

**PRESENT**

**Members:**

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

**Other Attendees:**

General Manager (Craig Swift-McNair)  
Director of Community and Economic Growth (Tricia Bulic)  
Director of Corporate and Organisational Services (Rebecca Olsen)  
Director of Development and Environment Services (Matt Rogers)  
Director of Infrastructure and Asset Management (Jeffery Sharp)  
Executive Assistant to the Mayor (Linda Kocis)  
Communication Engagement and Marketing Team Leader (Andy Roberts)

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The meeting opened at 5.30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 LOCAL GOVERNMENT PRAYER**

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The Reverend Malcolm Hausler from the Uniting Church delivered the Local Government Prayer.

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**03 APOLOGIES**

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*RESOLVED: (Turner/Hawkins)*

That the apology received from Councillor Sharon Griffiths be accepted.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**04 CONFIRMATION OF MINUTES**

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*RESOLVED: (Intemann/Levido)*

That the Minutes of the Ordinary Council Meeting held on 19 August 2015 be confirmed.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**05 DISCLOSURES OF INTEREST**

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Councillor Levido declared a Pecuniary Interest in Item 12.03 - DA2015-0230 - Demolition of Dwellings, Lot Consolidation, Boundary Adjustment, Commercial Premises and Construction of Residential Flat Building for the Purposes of Senior Housing - Lot 3 DP 347796; Lot 4 DP 347796; Lot 1 DP 1053812; Lot 1 DP 151300; Lot 1 DP 795534; Lot 1 DP 390610; Lot 1 DP 121189; Lot 1 DP 393967; Lot 1 DP 782560; Lot 1 DP 995637; Lot 1 DP 709967; Lot 10 DP 861777; Lot 11 DP 861177; Lot 12 DP 861177 & Lot 13 DP 861177, Young, Hastings and Cameron Streets, Wauchope. The reason being that Councillor Levido is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers. The Firm acts for one of the owners of the properties the subject of the report.

Councillor Levido declared a Non-Pecuniary - Less than Significant Interest in Item 12.04 - DA2015-0333 - Dwelling and Swimming Pool including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 - Lot 9, DP 1069338, No 28 The Anchorage, Port Macquarie. The reason being that the property the subject of the report is in the same street as the principle place of residence owned and occupied by Councillor Levido and his wife and they reside at 49 The Anchorage, Port Macquarie.

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Councillor Lisa Intemann declared a Non-Pecuniary - Less than Significant Interest in Item 12.01 - Grant Offer from the Mid North Coast Weeds Co-ordinating Committee. The reason being Councillor Intemann is Council's representative on the Mid North Coast Weeds Co-ordinating Committee.

Councillor Trevor Sargeant declared a Non-Pecuniary - Significant Interest in Item 13.03 - Settlement Point Ferry - Out of Water Inspection and Maintenance (Slipping). The reason being that Birdon Marine Pty Ltd were contributors to Councillor Sargeant's election campaign.

Councillor Mike Cusato declared a Non-Pecuniary - Less than Significant Interest in Item 15.01 - Tender T-15-11 Provision of Legal Services. The reason being that Councillor Cusato is a client of one of the tenderers.

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#### 06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

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*RESOLVED: (Besseling)*

That the Mayoral Discretionary Fund allocations for the period 6 August to 2 September 2015 inclusive be noted.

*CARRIED: 8/0*

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

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#### 06.02 JOINT ORGANISATIONS - EMERGING DIRECTIONS

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*RESOLVED: (Besseling)*

That Council request the General Manager develop (in conjunction with Councillors), a submission to the Office of Local Government in response to the Joint Organisation - Emerging Directions Paper and lodge the submission by the nominated closing date of 16 October 2015.

*CARRIED: 8/0*

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

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#### 07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

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*RESOLVED: (Intemann/Sargeant)*

That Council determine that the attachments to Item Numbers 13.01, 13.03 and 13.09 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

*CARRIED: 8/0*

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

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**08 PUBLIC FORUM**

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

1. Mr William Shelly - Paragliding at Bonny Hills

*RESOLVED: (Turner/Sargeant)*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**08.01 PARAGLIDING AT BONNY HILLS**

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Mr William Shelly addressed Council in relation to paragliding at Bonny Hills.

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**REQUESTS TO SPEAK ON AN AGENDA ITEM**

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

Item 12.02 - Mr Lou Perri in support of the recommendation.

Item 13.06 - Mr Jeff Woodgate in support of the recommendation.

Item 13.09 - Mr Bruce Oliver in support of the recommendation.

*RESOLVED: (Levido/Cusato)*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: (Levido/Turner)*

That Standing Orders be suspended to allow Items 12.02, 13.06 and 13.09 to be brought forward and considered next.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**12.02 DA2015 - 0030 - ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6  
OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT  
MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT  
377 DP 236950, 31 VENDUL CRESCENT, PORT MACQUARIE**

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Mr Lou Perri, owner of the subject property, addressed the Meeting in support of the recommendation. Mr Perri answered questions from Councillors.

*RESOLVED: (Roberts/Cusato)*

That DA2015 - 0030 for additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011, at Lot 377, DP 236950, 31 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Delete condition B(8).
- Additional condition in section B of the consent to read: 'The balustrade on the second floor deck is to be constructed of opaque glass panels/walls joining floor and railing'.

*CARRIED: 6/2*

*FOR: Besseling, Cusato, Intemann, Levido, Roberts and Turner*

*AGAINST: Hawkins and Sargeant*

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**13.06 LIGHTHOUSE BEACH RESERVE IMPROVEMENTS**

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Mr Jeff Woodgate, on behalf of the Tacking Point Lions Club and Port Macquarie Lions Club, addressed the Meeting in support of the recommendation. Mr Woodgate answered questions from Councillors.

*RESOLVED: (Sargeant/Intemann)*

That Council:

1. Exhibit the plans: Lighthouse Beach Reserve Landscape Concept, Option 1 and 2 for 28 days for the period as outlined in this report.
2. Request the General Manager report to the December 2015 Council meeting advising of the outcome of the community engagement.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.09 PORT MACQUARIE INDOOR STADIUM EXPANSION - PROJECT UPDATE  
(PIN56563)**

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Mr Bruce Oliver, on behalf of the Port Macquarie Gymnastics Club, addressed the Meeting in support of the recommendation. Mr Oliver answered questions from Councillors.

**MOTION**

*MOVED: (Levido/Turner)*

That Council:

1. Note that the Police Citizens Youth Club (PCYC) did not meet Resolution one (1) from the meeting of Council in July 2015, where the PCYC were requested to provide detailed design drawings to assist in the assessment of the costs of the proposed revisions.
2. Note Section one (1) under the Design and Construction Issues of the Heads of Agreement (HoA) between the PCYC and Port Macquarie-Hastings Council (PMHC), where any design revisions are to be acceptable to Council.
3. With reference to Section one (1) under the Design and Construction Issues of the Heads of Agreement, decline to accept the proposed revisions put forward by the PCYC to the original Indoor Stadium Expansion designs due to the significant financial and reputational risk to PMHC and the concerns of user groups, including the Port Macquarie Gymnastics Club.
4. Accept the original designs for the expansion of the Indoor Stadium and finalise negotiations with the preferred tenderer, namely Ware Building Pty Ltd as to the construction of the expanded Indoor Stadium.

**AMENDMENT**

*MOVED: Intemann*

That Council:

1. Note that the Police Citizens Youth Club (PCYC) did not meet Resolution one (1) from the meeting of Council in July 2015, where the PCYC were requested to provide detailed design drawings to assist in the assessment of the costs of the proposed revisions.
2. Note Section one (1) under the Design and Construction issues of the Heads of Agreement (HoA) between the PCYC and Port Macquarie-Hastings Council (PMHC), where any design revisions are to be acceptable to Council.
3. With reference to Section 1 under the Design & Construction Issues of the Heads of Agreement, decline to accept the proposed revisions put forward by the PCYC to the original Indoor Stadium Expansion designs due to the significant financial and reputational risk to PMHC and the concerns of user groups, including the Port Macquarie Gymnastics Club.
4. Proceed with the original designs for the expansion of the Indoor Stadium and allow construction to commence upon finalisation of negotiations with the preferred tenderer, noting that this may revert back to a three party management arrangement for the facility.

*WAS WITHDRAWN*

**THE MOTION WAS PUT**

*RESOLVED: (Levido/Turner)*

That Council:

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1. Note that the Police Citizens Youth Club (PCYC) did not meet Resolution one (1) from the meeting of Council in July 2015, where the PCYC were requested to provide detailed design drawings to assist in the assessment of the costs of the proposed revisions.
2. Note Section one (1) under the Design and Construction Issues of the Heads of Agreement (HoA) between the PCYC and Port Macquarie-Hastings Council (PMHC), where any design revisions are to be acceptable to Council.
3. With reference to Section one (1) under the Design and Construction Issues of the Heads of Agreement, decline to accept the proposed revisions put forward by the PCYC to the original Indoor Stadium Expansion designs due to the significant financial and reputational risk to PMHC and the concerns of user groups, including the Port Macquarie Gymnastics Club.
4. Accept the original designs for the expansion of the Indoor Stadium and finalise negotiations with the preferred tenderer, namely Ware Building Pty Ltd as to the construction of the expanded Indoor Stadium.

*CARRIED: 7/1*

*FOR: Besseling, Cusato, Hawkins, Intemann, Levido, Sargeant and Turner*

*AGAINST: Roberts*

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#### **09.01 CREATION OF OFFICE OF DEPUTY MAYOR**

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*RESOLVED: Turner/Levido*

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be 16 September 2015 up until the 2016 Local Government Ordinary Election.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

*CARRIED: 8/0*

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

*AGAINST: Nil*

The Mayor thanked Councillor Levido for his service as Deputy Mayor for the past year.

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

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

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

All Councillors supported Councillor Intemann's nomination.

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

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

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#### **09.02 STATUS OF OUTSTANDING REPORTS TO COUNCIL**

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*RESOLVED: (Intemann/Hawkins)*

That the information in the September 2015 Status of Outstanding Reports to Council be noted.

*CARRIED: 8/0*

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

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#### **09.03 DISCLOSURE OF INTEREST RETURN**

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*RESOLVED: (Levido/Intemann)*

That the Disclosure of Interest return for Director Community and Economic Growth be noted.

*CARRIED: 8/0*

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

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#### **09.04 COUNCIL MEETINGS DATES FOR 2016**

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*RESOLVED: (Sargeant/Cusato)*

That Council set the Ordinary Council Meeting dates for 2016 as the third Wednesday of each month (with the exception being no meeting scheduled in January, and an earlier meeting in December due to the proximity of Christmas) being 17 February, 16 March (Taking the Council to the Community - Wauchope), 20 April, 18 May, 15 June, 20 July, 17 August, 21 September, 19 October (Taking the Council to the Community - Laurieton), 16 November, and 14 December.

*CARRIED: 8/0*

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

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**09.05 RECOMMENDED ITEM FROM AUDIT COMMITTEE - AUDIT COMMITTEE ANNUAL REPORT 2014-2015**

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*RESOLVED: (Hawkins/Roberts)*

That Council adopt the Audit Committee Annual Report for the period 2014-2015.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.06 RECOMMENDED ITEM FROM AUDIT COMMITTEE - LEGISLATIVE COMPLIANCE 2014-2015**

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*RESOLVED: (Hawkins/Levido)*

That Council note the information contained in the report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.07 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS POLICY**

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*RESOLVED: (Intemann/Levido)*

That Council:

1. Pursuant to section 253 of the Local Government Act 1993, place on public exhibition from 25 September 2015 until 22 October 2015, the draft Payment of Expenses and Provision of Facilities to Councillors Policy.
2. Note that a further report will be tabled at the November 2015 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.08 MAKING OF COUNCIL POLICY**

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*RESOLVED: (Intemann/Cusato)*

That Council adopt the Making of Council Policy, as attached to the report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.09 NOTICE OF MOTION - ZERO BASED BUDGETING**

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*RESOLVED: (Hawkins/Sargeant)*

That the General Manager bring a report back to the November meeting of Council on the benefits and impacts of implementing a zero based budgeting approach and the potential alignment of this approach to the current service level work being undertaken.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.10 NOTICE OF MOTION - CAPITAL WORKS PROJECTS PROGRAM**

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*RESOLVED: (Roberts/Cusato)*

That the General Manager report to the October 2015 Council Meeting on options to expand Council's capacity to better respond to the demands of the 2015-2016 and subsequent financial years' capital works projects program.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.11 QUESTION ON NOTICE - 2015 CARRY-OVER PROJECTS REPORT**

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*RESOLVED: (Roberts/Cusato)*

That Council note the response to the Question on Notice concerning the delivery of the 2014/15 capital works projects.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**09.12 MONTHLY FINANCIAL REVIEW FOR AUGUST 2015**

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*RESOLVED: (Intemann/Turner)*

That Council adopt the adjustments in the "Financial Implications" section of the report for August 2015.

*CARRIED: 8/0*

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

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**09.13 INVESTMENTS - AUGUST 2015**

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*RESOLVED: (Hawkins/Levido)*

That Council note the Investment Report for the month of August 2015.

*CARRIED: 8/0*

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

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**09.14 EXTERNALLY RESTRICTED FUNDS IN THE CATEGORIES OF DEVELOPER CONTRIBUTIONS, WATER, SEWERAGE AND DOMESTIC WASTE MANAGEMENT**

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*RESOLVED: (Levido/Roberts)*

That Council:

1. Note the information within the report.
2. Request the General Manager to list reserve balances for a Councillor Briefing Session as part of the 2016-2017 budget development process.

*CARRIED: 8/0*

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

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**09.15 FOURTH SIX MONTHLY DELIVERY PROGRAM (2013-2017) REPORT**

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*RESOLVED: (Levido/Cusato)*

That Council note the fourth six monthly progress report on the Delivery Program 2013-2017.

*CARRIED: 8/0*

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

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**09.16 COMPLIMENT AND COMPLAINTS ANNUAL REPORT 2014-2015**

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*RESOLVED: (Besseling/Roberts)*

That Council note the Compliments and Complaints Annual Report for 2014-2015.

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

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**09.17 ANNUAL REPORT ON THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2014-2015**

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*RESOLVED: (Besseling/Cusato)*

That the information outlined in the Annual Report on the activities of the Mayor's Sporting Fund 2014-2015 report be noted.

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

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

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*RESOLVED: (Besseling/Levido)*

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to the Wauchope High School's Girls Open Football (Soccer) Team in the amount of \$750.00 to assist with the expenses the team incurred competing at both the CHS Semi Finals and CHS State Finals held in Sydney on 5 August and 19 August 2015 respectively.

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

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## 10.02 WAUCHOPE MAIN STREET PLAN

*RESOLVED: (Intemann/Turner)*

That Council:

1. Endorse the Wauchope Main Street Plan for the purposes of public exhibition for a period of 28 days and proceed with such public exhibition.
2. Note the commencement of works for the upgrades to pedestrian safety following the development of detailed designs.

*CARRIED: 8/0*

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

*AGAINST: Nil*

## 10.03 DISABILITY DISCRIMINATION ACT (1992) ACTION PLAN 2009-2018 ANNUAL REPORT

*RESOLVED: (Turner/Hawkins)*

That Council:

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

## 11.01 2015-2016 COMMUNITY GRANTS PROJECTS FOR ENDORSEMENT

*RESOLVED: (Cusato/Levido)*

That Council:

1. Pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2015-2016 Round 1 to:

Organisation Name	Project	Funding
<i>General:</i>		
Camden Haven Dragon Boat Club	Boat Regatta	\$3,380
Camden Haven Lantern Club	Event seating	\$2,027
Port Macquarie Art & Craft Centre	Cabinets and saws	\$6,000
Rhythm Review	Costumes	\$2,293
Lions Club Port Macq Tacking Pt.	Fitness Station	\$10,000
Kendall Community Centre	Community Festival	\$3,075
Kendall Tennis Club	Umpire chairs	\$1,542
King Creek Rural Fire Brigade	Deck and air conditioning	\$5,233

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Comboyne Community Assoc.	Dairy museum costs	\$7,238
	Sub Total	\$40,788

*Christmas and New Year's Eve Events:*

Long Flat Public School P&C	Community Celebration	\$400
Lake Cathie-Bonny Hills Lions Club	Xmas Carol Evening	\$2,400
Port Macquarie City Church	Xmas on Town Beach	\$5,000
Wauchope Chamber of Commerce	Community Celebration	\$4,000
Beechwood Public School P&C	Community Celebration	\$1,539
Christian Outreach Centre	Westport Park Carol Evening	\$5,000
Camden Haven Chamber	Community Celebration	\$2,500
	Sub Total	\$20,839

*Non Council Owned Halls:*

Pappinbarra Progress Assoc.	Repainting the hall	\$6,394
Upper Hastings Sporting Comm	Wheel chair access ramp	\$6,421
	Sub Total	\$12,115

*Environment:*

Camden Haven Landcare	Riverbank Regeneration	\$2,000
Port Macquarie Landcare	Weed Management	\$5,000
Port Macquarie Landcare	Volunteer Management	\$5,000
Friends of Kooloonbung Creek	Weed management	\$10,000
	Sub Total	\$19,212

Total Allocated \$92,954

2. Agree to the recommendations of the Assessment Panel and reallocate \$4,039 from the Community Grant General fund into the Christmas and New Years Eve Event's Fund.
3. Approve the following allocations dependant on:
  - (a) Comboyne Community Centre grant dependent of obtaining DA approval.
  - (b) Lions Club Port Macquarie and Tacking Point grant dependent on obtaining Council approval and providing second quotes.
  - (c) King Creek Fire Brigade grant dependent on approval from NSW Rural Fire Service.

CARRIED: 8/0

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

AGAINST: Nil

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**12.01 GRANT OFFER FROM THE MID NORTH COAST WEEDS CO-ORDINATING COMMITTEE**

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

*RESOLVED: (Sargeant/Intemann)*

That Council:

1. Accept a grant offer of \$12,000 from the Mid North Coast Weeds Co-ordinating Committee for the Control of Salvinia.
2. Amend the 2015-16 Operational Plan to include this project.

*CARRIED: 8/0*

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

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**12.03 DA2015 - 0230 - DEMOLITION OF DWELLINGS, LOT CONSOLIDATION, BOUNDARY ADJUSTMENT, COMMERCIAL PREMISES AND CONSTRUCTION OF RESIDENTIAL FLAT BUILDING FOR THE PURPOSES OF SENIOR HOUSING - LOT 3 DP 347796, LOT 4 DP 347796, LOT 1 DP 1053812, LOT 1 DP 151300, LOT 1 DP 795534, LOT: 1 DP 390610, LOT 1 DP 121189, LOT 1 DP 393967, LOT 1 DP 782560, LOT 1 DP 995637, LOT 1 DP 709967, LOT 10 DP 861177, LOT 11 DP 861177, LOT 12 DP 861177 & LOT 13 DP 861177, YOUNG, HASTINGS, AND CAMERON STREETS, WAUCHOPE**

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Councillor Levido 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 07:46pm.

*RESOLVED: (Intemann/Hawkins)*

That DA 2015 - 0230 for a demolition of dwellings, lot consolidation, boundary adjustment, commercial premises and construction of residential flat building for the purposes of Seniors Housing, at Lot 3 DP 347796, Lot 4 DP 347796, Lot 1 DP 1053812, Lot 1 DP 151300, Lot 1 DP 795534, Lot: 1 DP 390610, Lot 1 DP 121189, Lot 1 DP 393967, Lot 1 DP 782560, Lot 1 DP 995637, Lot 1 DP 709967, Lot 10 DP 861177, Lot 11 DP 861177, Lot 12 DP 861177 & Lot 13 DP 861177, Young, Hastings, and Cameron Streets, Wauchope, be determined by granting consent subject to the recommended conditions, with an additional condition in Section A of the consent to read:

'An appropriate protocol is to be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.'

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CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 07:47pm.

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**12.04 DA2015 - 0333 - DWELLING AND SWIMMING POOL, INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 9 DP 1069338, NO. 28 THE ANCHORAGE, PORT MACQUARIE**

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

*RESOLVED: (Hawkins/Cusato)*

That the determination of DA 2015 - 0333 for a Dwelling and Swimming Pool, including Clause 4.6 Objection to Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 9, DP 1069338, No. 28 The Anchorage, Port Macquarie, be noted.

CARRIED: 8/0

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

AGAINST: Nil

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**13.01 THREE VILLAGES SEWERAGE SCHEME INDEPENDENT REVIEW**

*RESOLVED: (Levido/Cusato)*

That Council:

1. Note the process and Terms of Reference for an independent project review for the Three Villages Sewerage Scheme.
2. Request that the General Manager undertake an independent review of the Three Villages Sewerage Scheme in line with the process and Terms of Reference as included in this report.
3. Request that the General Manager report the findings of the review to Council as soon as practicable following receipt of the report.

CARRIED: 8/0

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

AGAINST: Nil



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**13.02 RECOMMENDED ITEM FROM TOWN CENTRE MASTER PLAN SUB-COMMITTEE - SHORT STREET CAR PARK**

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*RESOLVED: (Hawkins/Roberts)*

That Council:

1. Thank the TCMP Sub-Committee for their ongoing consideration of connectivity and pedestrian activity within the broader Port Macquarie CBD.
2. Note the recommendation from Item 6 of the TCMP Sub-Committee from its meeting held on 26 August 2015.
3. Request the TCMP Sub-Committee progress to detailed concept for the Port Macquarie Foreshore in the area between William Street and Short Street and present for consideration at a future Ordinary Council Meeting for exhibition purposes.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.03 SETTLEMENT POINT FERRY - OUT OF WATER INSPECTION AND MAINTENANCE (SLIPPING)**

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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 07.52pm.

*RESOLVED: (Cusato/Roberts)*

That Council:

1. Note the actions planned for the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry.
2. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances and unavailability of reliable and competitive tenders as described in this report, Council does not invite tenders for the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry, as a satisfactory result would not be achieved.
3. Accept the quotation from Birdon Pty Ltd to undertake the Out of Water Inspection and Maintenance (Slipping) of the Settlement Point Ferry for \$339,599.00 (ex GST).
4. Appoint Birdon Pty Ltd to undertake any additional works as may be required by the NSW Maritime Surveyor to achieve a Certificate of Survey & Operation, and with approval from the Group Manager Transport & Stormwater Network, within the allocated budget for the ferry slipping.
5. Appoint Birdon Pty Ltd to undertake any additional functional works as requested by the Group Manager Transport & Stormwater Network following the inspection to address other maintenance issues or improve the operation of the ferry service, within the allocated budget for the ferry slipping.

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CARRIED: 7/0

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

AGAINST: Nil

Councillor Sargeant returned to the meeting, the time being 07:52pm.

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### 13.04 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - IRONMAN 70.3 PORT MACQUARIE

RESOLVED: (Roberts/Cusato)

That Council approve the temporary road closures and traffic management arrangements associated with the 2015 Ironman 70.3 Triathlon on Sunday, 18 October 2015, subject to the following conditions:

1. That the event organiser advertise, at no cost to Council, the following details of all road closures associated with this event in the local print media on separate days, at least twice (2) within 14 days prior to the event:
  - road closure times
  - duration of the road closures
  - alternative routes and access arrangements.
2. That the event organiser advertise the event by undertaking a letter box drop to all affected residents and businesses directly affected by the road closures at least 14 days prior to the event, advising the following:
  - event name
  - event times
  - contact details of at least two (2) people involved in the organisation of the Event, in case of an emergency
  - proposed actions to be undertaken to mitigate the impact of the road closures.
3. That the Traffic Management Plan dated 9 June 2015 and associated Traffic Control Plans dated 22 July 2015 be implemented. Any modifications to the plans must be agreed with Council prior to the running of the event.
4. That the event organiser abides by the written approval from the NSW Police dated 27 July 2015.
5. That the event organiser notify the NSW Ambulance, NSW Fire and the State Emergency Service of the proposed road closures at least 14 days in advance of the event.
6. That the event organiser notifies local Transport Services (Bus Companies, Taxis) of the proposed road closures at least 14 days in advance of the event.
7. An RMS accredited (Yellow card) person is to be used for the establishment and removal of the traffic control devices.
8. RMS accredited traffic controllers (Blue card) are to be used to control traffic.
9. That the event organiser abides by any other condition that Council and the Police may impose at any time.
10. That the event organiser submit to Council 14 days prior to the commencement of the event evidence of Public Liability Insurance for the amount of \$20 million, which is valid for the duration of the event, including placement and removal of traffic control devices.

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11. The event organiser must have this approval and the Traffic Management Plan and Traffic Control Plans described above on site at all times for the duration of the event.

CARRIED: 8/0

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

AGAINST: Nil

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### **13.05 LAND ACQUISITION - RIVERSIDE DRIVE AND SHORELINE DRIVE, RIVERSIDE**

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RESOLVED: (Levido/Turner)

That Council:

1. Pay compensation in an amount totalling \$8,000 (GST Exclusive) to the owner of Lot 36 Deposited Plan 754451 and Lot 5 Deposited Plan 114288, Petergate Pty Ltd, for the acquisition of approximately 2,311m<sup>2</sup> of land for road purposes.
2. Delegate to the General Manager authority to sign:
  - (a) Deed of Acquisition/Contract for Sale.
  - (b) Land and Property Information Transfer form.
3. Dedicate the acquired lands as public road.

CARRIED: 8/0

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

AGAINST: Nil

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### **13.07 QUESTION ON NOTICE - TACKING POINT LIGHTHOUSE RESERVE AND LIGHTHOUSE BEACH ROAD EAST OF DAVIS CRESCENT**

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RESOLVED: (Roberts/Hawkins)

That Council note the information contained within the report.

CARRIED: 8/0

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

AGAINST: Nil

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### **13.08 56 HIGH STREET WAUCHOPE PLANNING AGREEMENT**

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RESOLVED: (Intemann/Hawkins)

That Council note the report on the 56 High Street Wauchope Planning Agreement.

CARRIED: 8/0

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

AGAINST: Nil

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**13.10 TENDER T-15-23 TOWN BEACH MARINE RESCUE & KIOSK UPDATE**

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*RESOLVED: (Besseling/Levido)*

That Council:

1. Note the information contained within the report.
2. Include within the future lease between Marine Rescue NSW and Port Macquarie-Hastings Council, the proposed "meeting room" to reflect an exclusive use by Marine Rescue NSW.
3. Request the General Manager implement the resolution of Council from 12 August 2015 for Tender T-15-23, awarding the contract the NACE Consulting Pty Ltd for construction of the Town Beach Marine Rescue & Kiosk.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**14 QUESTIONS FOR NEXT MEETING**

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Nil.

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**CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: (Levido/Sargeant)*

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-15-11 Provision of Legal Services

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

Item 15.02 Tender T-15-35 Mattress Collection and Recycling Services

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

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Item 15.03 Tender T-15-18 Hastings River Drive Duplication Gordon to Aston Streets and Park Street Rehabilitation

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

Item 15.04 Tender T-15-33 Ocean Drive - Design of Matthew Flinders to Greenmeadows Duplication

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

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

## ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8.03 pm.

## RESUME MEETING

The Ordinary Council Meeting resumed at 8.10 pm.

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

*RESOLVED: (Sargeant/Turner)*

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

Item 15.01 Tender T-15-11 Provision of Legal Services

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

### RECOMMENDATION

That Council:

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1. Accept the tender from Sparke Helmore Lawyers for inclusion on the panel of service providers for the Provision of Legal Services for the period 1 October 2015 to 30 June 2018.
  2. Accept the schedule of rates from Sparke Helmore Lawyers.
  3. Affix the seal of Council to the necessary documents.
  4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-11.

Item 15.02 Tender T-15-35 Mattress Collection and Recycling Services

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

RECOMMENDATION

That Council:

1. Accept the tender from Macleay Options Inc. for the provision of Mattress Collection and Recycling Services for a two (2) year period commencing 1 October 2015 with an option to extend for a further one (1) year period.
2. Accept the schedule of rates from Macleay Options Inc.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-35.

Item 15.03 Tender T-15-18 Hastings River Drive Duplication Gordon to Aston Streets and Park Street Rehabilitation

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

RECOMMENDATION

That Council:

1. Accept the tender from Ditchfield Contracting Pty Ltd for \$4,753,005.00 excl. GST for the Hastings River Drive Duplication - Gordon to Aston Streets and Park Street Rehabilitation.
2. Accept the schedule of rates from Ditchfield Contracting Pty Ltd.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-18.
5. Note the requirement for staged road closures, alternate routes, and disruption to existing traffic conditions.

Item 15.04 Tender T-15-33 Ocean Drive - Design of Matthew Flinders to Greenmeadows Duplication

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

RECOMMENDATION

That Council:

1. Accept the tender from SMEC Australia Pty Limited for \$875,599.15 excl. GST for the Ocean Drive - Design of Matthew Flinders to Greenmeadows Duplication.
2. Accept the schedule of rates from SMEC Australia Pty Limited.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-33.

CARRIED: 8/0

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

AGAINST: Nil

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The meeting closed at 8.11pm.

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Peter Besseling  
Mayor