

PRESENT

Members:

Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Michael Cusato
Councillor Sharon Griffiths
Councillor Justin Levido
Councillor Geoff Hawkins
Councillor Lee Dixon

Other Attendees:

General Manager (Craig Swift-McNair)
Director of Corporate Performance (Rebecca Olsen)
Director of Development and Environment (Matt Rogers)
Acting Director of Infrastructure (Andrew Doig)
Director of Strategy and Growth (Jeffery Sharp)
Group Manager Governance and Procurement (Blair Hancock)
Governance Support Officer (Bronwyn Lyon)
Communications Manager (Andy Roberts)

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

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

03 APOLOGIES

RESOLVED: Dixon/Hawkins

That the apology received from Councillor Alley be accepted. Councillor Alley being absent on approved leave.

CARRIED: 7/0
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Griffiths

That the Minutes of the Ordinary Council Meeting held on 21 June 2017 be confirmed.

CARRIED: 7/0
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.01 - EOI-17-05 Independent Members of the Town Centre Master Plan Sub-Committee, the reason being that Councillor Levido is a partner in the Port Macquarie law firm, Donovan Oates Hannaford Lawyers and Councillor Levido acts for one of the appointees detailed in the report.

06.01 DEPUTY MAYOR DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Intemann

That the Deputy Mayor Discretionary Fund allocations for the period 8 June to 5 July 2017 inclusive be noted.

CARRIED: 7/0
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Nil.

08 PUBLIC FORUM

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

1. Niamh de Groot and Amelia Humphreys from Mackillop College regarding Ban the Bag, Port Macquarie.

RESOLVED: Turner/Dixon

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

CARRIED: 7/0
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

08.01 BAN THE BAG PORT MACQUARIE

Ms Niamh de Groot and Ms Amelia Humphreys from Mackillop College addressed Council in regard to Ban the Bag Port Macquarie.

REQUEST TO SPEAK ON AN AGENDA ITEM

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

- Item 10.02 – Mrs Diane Gilbert in support of the recommendation.
- Item 12.03 – Ms Vanessa Killiher in opposition of the development application.
- Item 12.03 – Ms Michelle Love in support of the development application.
- Item 12.03 – Mr Stewart Robertson in opposition of the development application.
- Item 12.07 – Ms Geraldine Haigh in support of the recommendation.

RESOLVED: Turner/Griffiths

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

CARRIED: 7/0
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

SUSPENSION OF STANDING ORDERS

The Deputy Mayor referred to the Public Forum item and requested that Item 12.04 – Question from Previous Meeting – Single Use Plastic Bags, be brought forward and considered next.

RESOLVED: Turner/Griffiths

That Standing Orders be suspended to allow Items 12.04, 10.02, 12.03 and 12.07 to be brought forward and considered next.

CARRIED: 7/0
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

12.04 QUESTION FROM PREVIOUS MEETING - SINGLE USE PLASTIC BAGS

RESOLVED: Cusato/Turner

That Council:

1. Note the response in this report regarding the use of single use plastic bags.
2. Acknowledge receiving the petition by the local Ban the Bag movement.
3. Incorporate content on the reduction of single use plastic bags into its ongoing waste education program.
4. Request the General Manager:
 - a) Write to the State Members for Port Macquarie and Oxley requesting the NSW Government's stance on the future use of single use plastic bags in NSW.
 - b) Prepare a Councillor briefing regarding single use plastic bags by our community addressing the reduction of use options, new recycling technology and community education programs.

CARRIED: 7/0
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

10.02 RECREATION ACTION PLAN UPDATE

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

RESOLVED: Turner/Griffiths

That Council:

1. Note progress achieved to date in implementing the Recreation Action Plan.
2. Note the revised Recreation Action Plan as presented in the report.
3. Receive an annual report outlining the status of Plan implementation and review outcomes and recommendations.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

12.03 DA2017 - 307 - STAGED ALTERATIONS TO CARAVAN PARK AND CONSTRUCTION OF ANCILLARY RECREATION FACILITY (OUTDOOR) - MUNSTER STREET, PORT MACQUARIE

Ms Vanessa Kelliher addressed Council in opposition to the development application.

Ms Michelle Love, of Love Project Management, addressed Council in support of the development application and answered questions from Councillors.

Mr Stewart Robertson addressed Council in opposition to the development application.

RESOLVED: Turner/Cusato

That a decision on DA2017 - 307 for staged alterations to caravan park and construction of ancillary recreation facility (outdoor) at Lot 655, DP 45849, Munster Street, Port Macquarie, be deferred and the applicant be requested to submit a noise assessment for the proposal, carried out in accordance with the NSW Industrial Noise Policy and Australian Standards for acoustics and noise monitoring.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

12.07 SHERWOOD PLANNING PROPOSAL - CONSIDERATION OF SUBMISSIONS

Ms Geraldine Haigh, of GEM Planning Projects, addressed Council in support of the recommendation.

RESOLVED: Cusato/Hawkins

That Council:

1. Pursuant to Section 59(2) of the Environmental Planning and Assessment Act 1979, make the Local Environmental Plan to rezone Lot 1 DP 1066820 and Lot 34 DP 856163, Lincoln Road, Castle Court and Marian Drive, Port Macquarie for residential infill and environmental purposes as described in the Sherwood planning proposal at Attachment 1 to this report.
2. Delegate authority to the General Manager to enter into and execute the Lincoln Road Planning Agreement in connection with the Sherwood planning proposal on behalf of Council.
3. Notify all persons who lodged submissions of the meeting outcome.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Cusato/Dixon

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

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

09.02 STATUS OF COUNCIL POLICIES

RESOLVED: Cusato/Griffiths

That Council note the information provided in the Status of Council Policies report.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

09.03 INVESTMENTS - JUNE 2017

RESOLVED: Hawkins/Cusato

That Council:

1. Note the Investment Report for the month of June 2017.
2. Request the General Manager refer the Investment Policy and the issue of the downgrading of ratings by rating agencies, to the next Audit, Risk and Improvement Committee meeting which is being held on 10 August 2017.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

09.04 NSW WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING REPORT 2015-2016

RESOLVED: Griffiths/Hawkins

That Council note the NSW Water Supply and Sewerage Performance Monitoring Report 2015-2016.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

10.01 LAND ACQUISITION - EXPANSION OF THE HOLLISDALE RURAL FIRE SERVICE

RESOLVED: Levido/Griffiths

That Council:

1. Accept the donation of part Lot 1 DP1006795 more particularly described as Lot 11 in plan of acquisition DP1232850.
2. Pay the land conveyancing costs, if any, incurred by the owner of Lot 1 DP1006795 arising from the land donation.
3. Write to the owner of Lot 1 DP1006795 expressing appreciation for the land donation.
4. Pursuant to Section 34 of the Local Government Act 1993, commence the procedure to classify Lot 11 DP1232850 as operational land by placing on public exhibition the proposed resolution "It is intended to classify Lot 11 DP1232850 (Pappinbarra Road, Hollisdale) as operational land" from 28 July 2017 for a minimum period of 28 days.
5. Note a further report will be tabled at the September 2017 Ordinary Council meeting detailing any submissions received from the public during the exhibition period.
6. Delegate to the General Manager authority to sign:

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- a) Contract for the Sale of Land
b) Land Titles Office Transfer Form
c) Land Titles Office Purchaser Declaration Form
d) Letter to NSW Office of State Revenue seeking exemption from the payment of Stamp Duty
e) Survey plan of consolidation of Lot 11 DP1232850 with Lot 3 DP827075.
- CARRIED: 7/0*
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

Item 10.02 - Recreation Action Plan Update - has been moved to another part of the document.

11.01 SALE OF CLOSED ROAD - PART BONSER LANE AT LAURIETON

RESOLVED: Griffiths/Cusato

That Council:

1. Accept the amount of \$315,000 (exclusive of GST) for the sale of Lot 1 DP1132421.
2. Delegate to the General Manager authority to sign the Contract for Sale with Etoska Pty Limited.

CARRIED: 7/0
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

11.02 INQUIRY INTO THE AUSTRALIAN GOVERNMENT'S ROLE IN THE DEVELOPMENT OF CITIES

RESOLVED: Griffiths/Cusato

That Council:

1. Note the Inquiry by the House of Representatives Standing Committee on Infrastructure, Transport and Cities into the Australian Government's role in the development of cities.
2. Delegate Authority to the General Manager, in consultation with the Deputy Mayor, to respond to the Inquiry on behalf of Council.

CARRIED: 7/0
FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

**12.01 ACQUISITION OF AN EASEMENT ON BEHALF OF ESSENTIAL ENERGY -
BULLI CREEK BRIDGE REPLACEMENT**

RESOLVED: Levido/Cusato

That Council:

1. Pay compensation in the amount of \$20,000 (GST exclusive) to the owners of Lot 42 DP754453 and Lot 2 DP1064167, CA & LE Cook, for the acquisition of an easement 25 metres wide and variable for overhead electricity as depicted 'E' on the plan CW112687 Sheet 30F dated 20/4/2017.
2. Pay the legal costs incurred by the owners of Lot 42 DP754453 and Lot 2 DP1064167, CA & LE Cook.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

**12.02 COMBOYNE VILLAGE SEWERAGE SCHEME - ACQUISITION OF AN
EASEMENT TO DRAIN SEWAGE**

RESOLVED: Levido/Dixon

That Council:

1. Pay compensation in the amount of \$12,000 (GST exclusive) to the owner of Lot 1 DP1073321, E E Latimore, for the acquisition of an easement to drain sewage 3 metres wide depicted (A) in the plan prepared by Surveyor Mark Rogers reference 17204DP01.
2. Delegate authority to the General Manager to sign the Deed of Acquisition.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

Item 12.03 - DA2017 - 307 - Staged Alterations to caravan park and construction of ancillary recreation facility (outdoor) - Munster Street, Port Macquarie - has been moved to another part of the document.

Item 12.04 - Question From Previous Meeting - Single Use Plastic Bags - has been moved to another part of the document.

12.05 PROPOSED DELEGATION UNDER SECTION 375 OF THE NSW BIOSECURITY ACT 2015

RESOLVED: Intemann/Hawkins

That Council, pursuant to section 375 of the Biosecurity Act 2015:

1. Delegate the functions conferred to Port Macquarie-Hastings Council under the Biosecurity Act 2015 and regulations to the General Manager.
2. Authorise the General Manager to sub-delegate functions of the Act and regulations to staff.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

12.06 IMPROVING RECYCLING SERVICES FOR MULTI-UNIT DWELLINGS

RESOLVED: Cusato/Turner

That Council note the information contained in the Improving Recycling Services for Multi-Unit Dwellings report.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

Item 12.07 - Sherwood Planning Proposal - Consideration of Submissions - has been moved to another part of the document.

12.08 QUESTION FROM PREVIOUS MEETING - MANAGEMENT OF ROADSIDE VEGETATION

RESOLVED: Griffiths/Cusato

That Council:

1. Note the information contained in this report regarding Management of Roadside Vegetation.
2. Request the General Manager write to the State Member for Port Macquarie and the Roads Minister and State Member for Oxley to give local government the scope and autonomy to manage roadside vegetation where risk and safety are the primary consideration.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

13.01 UPGRADE OF PORT MACQUARIE BREAKWALL BY CROWN LAND

Question from Councillor Turner:

Can the General Manager advise Council regarding the status of the proposed upgrade to the Port Macquarie breakwall by Crown Land for which Council undertook significant public consultation?

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/Cusato

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole (Closed Session) on the basis that items to be considered are of a confidential nature.
2. That Council move into Confidential Committee of the Whole (Closed Session) to receive and consider the following items:
 - Item 14.01 EOI-17-05 Independent Members 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 14.02 T-17-22 Sports Field Lighting Installation Program
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: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 7.14pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 7:17pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Cusato/Dixon

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

Item 14.01 EOI-17-05 Independent Members 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 new members in the listed representative positions, to the Town Centre Master Plan Sub-Committee, following completion of the current two (2) year membership term:
 - (a) Port Macquarie-Hastings Access Sub-Committee representative – Mrs Sharon Beard.
 - (b) Port Macquarie Chamber of Commerce representative - Mr Anthony Thorne.
2. Commence the appointments by inviting the new members to the next Town Centre Master Plan Sub-Committee meeting on 28 September 2017.
3. Advertise a further EOI calling for a CBD trader to be a member of the Town Centre Master Plan Sub-Committee.
4. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-17-05.

Item 14.02 T-17-22 Sports Field Lighting Installation Program

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 Power By Watts Pty Limited for \$336,532.50 (exclusive of GST) for the design, construction and installation of sustainable, green, cost effective sports field lighting systems at Lank Bain Sporting Complex and Oxley Oval.
2. Fund the project shortfall of \$80,522.50 from the working capital reserve (unexpended sports development fund).
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of T-17-22.

CARRIED: 7/0

FOR: Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Turner

AGAINST: Nil

The meeting closed at 7:18pm.

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Lisa Intemann
Deputy Mayor