

PRESENT

Members:

Councillor Peter Besseling (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Adam Roberts
Councillor Justin Levido
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)
Group Manager Governance and Executive Services (Blair Hancock)
Governance Support Officer (Bronwyn Lyon)
Communication Engagement and Marketing Team Leader (Andy Roberts)

The meeting opened at 5.30pm.

01 WELCOME TO COUNTRY

The Mayor opened the Meeting and invited Mr Glenn Hannah, Chairperson of the Bunyah Local Aboriginal Land Council, to deliver the Welcome to Country.

Mr Hannah delivered the Welcome to Country.

The Mayor delivered an Acknowledgement of Country and welcomed all in attendance in the gallery.

02 LOCAL GOVERNMENT PRAYER

Reverend Nathan Killick from the Camden Haven Anglican Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Levido/Cusato

That the apology received from Councillor Griffiths be accepted.

CARRIED: 8/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Roberts/Cusato

That the Minutes of the Ordinary Council Meeting held on 16 September 2015 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Roberts declared a Non-Pecuniary, Significant Interest in Item 13.05 - Upgrade of John Oxley Drive / Innes Lake Area Sewerage Reticulation, for the reason that an interest as declared in his public interest register may be affected by a decision on this item.

Councillor Sargeant declared a Non-Pecuniary, Significant Interest in Item 13.05 - Upgrade of John Oxley Drive / Innes Lake Area Sewerage Reticulation, the reason being that Councillor Sargeant is a resident of the area referenced within the report.

Councillor Sargeant declared a Non-Pecuniary, Significant Interest in Item 13.07 - Local Environmental Plan 2011 - Administrative Refinements (Amendment No. 38) [PP2015-4.1], the reason being that Councillor Sargeant is a resident of the area referred to in this report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 11.02 - Commercial Activities on Council-managed Land - Draft Policy, 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 a business who are currently licensed to carry out commercial activities on Council managed land being the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.04 - Dual Water Reticulation - Area 14, the reason being that Councillor Levido is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers. The Firm acts for the owner of a property and a Related Entity of another Owner of a property within Area 14 being the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.06 - Draft Local Environmental Plan (Amendment No 34) - Post Exhibition Review [PP2014-15.1], the reason being that Councillor Levido is a partner in the Port Macquarie Law Firm, Donovan Oates Hannaford Lawyers. The Firm acts for the owner of the property the subject of point 12 of the report.

Councillor Turner declared a Non-Pecuniary, Significant Interest in Item 11.02 - Commercial Activities on Council-managed Land - Draft Policy, the reason being that Councillor Turner owns a property with a tenant who currently holds a licence to operate commercial activities on Council-managed land.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Besseling

That the Mayoral Discretionary Fund allocations for the period 3 September to 7 October 2015 inclusive be noted.

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

06.02 FIT FOR THE FUTURE LOCAL GOVERNMENT REFORM

RESOLVED: Besseling

That Council note that the Independent Pricing & Regulatory Tribunal (IPART) have assessed Port Macquarie-Hastings Council as Fit, in line with the requirements of the Fit for the Future local government reforms.

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

**06.03 AUSTRALIAN ELECTORAL COMMISSION PROPOSED REDISTRIBUTION
OBJECTION**

RESOLVED: Besseling

That the General Manager submit an objection to the Australian Electoral Commission to the proposed bifurcation of the Port Macquarie-Hastings Local Government Area into different electorates.

CARRIED: 8/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Sargeant/Levido

That Council determine that the attachments to Item Numbers 09.11 and 13.01 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

08 PUBLIC FORUM

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

1. Mr Jason Koenig regarding Shared Pathway - Kendall to Laurieton Public Schools.
2. Mr Richard Baldwin regarding Beach to Beach Riverwalk.
3. Mr John Cooke regarding Shared Pathway - Camden Haven Schools to Schools.
4. Mr Peter Nash regarding Creek to Creek.
5. Ms Noelene Campbell regarding Youth Strategy and Infrastructure in the Camden Haven.
6. Ms Jackie McLaren regarding Education and Training in the Camden Haven.

RESOLVED: Hawkins/Sargeant

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

CARRIED: 8/0

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

AGAINST: Nil

08.01 SHARED PATHWAY - KENDALL TO LAURIETON PUBLIC SCHOOLS

Mr Jason Koenig, representing the Camden Haven Schools to Schools Shared Pathway, addressed Council in regard to Shared Pathway - Kendall to Laurieton Public Schools.

David Jackson, Captain of the Camden Haven High School also addressed Council in regard to the safety of the newly constructed pathway.

08.02 BEACH TO BEACH RIVERWALK

Mr Richard Baldwin, representing the Beach to Beach Riverwalk, addressed in regard to Beach to Beach Riverwalk and answered questions from Councillors.

08.03 SHARED PATHWAY - CAMDEN HAVEN SCHOOLS TO SCHOOLS

Mr John Cooke, representing the Camden Haven Schools to Schools, addressed Council in regard to Shared Pathway - Camden Haven Schools to Schools.

08.04 CREEK TO CREEK

Mr Peter Nash, representing Creek to Creek, addressed Council in regard to Creek to Creek and answered questions from Councillors.

08.05 YOUTH STRATEGY AND INFRASTRUCTURE IN THE CAMDEN HAVEN

Ms Noelene Campbell addressed Council in regard to Youth Strategy and Infrastructure in the Camden Haven and answered questions from Councillors.

08.06 EDUCATION AND TRAINING IN THE CAMDEN HAVEN

Ms Jackie McLaren addressed Council in regard to Education and Training in the Camden Haven 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 10.01 - Ms April Goodear in opposition of the recommendation.

Item 12.01 - Mr Derek Collins in support of the recommendation.

Item 13.06 - Mr Robert Dwyer in support of the recommendation.

Item 13.06 - Ms Sonya Hume in opposition of the recommendation.

Item 13.06 - Mr P Rowlandson in opposition of the recommendation.

Item 13.07 - Mr Graham Burns in support of the recommendation.

RESOLVED: Turner/Hawkins

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Levido/Roberts

That Standing Orders be suspended to allow Items 10.01, 12.01, 13.06 and 13.07 to be brought forward and considered next.

CARRIED: 8/0

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

AGAINST: Nil

10.01 REQUEST TO NAME A CROWN RESERVE - PEACH GROVE, LAURIETON

Ms April Goodear addressed Council in opposition of the recommendation.

MOVED: Intemann/Cusato

That Council:

1. Does not make an application to the Geographical Names Board in this instance.
2. Forward the applicant information in regard to Council's Commemorative Seat procedure.

WAS WITHDRAWN

MOVED: Sargeant/Roberts

That Council make an application to the Geographical Names Board for the crown reserve Peach Grove to be named Rupert Goodear Reserve.

LOST: 2/6

FOR: Roberts and Sargeant

AGAINST: Besseling, Cusato, Hawkins, Intemann, Levido and Turner

RESOLVED: Besseling/Hawkins

That Council defer the matter pending further information provided to Councillors on the naming of reserves across the Local Government Area.

CARRIED: 6/2

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

AGAINST: Roberts and Sargeant

12.01 DA2015 - 0350 - DWELLING AND SWIMMING POOL INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 15 DP 1074785, NO. 6 OCEAN RIDGE TERRACE, PORT MACQUARIE

Mr Derek Collins, Collinswcollins, representing the applicant, was not present.

RESOLVED: Levido/Turner

That DA 2015 - 0350 for a Dwelling and Swimming Pool Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 15, DP 1074785, No. 6 Ocean Ridge Terrace, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

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

AGAINST: Nil

13.06 DRAFT LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO 34) - POST EXHIBITION REVIEW [PP2014-15.1]

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 7.07pm.

Mr Robert Dwyer, representing the Laurieton United Services Club, addressed Council in support of the recommendation.

Ms Sonya Hume addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Paul Rowlandson, King and Campbell Pty Ltd, representing the applicant, addressed Council in opposition of the recommendation.

MOVED: Roberts/

That Council:

1. Defer Issues 4 and 6 from the draft Local Environmental Plan 2011 (Amendment No 34).
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 34) as outlined in the report.

LAPSED FOR WANT OF A SECONDER

RESOLVED: Turner/Intemann

That Council:

1. Defer Issues 4, 6 and 12 from the draft Local Environmental Plan 2011 (Amendment No 34).
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 34) as outlined in the report.
3. Request the General Manager to provide a briefing to Councillors in relation to issue no. 12 during December 2015.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 7:43pm.

**13.07 LOCAL ENVIRONMENTAL PLAN 2011 - ADMINISTRATIVE
REFINEMENTS (AMENDMENT NO. 38) [PP2015-4.1]**

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 7.43pm.

Mr Graham Burns, Land Dynamics Pty Ltd, addressed Council in support of the recommendation.

RESOLVED: Levido/Intemann

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 the Issues 1 - 4 and 6 - 9 as described in this report.
2. Forward the draft planning proposal to the Department of Planning and Environment 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 & Environment 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.
4. Request the General Manager report to the December 2015 Council Meeting as to issue 5 - Short Term Holiday Stays, as to more practical and accurate off-street car parking requirements.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Sargeant returned to the meeting, the time being 7:53pm.

09.01 STATUS OF OUTSTANDING REPORTS TO COUNCIL

Councillor Turner left the meeting, the time being 7:53pm.

RESOLVED: Intemann/Hawkins

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

CARRIED: 7/0

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

AGAINST: Nil

09.02 DISCLOSURES REGISTER - ANNUAL RETURNS 2014-2015

RESOLVED: Cusato/Roberts

That Council note the information in the Disclosure Register for 2014-2015.

CARRIED: 7/0

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

AGAINST: Nil

09.03 DISCLOSURE OF INTEREST RETURN

Councillor Turner returned to the meeting, the time being 7:55pm.

RESOLVED: Roberts/Cusato

That the Disclosure of Interest return for Property Development Manager be noted.

CARRIED: 8/0

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

AGAINST: Nil

09.04 NOTICE OF MOTION - FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT

RESOLVED: Hawkins/Sargeant

That Council:

1. Request the General Manager provide a report to the November 2015 Ordinary Meeting of Council on the impact of cost shifting on Council in the 2014-2015 financial year, updating the draft figures provided to Council in May 2015.
2. Request the General Manager provide an updated report to the November 2016 Ordinary Meeting of Council on the impact of cost shifting for the financial year 2015-2016 and annually, including any additional categories of cost-shifting that have been identified.
3. Request that the General Manager give consideration to collecting additional cost shifting information as part of the service review process.

CARRIED: 8/0

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

AGAINST: Nil

09.05 DETERMINATION OF COUNCILLOR NUMBERS

RESOLVED: Levido/Cusato

That Council, in accordance with Section 224 of the Local Government Act 1993, resolve that it will comprise of nine councillors, including the Mayor, following the next ordinary Local Government election.

CARRIED: 8/0

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

09.06 CODE OF MEETING PRACTICE

RESOLVED: Intemann/Sargeant

That Council:

1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice, from 28 October 2015 for a minimum of 28 days.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the Code of Meeting Practice, from 28 October 2015 for a minimum 42 day period.
3. Note that a further report will be tabled at the February 2016 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

09.07 MONTHLY FINANCIAL REVIEW FOR SEPTEMBER 2015

RESOLVED: Hawkins/Sargeant

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

CARRIED: 8/0

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

09.08 INVESTMENTS - SEPTEMBER 2015

RESOLVED: Hawkins/Turner

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

CARRIED: 8/0

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

09.09 SUPPLY OF SERVICES TO COUNCIL

RESOLVED: Levido/Cusato

That Council:

1. Note the information contained within the report.
2. Adopt Option 2 to expand the existing reporting format of the Quarterly Budget Review Statement to include additional categories of consultancy engagements including accounting, audit, legal, planning, architectural, surveying, environmental, IT and HR with individual consultant data to be provided in a confidential attachment.
3. Commence the reporting regime from the next Quarterly Budget Review Statement.

CARRIED: 8/0

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

09.10 LOCAL GOVERNMENT GRANTS COMMISSION

RESOLVED: Sargeant/Hawkins

That Council note the 2015-2016 Grant calculations provided by the Local Government Grants Commission for Port Macquarie-Hastings Council.

CARRIED: 8/0

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

09.11 PROCUREMENT STRATEGY UPDATE

RESOLVED: Hawkins/Turner

That Council note the progress made on the Implementation Plan as detailed in the Procurement Strategy.

CARRIED: 8/0

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

AGAINST: Nil

09.12 GLASSHOUSE QUARTERLY REPORT AND UPDATE ON STRATEGIC PLAN RECOMMENDATIONS

RESOLVED: Roberts/Levido

That Council:

1. Note the information provided in the report.
2. Request that in future reports the updated status of the Glasshouse loan balances be reported.

CARRIED: 8/0

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

AGAINST: Nil

09.13 CAPITAL WORKS PROJECTS REPORT

RESOLVED: Roberts/Levido

That Council

1. Note the information within the report.
2. Acknowledge the record delivery of capital works projects for the 2014-2015 year.
3. Acknowledge the work already undertaken by Council staff to better reflect realistic capital works project targets for future years.

CARRIED: 8/0

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

AGAINST: Nil

**10.02 2015 NSW LOCAL GOVERNMENT ABORIGINAL NETWORK
CONFERENCE**

RESOLVED: Sargeant/Levido

That Council:

1. Note the final report, including financials and evaluation, of the 2015 NSW Local Government Aboriginal Network Conference.
2. Congratulate staff involved in the co-ordination of this conference and the very satisfactory financial result.

CARRIED: 8/0

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

AGAINST: Nil

**10.03 RECOMMENDED ITEM FROM THE MAYOR'S SPORTING FUND SUB-
COMMITTEE - SEPTEMBER MEETING**

RESOLVED: Besseling/Cusato

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Mayor's Sporting Fund to:

1. Dylan Murphy in the amount of \$500.00 to assist with expenses he will incur travelling and competing in the NSW Under 13's Boys Hockey Team to compete at the Australian National Boys Hockey Championships in Darwin, Northern Territory from 25 September to 2 October 2015 inclusive.
2. Leilani Grainger in the amount of \$350.00 to assist with expenses incurred travelling to and competing at the Budgies Australian Indigenous Netball Corporation Carnival on the Gold Coast, Queensland from 4 July to 11 July 2015 inclusive.
3. Shelby Grainger in the amount of \$350.00 to assist with expenses incurred travelling to and competing at the Budgies Australian Indigenous Netball Corporation Carnival on the Gold Coast, Queensland from 4 July to 11 July 2015 inclusive.

CARRIED: 8/0

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

AGAINST: Nil

10.04 UPDATE ON OUR VOLUNTEERS AND OUR ORGANISATION

RESOLVED: Hawkins/Intemann

That Council:

1. Adopt the Volunteer Policy and Procedures that has been on public exhibition.
2. Note the status of other key volunteering activities and value-add this provides to Council operations.

CARRIED: 8/0

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

AGAINST: Nil

11.01 REVIEW OF VISITOR INFORMATION SERVICES

RESOLVED: Roberts/Cusato

That Council:

1. Acknowledge the feedback received from stakeholders following the stakeholder engagement presentations and workshops conducted on the review into Visitor Information Services.
2. Allocate an additional budget in the 2015/16 Operational Plan of \$30,000 to provide for improvements to the Visitor Information Centre located at the Glasshouse as per Phase 1 in Table 1 in the body of the report.
3. Give further consideration to additional improvements for the delivery of visitor information services across the LGA as part of Council's 2016-2017 budget process.

CARRIED: 8/0

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

AGAINST: Nil

11.02 COMMERCIAL ACTIVITIES ON COUNCIL-MANAGED LAND - DRAFT POLICY

Councillor Turner 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 8.35pm.

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 8.35pm.

RESOLVED: Intemann/Hawkins

That Council:

1. Agree the exhibition of the draft Commercial Activities on Council-managed Land Policy for the period 26 October 2015 to 23 November 2015.
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2. Request the General Manager report to the December 2015 Council Meeting advising of community feedback received during the exhibition period, rescinding the existing policy and presenting a proposed policy for adoption.
- CARRIED: 6/0*
- FOR: Besseling, Cusato, Hawkins, Intemann, Roberts and Sargeant*
- AGAINST: Nil*

Councillor Levido returned to the meeting, the time being 8:44pm.

Councillor Turner returned to the meeting, the time being 8:45pm.

12.02 DA 2012 - 507 - PART DEMOLITION OF EXISTING MOTEL AND CONSTRUCTION OF TOURIST AND VISITOR ACCOMMODATION AND GROUND FLOOR COMMERCIAL TENANCIES INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (BUILDING HEIGHTS STANDARD) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 1 DP 515434 AND LOT 2 DP 505781, 25-29 CLARENCE STREET, PORT MACQUARIE

Councillor Cusato left the meeting, the time being 8:45pm.

Councillor Cusato returned to the meeting, the time being 8:47pm.

RESOLVED: Levido/Cusato

That DA 2012 - 507 for a Part Demolition of Existing Motel and Construction of Tourist and Visitor Accommodation and Ground Floor Commercial Tenancies including Clause 4.6 Variation to Clause 4.3 (Height of Buildings Standard) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 515434, & Lot 2 DP 505781, No. 25-29 Clarence Street, Port Macquarie, be determined by granting a deferred commencement consent subject to the following being satisfied within 2 years from the date of determination and the attached conditions:

1. Adequate arrangements for sewer main realignments and servicing shall be provided including provision of any adjoining owner's consents to the satisfaction of Council.
2. Amended basement parking plans shall be submitted to improve parking areas circulation to the satisfaction of Council.
3. An amended ground floor plan shall be submitted which includes widening of the driveway to a two way access on the Sunset Parade frontage of Lot 1 DP 499501 (similar to Drawing No. D05/1 Level 3 floor plan prepared by Wayne Ellis Architects dated 5 April 2012), to the satisfaction of Council.

CARRIED: 8/0

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

AGAINST: Nil

**12.03 DA2015 - 0448 - RELOCATION OF CENOTAPH - LOT 7312 DP 1161732
RES 82306 & HORTON STREET ROAD RESERVE, HORTON STREET,
PORT MACQUARIE**

RESOLVED: Levido/Cusato

That DA 2015 - 0448 for Relocation of the Port Macquarie Cenotaph at Lot 7312, DP1161732, Horton Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

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

**12.04 NEW WASTE COLLECTION CONTRACT - COMMUNITY SURVEY AND
WASTE AUDIT RESULTS**

RESOLVED: Turner/Levido

That Council note this report on the community survey, waste audit and evaluation.

CARRIED: 8/0

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

**12.05 RECOMMENDED ITEM FROM COAST, ESTUARY & FLOODPLAIN
ADVISORY SUB-COMMITTEE - PORT MACQUARIE-HASTINGS FLOOD
POLICY**

RESOLVED: Intemann/Hawkins

That Council adopt the Port Macquarie-Hastings Flood Policy (September 2015).

CARRIED: 8/0

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

13.01 THREE VILLAGES SEWERAGE SCHEME INDEPENDENT REVIEW

RESOLVED: Turner/Cusato

That Council:

1. Note the information contained in this report.
2. Request the General Manager to provide a copy of the report to the Village Sewerage Scheme Steering Group for its information and action.

CARRIED: 8/0

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

AGAINST: Nil

**13.02 ACQUISITION OF EASEMENTS WITHIN THE HENRY KENDALL
RESERVE AT WEST HAVEN**

RESOLVED: Sargeant/Cusato

That Council, in its capacity as the Reserve Trust Manager of the West Haven (R210080) Reserve Trust, consent to the acquisition of the easement for electricity purposes and the easement for the drainage of sewage as shown in Deposited Plan 1212278.

CARRIED: 8/0

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

AGAINST: Nil

**13.03 ADDITIONAL FEDERAL ROADS TO RECOVERY (R2R) FUNDING FOR
2015-2016 AND 2016-2017**

RESOLVED: Cusato/Turner

That Council increase the High Traffic Road Resurfacing allocation in the 2015-2016 Operational Plan by \$1,069,000 (Action 5.1.1.4 (a)), being the additional Roads to Recovery funding.

CARRIED: 8/0

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

AGAINST: Nil

13.04 DUAL WATER RETICULATION - AREA 14

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 8.56pm.

RESOLVED: Turner/Sargeant

That Council:

1. Note the information in this report.
2. Continue to cater for dual reticulation schemes in the Area 13 (Thrumster) and Area 14 (Lake Cathie/Bonny Hills) residential land release.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 8:57pm.

**13.05 UPGRADE OF JOHN OXLEY DRIVE / INNES LAKE AREA SEWERAGE
RETICULATION**

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 8.57pm.

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 8.58pm.

RESOLVED: Intemann/Turner

That Council:

1. Bring forward the upgrade of Port Macquarie Sewerage Pump Station #71 and rising main to provide for future development in the John Oxley Drive/Innes Lake area.
2. Include the upgrade of John Oxley Drive/Innes Lake area sewerage reticulation as a new project in the 2015/16 Operational Plan, with a budget of \$600,000.
3. Consider the inclusion of the upgrade of John Oxley Drive/Innes Lake area sewerage reticulation in the 2016/17 Draft Operational Plan, with a budget of \$2,200,000.

CARRIED: 6/0

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

AGAINST: Nil

Councillor Roberts returned to the meeting, the time being 8:59pm.

Councillor Sargeant returned to the meeting, the time being 8:59pm.

14 QUESTIONS FOR NEXT MEETING

14.01 ENERGY STRATEGY

Question from Councillor Turner:

Can the General Manager please advise what Council's plans are to develop an energy strategy for the future?

Comments by Councillor (if provided):

Nil.

14.02 WASTE STRATEGY

Question from Councillor Turner:

Can the General Manager please advise what are Council's plans to develop a waste strategy for the future?

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Sargeant/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 Annual Reporting of Contracts for Senior Staff
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 15.02 Port Macquarie-Hastings Access Sub-Committee Membership 2015
This item is considered confidential under Section 10A(2)(c) of
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- 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 EOI-15-08 Independent Member of the Town Centre Master Plan Sub-Committee
- 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 15.04 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.
- Item 15.05 Tender T-15-25 Port Macquarie-Hastings Local Government Area Traffic Study
- 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 15.06 Tender T-15-52 Design for Bridge Replacements - Hyndman's and Harty's Creek Bridges
- 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 9.01pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 9.31pm.

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 Annual Reporting of Contracts for Senior Staff

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 note the contractual conditions for the following Senior roles in the Organisation:

1. General Manager.
2. Director Corporate and Organisational Services.
3. Director Community and Economic Growth.
4. Director Development and Environment.
5. Director Infrastructure and Asset Management.

Item 05.02 Port Macquarie-Hastings Access Sub-Committee Membership 2015

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. Endorse the membership of Mr Bruce Gibbs to the Port Macquarie-Hastings Access Sub-committee.
2. Provide a letter thanking the outgoing member Mr Brian Buckett for his contribution to the Committee.

Item 15.03 EOI-15-08 Independent Member of the Town Centre Master Plan Sub-Committee

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. Appoint the new member in the listed representative position, to the Town Centre Master Plan Sub-Committee, following completion of the current two (2) year membership term:
 - a) CBD Trader - Mr Les Bailey

2. Commence the appointment by inviting the new member to the next Town Centre Master Plan Sub-Committee meeting on 29 October 2015.

Item 15.04 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. Accept the revised tender from Ware Building Pty Ltd for the Port Macquarie Indoor Stadium Expansion for \$5,602,054 (ex GST).
2. Accept the Schedule of Rates from Ware Building Pty Ltd for the management of potential variations to the project.
3. Increase the project budget as outlined in the Financial and Economic Implications section of this report, noting the additional funding sources.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and considerations in respect of Tender T-14-05.
6. Note the most recent correspondence of 18 October 2015 on behalf of NSW PCYC CEO, Darren Black, that without Council's assurance to the conditions as specified by PCYC on 13 October, "PCYC will not be supporting the project nor providing any resources to the project".
7. Note that most conditions set by PCYC in its correspondence of 13 and 18 October 2015 are either absent from or in direct conflict with the Heads of Agreement signed by PCYC on 26 March 2015.
8. Given the withdrawal of support by PCYC, request the General Manager to report to the November 2015 Council Meeting on alternate funding sources.
9. Provide support for PCYC to source an alternate location in the Port Macquarie-Hastings LGA for a stand-alone facility.

Item 15.05 Tender T-15-25 Port Macquarie-Hastings Local Government Area Traffic Study

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 GHD Pty Ltd for \$185,953.00 (exclusive of GST) for the Port Macquarie-Hastings Local Government Area Traffic Study.
 2. Accept the Schedule of Rates from GHD Pty Ltd for the management of potential variations to the project.
 3. Affix the seal of Council to the necessary documents.
 4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-25.
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Item 15.06 Tender T-15-52 Design for Bridge Replacements - Hyndman's and Harty's Creek Bridges

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 GHD Pty Ltd for \$134,605.00 (Exclusive of GST) for the Design of Bridge Replacements - Hyndman's and Harty's Creek Bridges.
2. Accept the Schedule of Rates from GHD Pty Ltd for the management of potential variations to the project.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-15-52.

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

The meeting closed at 9.31pm.

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Peter Besseling
Mayor