr Michael Mowle in opposition of the recommendation.
- Item 13.14 - Mr Tony Thorne in opposition of the recommendation.

RESOLVED: Griffiths/Roberts

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

CARRIED: 7/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts/Hawkins

That Standing Orders be suspended to allow items 09.10, 11.02, 12.03, 12.08, 13.12 and 13.14 to be brought forward and considered next.

CARRIED: 7/0

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

AGAINST: Nil

09.10 WALL RESERVE NORTH HAVEN

Mr Alan Hardy, representing the North Haven Residents Association Inc., addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Graham Hargreaves addressed Council in support of the recommendation and answered questions from Councillors.

Mr Alfred Johnston addressed Council in support of keeping the natural regeneration area.

MOTION

MOVED: Intemann/Turner

That Council:

1. Endorse the current engagement approach.
2. Define the boundaries of the revegetated area and delineate the walkways through use of timber bollards and adjoining ropes/cable at approximate cost of \$13,750.
3. Have further discussions with community members interest in participating in a mowing and maintenance schedule of the pathways and boundaries.
4. Investigate the use, cost and funding of interpretative signage in the regenerated area.

FORESHADOWED MOTION

MOVED: Griffiths

That:

1. An arborist inspect, identify and report the risk within the regeneration area of Wall Reserve.
2. Hollow logs be removed from the reserve under 10/50 legislation.
3. Seek advice if required from OEH / National parks on whether further studies would be required to remove risk in the regeneration area, noting the recent report showed no threatened species present.
4. Consult with the community through the current engagement approach and allow community to assist with the improved visual amenity of the area to provide economic benefit and add interest to generate visitation.

THE MOTION WAS PUT

RESOLVED: Intemann/Turner

That Council:

1. Endorse the current engagement approach.
2. Define the boundaries of the revegetated area and delineate the walkways through use of timber bollards and adjoining ropes/cable at approximate cost of \$13,750.
3. Have further discussions with community members interest in participating in a mowing and maintenance schedule of the pathways and boundaries.
4. Investigate the use, cost and funding of interpretative signage in the regenerated area.

CARRIED: 5/2

FOR: Besseling, Hawkins, Intemann, Sargeant and Turner

AGAINST: Griffiths and Roberts

**11.02 18 JOHN OXLEY DRIVE, PORT MACQUARIE - BUSINESS REZONING -
LETTER FROM MINISTER FOR PLANNING (PP2011-7.2; PIN 48392)**

Councillor Griffiths declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 06:45pm.

Councillor Roberts declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 06:45pm.

Mr Chris Condon, representing CVC Mezzanine Finance Pty Ltd, addressed Council in support of the recommendation.

Mr Tony Thorne of King and Campbell Pty Ltd and representing CVC Mezzanine Finance Pty Ltd, addressed Council in support of the recommendation and answered questions from Councillors.

MOTION

MOVED: Intemann/Besseling

That Council:

1. Modify the proposed height limit in the LEP amendment to 8.5 metres within 20 metres of the boundary with No 28 John Oxley Drive.
2. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 20) as described in the exhibited Planning Proposal, and incorporating the modification referred to above.
3. Adopt Development Control Plan 2013 (Amendment No 2), incorporating the changes referred to in the report to the Ordinary Council meeting of 20 August 2014, to commence upon the latter of, the date that public notice of its approval is given in a local newspaper or the date of commencement of LEP 2011 (Amendment No 20).
4. Execute the 18 John Oxley Drive Planning Agreement as attached to the report to the Ordinary Council Meeting of 20 August 2014.
5. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.
6. That the New South Wales Minister of Planning be advised accordingly.

FORESHADOWED MOTION

MOVED: Sargeant/Turner

That Council write to the NSW Minister of Planning expressing concerns about proceeding with the LEP 2011 (Amendment no 20) for 18 John Oxley Drive in the absence of information from the LGA wide traffic management study and the review of the urban growth management study.

THE MOTION WAS PUT

MOVED: Intemann/Besseling

That Council:

1. Modify the proposed height limit in the LEP amendment to 8.5 metres within 20 metres of the boundary with No 28 John Oxley Drive.
2. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 20) as described in the exhibited Planning Proposal, and incorporating the modification referred to above.
3. Adopt Development Control Plan 2013 (Amendment No 2), incorporating the changes referred to in the report to the Ordinary Council meeting of 20 August 2014, to commence upon the latter of, the date that public notice of its approval is given in a local newspaper or the date of commencement of LEP 2011 (Amendment No 20).
4. Execute the 18 John Oxley Drive Planning Agreement as attached to the report to the Ordinary Council Meeting of 20 August 2014.
5. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.
6. That the New South Wales Minister of Planning be advised accordingly.

LOST: 2/3

FOR: Besseling and Intemann

AGAINST: Hawkins, Sargeant and Turner

THE FORESHADOWED MOTION WAS PUT

MOVED: Sargeant/Turner

That Council write to the NSW Minister of Planning expressing concerns about proceeding with the LEP 2011 (Amendment no 20) for 18 John Oxley Drive in the absence of information from the LGA wide traffic management study and the review of the urban growth management study.

LOST: 1/4

FOR: Sargeant

AGAINST: Besseling, Hawkins, Intemann and Turner

MOVED: Turner/Hawkins

1. That the matter be reconsidered at the March 2015 Ordinary Council Meeting.
2. That the General Manager present a report to the March 2015 Ordinary Council Meeting outlining:
 - a) An assessment of the traffic implications and land acquisitions required for the proposed Orbital Link Road; and
 - b) Whether a B5 Business Development zone is now appropriate for the site given the establishment of the Charles Sturt University and its impact on landuse within the precinct.
3. That the NSW Minister for Planning be advised as above.

LOST: 2/3

FOR: Hawkins and Turner

AGAINST: Besseling, Intemann and Sargeant

Councillor Roberts returned to the meeting, the time being 07:38pm.

Councillor Griffiths returned to the meeting, the time being 07:38pm.

12.03 VEGETATION AND KOALA HABITAT MAPPING

Ms Cheyne Flanagan, representing the Koala Hospital, addressed Council in support of the recommendation and answered questions from Councillors.

Dr Roger Barlow, representing the Bonny Hills Progress Association, addressed Council in support of the recommendation.

RESOLVED: Intemann/Hawkins

That Council:

1. Note the Vegetation Mapping and Koala Habitat and Population Assessment Reports for the Port Macquarie-Hastings local government area.
2. Note that updating of the mapping datasets will be an ongoing process that allows the refinement of the mapping overtime and recognises the dynamic nature of ecological systems.
3. Note that a range of methodologies can be used for acquiring data to refine/update the koala habitat mapping over time.

CARRIED: 7/0

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

AGAINST: Nil

12.08 DA2014 - 0749 - DUAL OCCUPANCY AND STRATA SUBDIVISION AT LOT 302 DP 1182566, NO. 16 ST LUCIA PLACE, BONNY HILLS

Mr Robert Smallwood addressed Council in support of the development application and answered questions from Councillors.

Mrs Kimarie Meyers addressed Council in opposition of the development application and answered questions from Councillors.

Mr Alan Crawford addressed Council in opposition of the development application and answered questions from Councillors.

RESOLVED: Hawkins/Turner

That DA 2014 - 0749 for a dual occupancy and strata subdivision at Lot 302, DP 1182566, No. 16 St Lucia Place, Bonny Hills, be approved subject to the attached conditions.

CARRIED: 4/3

FOR: Hawkins, Intemann, Sargeant and Turner

AGAINST: Besseling, Griffiths and Roberts

13.12 LIVEABLE NEIGHBOURHOODS: PORT MACQUARIE TOWN FRINGE LEP AND DCP CHANGES

Mr Malcolm McNeil of McNeil Architects addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Sargeant/Roberts

That Council:

1. As a result of the consideration of submissions, adopt the proposed changes to the local environmental plan as described in the report.
2. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 31).
3. Adopt Development Control Plan 2013 (Amendment No 3), to commence on the date of commencement of Local Environmental Plan 2011 (Amendment No 31).
4. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

CARRIED: 7/0

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

AGAINST: Nil

13.14 DRAFT STRUCTURE PLAN FOR THE GREATER SANCROX AREA

Councillor Griffiths declared a Special Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 08:28pm.

Mr Michael Mowle of Hopkins Consultants and representing Jeff Gillespie and Gloucester Heights Landowners, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Tony Thorne of King and Campbell Pty Ltd and representing Expressway Spares Pty Ltd and Mr and Mrs Hazenveld addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Roberts

That Council defer this matter to allow further discussion with Councillors at a workshop in February 2015.

CARRIED: 6/0

FOR: Besseling, Hawkins, Intemann, Roberts, Sargeant and Turner

AGAINST: Nil

Councillor Griffiths returned to the meeting, the time being 08:46pm.

Due to the Mayor declaring a Non-Pecuniary, Significant Interest for the next item and in the absence of the Deputy Mayor, an election for a Chairperson was conducted.

The General Manager, acting as Returning Officer, called for nominations for Chair.

The Returning Officer, advised that nominations for Chair have been received for:

Councillor Turner, nominated by Councillors Hawkins and Intemann.

There being no other nominations, the Returning Officer declared Councillor Turner elected Chairperson.

The Mayor vacated the Chair and Councillor Turner assumed the Chair.

09.01 25TH ANNIVERSARY OF SISTER CITY RELATIONSHIP BETWEEN PORT MACQUARIE-HASTINGS COUNCIL AND HANDA CITY - VISIT TO JAPAN APRIL 2015

Councillor Besseling declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 08:48pm.

Councillor Sargeant declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 08:48pm.

MOVED: Intemann/

That Council:

1. Grant approval for the Mayor, Peter Besseling to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.
2. Grant approval for Councillor Trevor Sargeant to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.
3. Grant approval for Mr Bruce Hardy to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip are to be covered by Mr Hardy.
4. Grant approval for Mrs Jenny Mead (staff) to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.
5. Note the cost of accommodation and meals of Council's delegates, whilst in Handa, will be at the expense of Handa City Council.

LAPSED FOR WANT OF A SECONDER

RESOLVED: Hawkins/Intemann

That Council:

1. Grant approval for the Mayor, Peter Besseling to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.
2. Additionally, grant approval for up to two (2) other Councillors to travel to Handa, Japan from 8 - 14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, with 50% of the expenses related to this trip to be covered by Council via the Councillor Conference Budget and the balance to be self funded by the Councillors.
3. Grant approval for Mr Bruce Hardy to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip are to be covered by Mr Hardy.
4. Grant approval for Mrs Jenny Mead (staff) to travel to Handa, Japan from 8-14 April 2015 to represent Council and attend the 25th Anniversary Sister City relationship events, expenses related to this trip will be covered by Council.
5. Note the cost of accommodation and meals of Council's delegates, whilst in Handa, will be at the expense of Handa City Council.

CARRIED: 5/0

FOR: Griffiths, Hawkins, Intemann, Roberts and Turner

AGAINST: Nil

Mayor Besseling returned to the meeting, the time being 08:56pm.

Councillor Sargeant returned to the meeting, the time being 08:56pm.

Councillor Turner vacated the Chair and the Mayor assumed the Chair.

Councillor Hawkins left the meeting, the time being 08:57pm.

09.02 STATUS OF OUTSTANDING REPORTS TO COUNCIL - DECEMBER 2014

RESOLVED: Roberts/Griffiths

That the information in the December 2014 Status of Outstanding Reports to Council be noted.

CARRIED: 6/0

FOR: Besseling, Griffiths, Intemann, Roberts, Sargeant and Turner

AGAINST: Nil

09.03 DESIGNATED PERSON

RESOLVED: Intemann/Sargeant

That Council determine that the Sports and Recreation Officer position become a designated person pursuant to the provisions of section 441 of the Local Government Act 1993.

CARRIED: 6/0
FOR: Besseling, Griffiths, Intemann, Roberts, Sargeant and Turner
AGAINST: Nil

09.04 CODE OF CONDUCT COMPLAINT STATISTICS

RESOLVED: Roberts/Sargeant

That Council:

1. Note the Code of Conduct Complaint Statistics for the period 1 September 2013 to 31 August 2014.
2. Forward the Code of Conduct Complaint Statistics to the Office of Local Government.

CARRIED: 6/0
FOR: Besseling, Griffiths, Intemann, Roberts, Sargeant and Turner
AGAINST: Nil

09.05 DELEGATED AUTHORITIES - CERTIFICATE OF IDENTIFICATION ISSUED UNDER THE SWIMMING POOLS ACT 1992

RESOLVED: Griffiths/Roberts

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

- a) Matt Rogers (Director Development and Environment)
 - b) Tim Atherton (Group Manager Regulatory Compliance)
 - c) Andrew Rock (Compliance Building Surveyor)
 - d) Kane Duke (Compliance Building Surveyor)
 - e) David Fletcher (Coordinator Building Surveyors)
 - f) Paul Biron (Senior Building Surveyor)
 - g) Warren Wisemantel (Senior Building Surveyor)
 - h) Bernie Cheetham (Building Surveyor)
 - i) Tony Crane (Building Surveyor)
 - j) Keith Smith (Building Surveyor)
 - k) Stephen Ryan (Building Surveyor)
 - l) Geoff Fairey (Compliance Officer - Swimming Pools)
 - m) Craig Henderson (Co-ordinator Compliance)
 - n) Peter Collins (Ranger)
 - o) Keith Henderson (Ranger)
 - p) Chris Townsend (Ranger)
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- q) Kate Shelton (Ranger)
r) Lauren Angel (Ranger)
s) Mark Derwent (Environmental Health Officer (Food Safety))
t) Michelle McLennan (Environmental Health Officer (Pollution))
u) Johanna Fudge (Environmental Health Officer)
v) Tait Farram (Environmental Health Officer (On Site Sewerage Manager))
- CARRIED: 6/0
FOR: Besseling, Griffiths, Intemann, Roberts, Sargeant and Turner
AGAINST: Nil

Councillor Hawkins returned to the meeting, the time being 08:58pm.

09.06 MEMORANDUM OF UNDERSTANDING BETWEEN NSW PUBLIC WORKS AND PORT MACQUARIE-HASTINGS COUNCIL FOR PROJECT, PROCUREMENT AND CONSTRUCTION MANAGEMENT SERVICES

RESOLVED: Griffiths/Turner

That Council:

1. Endorse the Memorandum of Understanding between NSW Public Works and Port Macquarie-Hastings Council for Project, Procurement and Construction Management Services.
2. Delegate authority to the General Manager to sign and enter into the Memorandum of Understanding for Project, Procurement and Construction Management Services.

CARRIED: 7/0
FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner
AGAINST: Nil

09.07 INVESTMENTS - NOVEMBER 2014

RESOLVED: Hawkins/Intemann

That Council note the Investment Report for the month of November 2014.

CARRIED: 7/0
FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner
AGAINST: Nil

Councillor Roberts left the meeting, the time being 08:59pm.

09.08 MONTHLY FINANCIAL REVIEW FOR NOVEMBER 2014

RESOLVED: Hawkins/Griffiths

That Council adopt the adjustments in the "Financial Implications" section of the report for November 2014.

CARRIED: 6/0
FOR: Besseling, Griffiths, Hawkins, Intemann, Sargeant and Turner
AGAINST: Nil

09.09 RECOMMENDED ITEM FROM ECONOMIC DEVELOPMENT STEERING GROUP - COMMITTEE VACANCY AND ECONOMIC DEVELOPMENT STEERING GROUP CHARTER

RESOLVED: Turner/Hawkins

That Council adopt the revised Economic Development Steering Group Charter.

CARRIED: 6/0
FOR: Besseling, Griffiths, Hawkins, Intemann, Sargeant and Turner
AGAINST: Nil

10.01 RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - NOVEMBER MEETING

RESOLVED: Besseling/Griffiths

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to Miss Mollie Mullen in the amount of \$750.00 to assist with expenses she would have incurred travelling to, and competing as part of the NSW Cricket Academy XI Team at the National Cricket Championships to be held at Blacktown Institute of Sports from 25 November - 2 December 2014 inclusive.

CARRIED: 6/0
FOR: Besseling, Griffiths, Hawkins, Intemann, Sargeant and Turner
AGAINST: Nil

Councillor Roberts returned to the meeting, the time being 09:01pm.

11.01 ECONOMIC DEVELOPMENT STRATEGY - SIX MONTHLY REPORT ON PROGRESS

RESOLVED: Turner/Griffiths

That Council note the six monthly progress report on the 2013-2016 Port Macquarie-Hastings Economic Development Strategy.

CARRIED: 7/0

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

AGAINST: Nil

12.01 QUESTION ON NOTICE - PLACE MAKING - ROCKS FERRY RESERVE

MOTION

MOVED: Griffiths/Roberts

That Council:

1. Work with the community to develop a community plan for improvements and beautification to Rocks Ferry Reserve that is adequately resourced.
2. Apply for grant funding for bank restoration works at Rocks Ferry Reserve to eliminate further bank erosion.

AMENDMENT

MOVED: Besseling/Intemann

That Council work with the community to develop a community plan for improvements and beautification to Rocks Ferry Reserve that is adequately resourced.

THE AMENDMENT WAS PUT

MOVED: Besseling/Intemann

That Council work with the community to develop a community plan for improvements and beautification to Rocks Ferry Reserve that is adequately resourced.

CARRIED: 4/3

FOR: Besseling, Hawkins, Intemann and Sargeant

AGAINST: Griffiths, Roberts and Turner

THE AMENDMENT BECAME THE MOTION

RESOLVED: Besseling/Intemann

That Council work with the community to develop a community plan for improvements and beautification to Rocks Ferry Reserve that is adequately resourced.

CARRIED: 7/0

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

AGAINST: Nil

12.02 PURCHASE OF LOT 39 DP 219719 QUEENS GRANT ESTATE PLOMER ROAD, NORTH SHORE, PORT MACQUARIE

RESOLVED: Intemann/Sargeant

That Council:

1. Accept the offer by Mr and Mrs Adams to sell Lot 39 DP 219719 in the Queens Grant Estate to Council at a purchase price of \$20,000.
2. Pay reasonable legal fees incurred by Mr and Mrs Adams with the sale of their land to Council.
3. Upon the settlement of this sale commence the procedure to classify this land "Operational".
4. Affix the seal of Council to the necessary legal transfer documents associated with the purchase of Lot 39 DP 219719.
5. Delegate authority to the General Manager to sign and execute a Contract of Sale for the purchase of Lot 39 DP 219719.

CARRIED: 7/0

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

AGAINST: Nil

12.04 DA2014 - 0576 WASTE TRANSFER STATION AT LOT 14 DP 1103758 HERONS CREEK ROAD, KEW

RESOLVED: Griffiths/Turner

That:

1. The development application 2014 - 0576 for a waste transfer station at Lot 14, DP 1103758 Herons Creek Road, Kew, be determined by granting consent subject to the recommended conditions.
2. A Councillor briefing be held following development of a detailed design to discuss costs relating to the Kew waste transfer station prior to any work commencing.

CARRIED: 7/0

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

AGAINST: Nil

**12.05 DA2014 - 0716 BOUNDARY ADJUSTMENT INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.1 (MINIMUM SUBDIVISION LOT SIZE) OF
PORT MACQUARIE - HASTINGS LOCAL ENVIRONMENTAL PLAN 2011
AT LOT 4 DP 811248 AND LOT 5 DP 811248, NO. 100 AND 106
WEISMANTLE STREET, WAUCHOPE**

RESOLVED: Intemann/Sargeant

That the determination of DA 2014 - 0716 for a Boundary Adjustment including Clause 4.6 Objection to Clause 4.1 (Minimum Subdivision Lot Size) of Port Macquarie - Hastings Local Environmental Plan 2011 at Lots 4 & 5, DP 811248, No. 100 and 106 Weismantle Street, Wauchope, be noted.

CARRIED: 7/0

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

AGAINST: Nil

**12.06 DA 2014 - 0794 DEMOLITION OF EXISTING DWELLING AND
CONSTRUCTION OF NEW DWELLING INCLUDING CLAUSE 4.6
VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT
MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 130
DP 246284, 52 HIBBARD DRIVE, PORT MACQUARIE**

RESOLVED: Griffiths/Hawkins

That DA 2014 - 794 for a demolition of existing dwelling and construction of new dwelling including clause 4.6 variation to clause 4.3 (Height of Buildings) of Port Macquarie Hastings Local Environmental Plan 2011, Lot 130 DP 246284, 52 Hibbard Drive, Port Macquarie at Lot 130, DP 246282, No. 52 Hibbard Drive, Port Macquarie, be noted.

CARRIED: 7/0

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

AGAINST: Nil

**12.07 DA 2014 - 0393 ADDITIONS TO DWELLING AND CLAUSE 4.6 VARIATION
TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE
HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 9 DP 257282, 15
UNIQUE CLOSE, DUNBOGAN**

RESOLVED: Intemann/Griffiths

That the determination of DA 2014 - 0393 for additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 9, DP 257282, 15 Unique Close, Dunbogan, be noted.

CARRIED: 7/0

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

AGAINST: Nil

13.01 NOTICE OF MOTION - DEVELOPMENT CONTRIBUTIONS - COMMERCIAL PREMISES

RESOLVED: Turner/Hawkins

That the General Manager bring a report back to the February 2015 meeting of Council that provides options whereby development contributions for non-residential premises can be amortised or deferred without the need for a bank guarantee.

CARRIED: 7/0

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

13.02 QUESTION ON NOTICE - PONTOON WEST OF ROCKS FERRY RESERVE

RESOLVED: Griffiths/Roberts

1. That Council give consideration to including a pontoon at Rocks Ferry Reserve during its consideration and determination of the PMHC Recreational Plan.
2. That if supported, Council seek State Government funding to accommodate the request for a pontoon within the Wauchope vicinity.
3. That Council consult with the community to determine the assistance which could be provided in management of any such pontoon installation in the Wauchope area.

CARRIED: 7/0

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

13.03 DRAFT FINAL PORT MACQUARIE-HASTINGS BIKE PLAN

RESOLVED: Sargeant/Griffiths

That Council:

1. Note the information contained in the report relating to preparation of the Draft Final Port Macquarie-Hastings Bike Plan.
2. Exhibit the Draft Final Port Macquarie-Hastings Bike Plan for the period 19 January to 20 February 2015.

CARRIED: 7/0

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

Councillor Turner left the meeting, the time being 10:00pm.

**13.04 DRAFT FINAL PORT MACQUARIE-HASTINGS PEDESTRIAN ACCESS
AND MOBILITY PLAN**

RESOLVED: Intemann/Hawkins

That Council:

1. Note the information contained in the report relating to preparation of the Draft Final Port Macquarie-Hastings Pedestrian Access and Mobility Plan.
2. Approve the Draft Final Port Macquarie-Hastings Pedestrian Access and Mobility Plan to be placed on public exhibition for the period 19 January to 20 February 2015.

CARRIED: 6/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts and Sargeant

AGAINST: Nil

**13.05 CHANGES TO OCEAN DRIVE SPEED LIMIT BETWEEN LAKE CATHIE
AND BONNY HILLS**

RESOLVED: Sargeant/Griffiths

That Council receive and note the report regarding advice from Roads and Maritime Service advising of the reduction in speed limit on Ocean Drive between Lake Cathie and Bonny Hills from 90km/h to 70km/h.

CARRIED: 6/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts and Sargeant

AGAINST: Nil

13.06 RAINBOW BEACH RESERVE PLAYGROUND RENEWAL

RESOLVED: Griffiths/Roberts

That Council:

1. Note the submissions received during the exhibition for the Rainbow Beach Reserve Playground Landscape Concept Plan.
2. Adopt the Rainbow Beach Reserve Playground Landscape Concept Plan.
3. Proceed to detailed design phase for Stage 1 of the project and review components that may impact on Beach Street residents e.g. musical play elements to ensure that their sounds won't create additional disturbance.
4. Continue to work with the Bonny Hills Progress Association on the identification of community in-kind contributions and grants.

CARRIED: 6/0

FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts and Sargeant

AGAINST: Nil

13.07 VILLAGE SEWERAGE SCHEMES PROGRESS REPORT

RESOLVED: Intemann/Hawkins

That the report be noted.

CARRIED: 6/0
FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts and Sargeant
AGAINST: Nil

13.08 RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE WORKING PARTY UPDATES

RESOLVED: Hawkins/Griffiths

That Council modify the 2014-2015 Operation Plan by deleting Item 5.1.1.1 (q) - Buller Street and Hollingworth Street project and allocating the project budget to Item 5.5.6.1 (b) - Short Street Drainage project.

CARRIED: 6/0
FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts and Sargeant
AGAINST: Nil

Councillor Turner returned to the meeting, the time being 10:02pm.

13.09 PORT MACQUARIE ENTERTAINMENT PRECINCT EVENT USE POLICY

RESOLVED: Roberts/Hawkins

That Council:

1. Rescind the Town Green Protocol policy.
2. Adopt and implement the Port Macquarie Entertainment Precinct Event Use Policy.

CARRIED: 7/0
FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner
AGAINST: Nil

13.10 DEDICATION OF LAND AS PUBLIC ROAD AT THE INTERSECTION OF OCEAN DRIVE AND JONAS ABSALOM DRIVE, PORT MACQUARIE

RESOLVED: Hawkins/Griffiths

That Council affix the Common seal of Council to the linen plan of road opening over Lot 205 DP1007772.

CARRIED: 7/0

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

AGAINST: Nil

13.11 LEP 2011 - MISCELLANEOUS AMENDMENTS (PP2014-15.1)

RESOLVED: Griffiths/Turner

That Council:

1. Prepare a draft planning proposal as described in this report, 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 14 issues listed 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 Act.
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: 7/0

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

AGAINST: Nil

13.13 WILLIAM STREET PARKING PLANNING AGREEMENT

RESOLVED: Roberts/Griffiths

That the report on the William Street Parking Planning Agreement be noted.

CARRIED: 7/0

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

AGAINST: Nil

13.15 OCEAN DRIVE LAKE CATHIE PLANNING AGREEMENT

RESOLVED: Intemann/Griffiths

That Council delegate authority to the General Manager to determine and execute the Ocean Drive, Lake Cathie Planning Agreement.

CARRIED: 7/0

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

AGAINST: Nil

14 QUESTIONS FOR NEXT MEETING

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/Hawkins

1. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole (Closed Session) on the basis that items to be considered are of a confidential nature.
2. That Council move into Confidential Committee of the Whole (Closed Session) to receive and consider the following items:

Item 15.01 Tender T-14-20 Managed Print Services

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 15.02 Tender T-14-31 Provision of Statutory Property Services

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 15.03 Tender T-14-41 Provision of Landscape Supplies

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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- Item 15.04 Tender T-14-50 Tastings on Hastings Event Coordinator
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.05 Tender T-14-24 Supply and Delivery of Pipes and Associated Fittings
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.06 Tender T-14-25 Invasive Weed and Feral Animal Management Services
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.07 Heritage Arts & Culture Priorities Advisory Group - Expressions of Interest Received
This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).
- Item 15.08 Tender T-14-33 High Voltage Maintenance Program
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.09 RFQ-14-40 Supply of Motor Grader
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- Item 15.10 Tender T-14-05 Port Macquarie Indoor Stadium Expansion
This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
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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: 7/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 10.04pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 10.11pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Griffiths/Turner

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

Item 15.01 Tender T-14-20 Managed Print Services

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Accept the tender from Fuji Xerox Business Centre Mid North Coast for the provision of managed print services for \$282,692.58 (ex GST) for a four (4) year period.
2. Accept the schedule of rates from Fuji Xerox Business Centre Mid North Coast for associated support, management and maintenance of multi-function devices for a four (4) year period.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of tender T-14-20.

Item 15.02 Tender T-14-31 Provision of Statutory Property Services

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Accept the tender received from Ian Russell for the provision of Statutory Property Services for a period of two (2) years commencing 1 January 2015 with an option to extend for a further period of one (1) year.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of tender T-14-31.

Item 15.03 Tender T-14-41 Provision of Landscape Supplies

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Accept tenders from the following suppliers to be appointed to a panel for the provision of Landscape Supplies for a two (2) year period commencing 5 January 2015, with options to extend for up to a further two (2) x one (1) year periods:
 - a) Hastings Valley Haulage Pty Ltd t/a Hastings Valley Landscapes
 - b) Dal Broi Family Trust t/a Grow Lush Landscape Supplies
 - c) S & S Bink Pty Ltd t/a Ground FX Landscape Supplies
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-14-41.

Item 15.04 Tender T-14-50 Tastings on Hastings Event Coordinator

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Accept the tender submission for the Tastings on Hastings Event Coordinator from Marketplace Events for \$225,000 (ex GST) for the period December 2014 to December 2017.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-14-50.

Item 15.05 Tender T-14-24 Supply and Delivery of Pipes and Associated Fittings

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Accept tenders from the following suppliers to be appointed to a panel for the supply and delivery of pipes and associated fittings for a two (2) year period commencing 5 January 2015, with options to extend for up to a further two (2) x one (1) year periods:
 - a) Iplex Pipelines Australia Pty Limited
 - b) Pentair Water Solutions Pty Ltd
 - c) CMW-BVA Valves Pty Ltd t/a Challenger Valves and Actuators Pty Ltd
 - d) Rapid Clamps Pty Ltd
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-14-24.

Item 15.06 Tender T-14-25 Invasive Weed and Feral Animal Management Services

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Accept tenders from the following contractors to be appointed to a panel for the provision of Invasive Weed and Feral Animal Management Services for a two (2) year period commencing 1 January 2015, with options to extend for up to a further two (2) x one (1) year periods:
 - a) ProustWest Bushland Services;
 - b) KL Benson & JD McGahey t/a Wild Things;

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- c) B & T Whitehead t/a Saltair Flora and Fauna;
 - d) Bolwarra Environmental Services;
 - e) Wetland Care Australia;
 - f) Gondwana Bush Restoration;
 - g) BARRC; and
 - h) Biodiversity Australia Pty Ltd.
2. Affix the seal of Council to the necessary documents.
 3. Maintain the confidentiality of the documents and considerations in respect of Tender T-14-25.

Item 15.07 Heritage Arts & Culture Priorities Advisory Group - Expressions of Interest Received

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

RECOMMENDATION

That Council:

1. Appoint the following people as independent members of the Heritage, Arts & Culture Priorities Advisory Group for a twenty-four (24) month term commencing from the first meeting date of the Advisory Group.
 - a) Mitch McKay
 - b) Dr. Robbie Lloyd
 - c) Patricia Philp
2. Formally advise all persons (in writing) who submitted an expression of interest to join the Heritage, Arts and Culture Priorities Advisory Group of Council's resolution in this matter.

Item 15.08 Tender T-14-33 High Voltage Maintenance Program

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Accept the tender from ATF Mining Electrics Pty Ltd t/a Ampcontrol NSW for the High Voltage Annual Maintenance Program for \$67,710 (ex GST) for a three (3) year period from June 2015 with options to extend for up to a further three (3) x one (1) year periods.
2. Accept the schedule of rates from ATF Mining Electrics Pty Ltd t/a Ampcontrol NSW for additional reactive maintenance for the duration of the contract.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of tender T-14-33.

Item 15.09 RFQ-14-40 Supply of Motor Grader

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. Pursuant to Section 55 (3) (a) of the Local Government Act 1993, subject to the regulations, a contract for the purchase of goods, materials or services specified by a person prescribed by regulations made with another person so specified, during a period so specified and at a rate not exceeding the rate so specified as described in this report, resolves not to invite tenders for the supply and delivery of one (1) Motor Grader.
2. Accept the quotation from Hitachi Construction Machinery (Australia) Pty Ltd for the supply and delivery of one (1) John Deere 670G Motor Grader for \$321,677.00 (excl GST).
3. Maintain the confidentiality of the documents and considerations in respect of Request for Quotation RFQ-14-40.

Item 15.10 Tender T-14-05 Port Macquarie Indoor Stadium Expansion

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:

1. In accordance with the Local Government (General) Regulations 2005, 178 1 (b) decline to accept any of the tenders submitted.
2. Decline to invite fresh tenders for the reason that the Tender Evaluation Panel (TEP) considered that of the nine (9) submissions received, the submission from Ware Building Pty Ltd represents best overall value for money; however further negotiations with Ware Building Pty Ltd are required to ensure that works are able to be completed under the resultant contract and within the project budget as detailed in the body of this report.
3. In accordance with the Local Government (General) Regulations 2005, 178 3 (e), enter into negotiations with Ware Building Pty Ltd due to the favourable ranking against the overall evaluation criteria and for the reasons described above in Recommendation 2.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-14-05.

CARRIED: 7/0
FOR: Besseling, Griffiths, Hawkins, Intemann, Roberts, Sargeant and Turner
AGAINST: Nil

The meeting closed at 10:12pm.

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Peter Besseling
Mayor