

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Michael Cusato
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Justin Levido
Councillor Geoff Hawkins
Councillor Lee Dixon

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Strategy and Growth / Acting Director Infrastructure (Jeffery Sharp)
Group Manager Governance and Procurement (Blair Hancock)
Executive Assistant to the Mayor (Linda Kocis)
Communications Manager (Andy Roberts)

The meeting opened at 5.30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Pastor Simon Chen from the Port Macquarie Baptist Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Levido/Alley

That the apology received from Councillor Rob Turner be accepted.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Alley

That the Minutes of the Ordinary Council Meeting held on 17 October 2018 be confirmed.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Intemann declared a Non-Pecuniary – Less than Significant Interest in Item 12.05 – Draft Port Macquarie-Hastings DCP 2013 – Highways Gateway Sites, the reason being that Councillor Intemann is a Director of the Hastings Co-operative Ltd, which operates several service stations in Wauchope and Port Macquarie. After consulting the publicly available Business Case materials from the proponents and the Hastings Co-op Executive, Councillor Intemann perceives no pecuniary or significant interest arising from this matter before Council.

Councillor Levido declared a Non-Pecuniary – Significant Interest in Item 14.02 – T-18-47 Laurieton Sewer Rising Main SPS No. 1, the reason being Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for the principals of one of the tenderers as to the matter the subject of the report before Council.

Councillor Levido declared a Non-Pecuniary – Significant Interest in Item 14.03 – T-18-53 Design and Construction of Underbores – Beechwood and Bonny Hills, the reason being Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for the principals of one of the tenderers as to the matter the subject of the report before Council.

Councillor Cusato declared a Pecuniary Interest in Item 12.09 – Airport Precinct Investigation Area – Site Selection for Proposed Business Park, the reason being that Councillor Cusato owns a hangar within the precinct.

Mayor Pinson declared a Pecuniary Interest in Item 14.02 – T-18-47 Laurieton Sewer Rising Main SPS No. 1, the reason being that the Mayor's business, Stabilcorp, has occasional business dealings with one of the tenderers.

Mayor Pinson declared a Pecuniary Interest in Item 14.03 – T-18-53 Design and Construction of Underbores – Beechwood and Bonny Hills, the reason being that the Mayor's business, Stabilcorp, has occasional business dealings with one of the tenderers.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That the Mayoral Discretionary Fund allocations for the period 4 October 2018 to 7 November 2018 inclusive be noted.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Dixon

That Council determine that the attachments to Item Numbers 09.06 and 11.04 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

08 PUBLIC FORUM

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

1. Mr Jamie Harrison regarding staff bias, asset management, project management and local content.
2. Mr John Lusk regarding fluoridation and Council must protect its citizens from undisclosed harm and act lawfully.
3. Mr Raymond Griffiths, Rollands Plains Community Group, regarding Council adopting a Rural Road Policy and current state of rural roads.
4. Mr Warren Bradley regarding disabled parking laws.

RESOLVED: Dixon/Alley

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

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson
AGAINST: Nil

08.01 STAFF BIAS, ASSET MANAGEMENT, PROJECT MANAGEMENT & LOCAL CONTENT

Mr Jamie Harrison addressed Council in relation to staff bias, asset management, project management and local content. Mr Harrison answered questions from Councillors.

08.02 FLUORIDATION - PROTECTING CITIZENS FROM UNDISCLOSED HARM AND ACTING LAWFULLY

Mr John Lusk addressed Council suggesting that Council must protect its citizens from undisclosed harm and act lawfully in relation to fluoridation of the local water supply. Mr Lusk answered questions from Councillors.

08.03 ADOPTION OF A RURAL ROADS POLICY AND CURRENT STATE OF RURAL ROADS

Mr Raymond Griffiths, on behalf of the Rollands Plains Community Group, addressed Council suggesting that Council adopt a Rural Roads Policy and spoke on the state of rural roads. Mr Griffiths answered questions from Councillors.

08.04 DISABLED PARKING LAWS

Mr Warren Bradley addressed Council on disabled parking laws and answered questions from Councillors.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

Item 12.05 – Mr Anthony Thorne in support of the recommendation.

Item 12.05 – Mr Peter Scott in support of the recommendation.

Item 12.07 – Mr Anthony Thorne in support of the recommendation.

Item 12.09 – Mr Anthony Thorne in support of the recommendation.

RESOLVED: Hawkins/Cusato

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

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Hawkins

That Standing Orders be suspended to allow Items 12.05, 12.07 and 12.09 to be brought forward and considered next.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

12.05 DRAFT PORT MACQUARIE-HASTINGS DEVELOPMENT CONTROL PLAN 2013 - HIGHWAYS GATEWAY SITES

Councillor Intemann declared a Pecuniary - Less than Significant Interest in this item.

Mr Anthony Thorne, King & Campbell Pty Ltd, representing Mr and Mrs Martin and Ms A Hazenveld, addressed Council in support of the recommendation and made comments on access and servicing (sewer). Mr Thorne answered questions from Councillors.

Mr Peter Scott, Scott PDI Pty Ltd, addressed Council in support of recommendation No 1 but advised his Company was not in support of recommendation No 2 and outlined the reasons for this. Mr Scott answered questions from Councillors.

RESOLVED: Cusato/Hawkins

That Council:

1. Endorse the Draft Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites for public authority consultation and public exhibition together with the Port Macquarie Highway Service Centre Planning Proposal.
2. Note that prior to the public exhibition, the Draft Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites will be updated to include details of vehicle ingress and egress, as noted in this report.
3. Proceed with public authority consultation with RMS, RFS, OEH & EPA in accordance with the DoP Gateway Determination letter dated 29 August 2018.
4. Request the General Manager to report to the March 2019 Council Meeting with an update on the Public Authority consultation with RMS, RFS, OEH & EPA.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

12.07 PLANNING PROPOSAL: LOT 14 DP 240042 PIONEER STREET, NORTH HAVEN - CONSIDERATION OF SUBMISSIONS

Mr Anthony Thorne, King & Campbell Pty Ltd, representing landowners Robert & Neil Tate, addressed Council in support of the recommendation.

RESOLVED: Intemann/Hawkins

That Council:

1. As a result of the consideration of submissions, amend the Planning Proposal as outlined in the report to extend the area of E2 Environmental Conservation zoned land in the southern part of the site to protect habitat for the Squirrel Glider.
2. Subject to approval under Item 1 above, take the necessary steps under section 3.35 and 3.36 of the Environmental Planning and Assessment Act 1979 (the Act) to finalise Local Environmental Plan 2011 (Amendment No 25).
3. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal in finalising the Local Environmental Plan.
4. Notify all persons who lodged submissions and provide information of the meeting outcome.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

12.09 AIRPORT PRECINCT INVESTIGATION AREA - SITE SELECTION FOR PROPOSED BUSINESS PARK

Councillor Cusato declared a Pecuniary Interest in this item, left the room and was out of sight during the Council's consideration, the time being 7.12pm.

Mr Anthony Thorne, King & Campbell Pty Ltd, representing Council as the owner of the Port Macquarie Airport, addressed Council in support of the recommendation.

RESOLVED: Levido/Hawkins

That Council:

1. Notes the assessment in this report and confirms that the Council owned land within the Port Macquarie Airport Precinct Investigation Area, as shown coloured light brown in Attachment 15, is the most suitable land to supply 23.75 hectares of gross developable Business Park zoning in the Airport Precinct Investigation Area.
2. Receive a further report to the February 2019 Council meeting in respect of a Planning Proposal for the Council owned land as identified in 1 above.
3. Advise landowners within the Airport Precinct Investigation Area of the outcome of this decision.

CARRIED: 7/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

Councillor Cusato returned to the meeting, the time being 07:24pm.

09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Councillor Hawkins left the meeting, the time being 07:25pm.

RESOLVED: Griffiths/Intemann

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

CARRIED: 7/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido and Pinson
AGAINST: Nil

09.02 REQUEST FOR LEAVE OF ABSENCE - MAYOR PETA PINSON

RESOLVED: Dixon/Alley

That Council:

1. Grant leave of absence for Mayor Peta Pinson for the period 21 February to 17 March 2019 inclusive.
2. Note that in accordance with Section 231(3) of the Local Government Act, the Deputy Mayor will perform all duties of the Mayor during this period.
3. Allocate the Mayoral allowance to the Deputy Mayor during this period in accordance with Section 249(5) of the Local Government Act.

CARRIED: 7/0
FOR: Alley, Cusato, Dixon, Griffiths, Intemann, Levido and Pinson
AGAINST: Nil

09.03 NOTICE OF MOTION - COUNCILLOR PORTFOLIO PROTOCOL

Councillor Hawkins returned to the meeting, the time being 07:27pm.

RESOLVED: Intemann/Alley

That Council:

1. Request the General Manager amend the Councillor Portfolio Protocol to remove participation by the Mayor, as per the Mayor's recent request.
2. Request the General Manager table the amended Councillor Portfolio Protocol at the December 2018 Ordinary Council Meeting for consideration.

CARRIED: 7/1
FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Pinson
AGAINST: Griffiths

09.04 POLICY REVIEW - RISK MANAGEMENT

Councillor Dixon left the meeting, the time being 07:39pm.

RESOLVED: Hawkins/Alley

That Council:

1. Place on public exhibition the draft Risk Management Policy commencing from 28 November for a minimum of 42 days.
2. Place on public exhibition the Risk Management Framework Policy commencing from 28 November for a minimum of 42 days with the intent to rescind, as the document will be reclassified as an internal procedure.
3. Note that a further report is planned to be tabled at the February 2019 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 7/0

FOR: Alley, Cusato, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.05 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018

Councillor Dixon returned to the meeting, the time being 07:41pm.

RESOLVED: Griffiths/Hawkins

That Council:

1. Adopt the Annual Financial Statements for the year ended 30 June 2018, as submitted, together with the Auditor's Report.
2. Request the General Manager provide a briefing to Councillors by March 2019 on the substantial increase in employee expenses over the last three years.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.06 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2018

RESOLVED: Cusato/Hawkins

That Council note the Quarterly Budget Review Statement for the September 2018 Quarter.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.07 MONTHLY FINANCIAL REPORT - OCTOBER 2018

RESOLVED: Hawkins/Alley

That Council:

1. Adopt the adjustments in the "Budget Variations – October 2018" section of the Monthly Financial Review - October 2018.
2. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.08 INVESTMENTS - OCTOBER 2018

RESOLVED: Griffiths/Hawkins

That Council note the Investment Report for the month of October 2018.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.09 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT

RESOLVED: Hawkins/Griffiths

That Council:

1. Note the information in the Financial Impact of Cost Shifting Report.
2. In particular, note that the ongoing accelerating transfer of responsibilities from the NSW State and Federal Governments to local councils without appropriate offset funding (also known as cost shifting) presently costs Port Macquarie-Hastings Council and our community \$16.123 million per annum - an average of \$1,344,000 per month.
3. Request the General Manager raise the issue of cost shifting at the December 2018 Mid North Coast Joint Organisation Board Meeting.
4. Request that the General Manager raise the issue at 4 December 2018 meeting with the Treasurer and the Member for Port Macquarie, Ms Leslie Williams MP.
5. Request the Communications Portfolio to discuss an appropriate media and communications strategy with the primary objective of informing our community of this ongoing practice by higher levels of government and increasing the community's understanding of how cost shifting negatively impacts Council's ability to support existing services and new services alike.
6. Note that a further report is due to the February 2019 Council Meeting on cost

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- shifting as per the resolution of Council in September 2018.
7. Request the General Manager write to:
- (a) The Member for Port Macquarie, Ms Leslie Williams MP;
 - (b) The Member for Oxley, the Hon. Melinda Pavey MP;
 - (c) The Member for Cowper, Mr Luke Hartsuyker MP;
 - (d) The Member for Lyne, Dr David Gillespie MP
 - (e) Local Government NSW
- enclosing a full copy of this Financial Impact of cost shifting report and - importantly - request their active assistance in removing this financial burden on our community.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.10 2018-2019 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 30 SEPTEMBER 2018

RESOLVED: Alley/Dixon

That Council note the 2018-2019 Operational Plan - Quarterly Progress Report as at 30 September 2018.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.11 2017-2018 ANNUAL REPORT

RESOLVED: Intemann/Griffiths

That Council:

1. Adopt the 2017-2018 Annual Report, comprising Parts A and B.
2. Submit the adopted 2017-2018 Annual Report to the Minister for Local Government by 30 November 2018.
3. Publish the adopted 2017-2018 Annual Report on Council's website and make copies of the report available at all Council Offices and Libraries.
4. Note the distribution proposal for Part A Community Report Card 2017-2018.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.12 POLICY REVIEW - SMOKE FREE OUTDOOR AREAS POLICY

RESOLVED: Intemann/Dixon

That Council:

1. Note the submissions received to the draft Smoke Free Outdoor Areas Policy received from public during exhibition period.
2. Adopt the Smoke Free Outdoor Areas Policy.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.13 PROPERTY INVESTMENT PORTFOLIO - SIX MONTHLY REPORT

RESOLVED: Hawkins/Alley

That Council:

1. Note the update provided on the Property Investment Portfolio as provided in this report.
2. Request the General Manager to include relevant trend data and analysis in future reports.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

09.14 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Griffiths/Intemann

That Council:

1. Note the Development Activity and Assessment System Performance report for the first quarter of 2018-2019.
2. Note the Clause 4.6 - Port Macquarie-Hastings Local Environmental Plan 2011 determinations that have been made under staff delegation.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

10.01 LIBRARY FUNDING CUTS

Councillor Alley tabled a speech from the Hon Peter Primrose MLC (Shadow Minister for Local Govt) to the LGNSW Annual Conference on 23 October 2018 at the Albury Entertainment Centre.

MOTION

MOVED: Alley/Cusato

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
3. Note the announcement from the NSW opposition on 26 March 2018 of \$50m to increase library per-capita contribution from \$1.85 to \$3.70 and an additional \$10.5m announced by the Shadow Minister for Local Government at the NSW Local Government Conference on 23 October 2018.
4. Support the ongoing *Renew Our Libraries* initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.
5. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
6. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

AMENDMENT

MOVED: Griffiths/Pinson

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
3. Note the announcement from the NSW opposition on 26 March 2018 of \$50m to increase library per-capita contribution from \$1.85 to \$3.70 and an additional \$10.5m announced by the Shadow Minister for Local Government at the NSW Local Government Conference on 23 October 2018.
4. Support the ongoing *Renew Our Libraries* initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.
5. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
6. Formally advise the NSW Public Libraries Association and Local Government

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- NSW that Council has endorsed the library funding advocacy initiative.
7. Request the General Manager review cost shifting in the library van service offered by Council and provide a briefing to Councillors.

THE AMENDMENT WAS PUT

MOVED: Griffiths/Pinson

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
3. Note the announcement from the NSW opposition on 26 March 2018 of \$50m to increase library per-capita contribution from \$1.85 to \$3.70 and an additional \$10.5m announced by the Shadow Minister for Local Government at the NSW Local Government Conference on 23 October 2018.
4. Support the ongoing *Renew Our Libraries* initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.
5. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
6. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.
7. Request the General Manager review cost shifting in the library van service offered by Council and provide a briefing to Councillors.

CARRIED: 6/2

FOR: Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Alley and Cusato

THE AMENDMENT BECAME THE MOTION

RESOLVED: Griffiths/Pinson

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
3. Note the announcement from the NSW opposition on 26 March 2018 of \$50m to increase library per-capita contribution from \$1.85 to \$3.70 and an additional \$10.5m announced by the Shadow Minister for Local Government at the NSW Local Government Conference on 23 October 2018.
4. Support the ongoing *Renew Our Libraries* initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.
5. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council

- libraries, as well as involvement in any actions arising from the initiative.
6. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.
 7. Request the General Manager review cost shifting in the library van service offered by Council and provide a briefing to Councillors.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

10.02 2018-2019 COMMUNITY GRANT PROJECTS FOR ENDORSEMENT

RESOLVED: Intemann/Dixon

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2018-2019 Round 1 for the total amount of \$131,104 to the following:

<i>Organisation Name</i>	<i>Project</i>	<i>Funding</i>
<i>General</i>		
Kendall Riding for the Disabled	Generator	\$2859
Mid North Coast Maritime Museum	New Fence	\$6,870
Port Macquarie Museum	Master Plan Upgrade	\$10,000
Lake Cathie Progress Association	New Website	\$3,200
Hastings Valley Mountain Bikers	Park Entry Signage	\$2,245
Wauchope District Memorial		
Hospital Volunteers	New Gazebo	\$7,725
Wauchope Little Athletics	Equipment Upgrades	\$2,444
Mother's Day Classic Foundation	Charity Fun Run	\$3,000
Care Flight Limited	Care Flight Stretcher	\$8,214
Marine Rescue Camden Haven	Base upgrade	\$10,000
Douglas Vale Conservation Group	Cellar Restoration	\$10,000
	Sub Total:	\$66,557
<i>Non-Council Owned Halls</i>		
Comboyne War Memorial Hall	New Sound System	\$3,297
	Sub Total:	\$3,297
<i>Christmas & New Year's Eve</i>		
Long Flat Public School P&C	Christmas Event	\$450
Beechwood Public School P&C	Christmas Event	\$2,957
Lake Cathie/Bonny Hills Lions Club	Christmas Event	\$2,530
Camden Haven Chamber of Commerce	Christmas Event	\$5,000
Wauchope Chamber of Commerce	Christmas Event	\$5,000
	Sub Total:	\$15,937

Environmental Grants

Port Macquarie Landcare	Environmental Activities	\$10,000
Friends of Kooloonbung Creek	Environmental Activities	\$5,000
Lake Cathie Landcare	Environmental Activities	\$1,000

Sub Total: \$16,000

Band Grants

Port Macquarie Hastings Municipal Band	Community Performances	\$10,000
Camden Haven Community Band	Community Performances	\$7,224
Hastings Koalas Orchestra	Community Performances	\$4,865
Hastings District Highland Pipe Band	Community Performances	\$7,224

Sub Total: \$29,313

TOTAL: \$131,104

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

10.03 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - OCTOBER 2018

RESOLVED: Cusato/Pinson

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

1. Grant Lleyton Wall the amount of \$350.00 to assist with the expenses he will incur travelling to and competing at the Australian Junior Triathlon Series to take place at the Gold Coast, Canberra and Devonport from December 2018 through to March 2019.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

10.04 VINCE INMON SPORTING COMPLEX - MASTER PLAN DEVELOPMENT

RESOLVED: Alley/Dixon

That Council:

1. Note the information contained in the Vince Inmon Sporting Complex – Master Plan Development Report.
2. Request the General Manager to prioritise development of a Master Plan for Vince Inmon Sporting Complex.
3. Request the General Manager to provide a report to the June 2019 Ordinary Council Meeting presenting the Draft Master Plan for Vince Inmon Sporting Complex.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

11.01 NSW CROWN LAND MANAGEMENT ACT 2016 - NOMINATION AND NOTIFICATION OF COUNCIL'S NATIVE TITLE MANAGER

RESOLVED: Levido/Griffiths

That Council:

1. In accordance with Section 8.6 of the Crown Land Management Act 2016, nominate the Property and Leasing Coordinator as its Native Title Manager.
2. In accordance with Section 8.8 of the Crown Land Management Act 2016, give written notice to the Minister for Lands and Forestry of the name and contact details of Council's Native Title Manager.
3. Request the General Manager write to the Minister for Lands and Forestry requesting that further Native Title Manager training be provided by the NSW Government as a matter of urgency.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

11.02 ECONOMIC DEVELOPMENT STRATEGY 2017-2021: SIX MONTHLY REPORT ON PROGRESS

RESOLVED: Hawkins/Cusato

That Council note the six monthly progress report on implementation of the 2017-2021 Port Macquarie-Hastings Economic Development Strategy.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

11.03 POLICY REVIEW - MARKETS POLICY - POST PUBLIC EXHIBITION

MOTION

MOVED: Intemann/Alley

That Council:

1. Note the submissions received during the Draft Markets Policy exhibition period.
2. Adopt the exhibited Draft Markets Policy but amending the clause on Page 1 to read: "As a general guideline, in each of the Port Macquarie, Wauchope or Laurieton CBDs (see maps at Appendix A) in any week only one 'regular' market will be permitted from Monday to Friday, with a start time to be no earlier than 3pm, and one 'regular' market on the weekend (Saturday and Sunday inclusive, and with the Saturday start time to be no earlier than 12 noon). Competing applications will be considered on merit with pre-approved markets taking precedence. Regular markets involve four or more markets in one calendar year."
3. Include in the Markets Policy the changes proposed following exhibition, as identified under points 2-4 on Page 138 of the Agenda and detailed in Attachment 2.
4. Request the General Manager provide a report to the December 2019 Council meeting on the local markets situation (regular, occasional, ancillary to another event) including the operation of the Markets Policy.

AMENDMENT

MOVED: Griffiths/Hawkins

That Council:

1. Note the submissions received during the Draft Markets Policy exhibition period.
2. Adopt the exhibited Draft Markets Policy but amending the clause on Page 1 to read: "As a general guideline, in each of the Port Macquarie, Wauchope or Laurieton CBDs (see maps at Appendix A) in any week only one 'regular' market will be permitted from Monday to Friday, with a start time to be no earlier than 3pm, and one 'regular' market on the weekend (Saturday and Sunday inclusive, and with the Saturday start time to be no earlier than 12 noon). Competing applications will be considered on merit with pre-approved markets taking precedence. Regular markets involve four or more markets in one calendar year."
3. Include in the Markets Policy the changes proposed following exhibition, as identified under points 2-4 on Page 138 of the Agenda and detailed in Attachment 2.
4. Request the General Manager provide a report to the December 2019 Council meeting on the local markets situation (regular, occasional, ancillary to another event) including the operation of the Markets Policy.
5. Request the General Manager to give consideration to a suitable fee structure and report back through the Cultural & Economic Development Portfolio and include any fee structure developed to the December 2019 Annual Report to

Council.

THE AMENDMENT WAS PUT

MOVED: Griffiths/Hawkins

That Council:

1. Note the submissions received during the Draft Markets Policy exhibition period.
2. Adopt the exhibited Draft Markets Policy but amending the clause on Page 1 to read: "As a general guideline, in each of the Port Macquarie, Wauchope or Laurieton CBDs (see maps at Appendix A) in any week only one 'regular' market will be permitted from Monday to Friday, with a start time to be no earlier than 3pm, and one 'regular' market on the weekend (Saturday and Sunday inclusive, and with the Saturday start time to be no earlier than 12 noon). Competing applications will be considered on merit with pre-approved markets taking precedence. Regular markets involve four or more markets in one calendar year."
3. Include in the Markets Policy the changes proposed following exhibition, as identified under points 2-4 on Page 138 of the Agenda and detailed in Attachment 2.
4. Request the General Manager provide a report to the December 2019 Council meeting on the local markets situation (regular, occasional, ancillary to another event) including the operation of the Markets Policy.
5. Request the General Manager to give consideration to a suitable fee structure and report back through the Cultural & Economic Development Portfolio and include any fee structure developed to the December 2019 Annual Report to Council.

CARRIED: 5/3

FOR: Alley, Griffiths, Hawkins, Levido and Pinson

AGAINST: Cusato, Dixon and Intemann

THE AMENDMENT BECAME THE MOTION

RESOLVED: Griffiths/Hawkins

That Council:

1. Note the submissions received during the Draft Markets Policy exhibition period.
2. Adopt the exhibited Draft Markets Policy but amending the clause on Page 1 to read: "As a general guideline, in each of the Port Macquarie, Wauchope or Laurieton CBDs (see maps at Appendix A) in any week only one 'regular' market will be permitted from Monday to Friday, with a set-up time to be no earlier than 3pm, and one 'regular' market on the weekend (Saturday and Sunday inclusive, and with the Saturday set-up time to be no earlier than 12 noon). Competing applications will be considered on merit with pre-approved markets taking precedence. Regular markets involve four or more markets in one calendar year."
3. Include in the Markets Policy the changes proposed following exhibition, as identified under points 2-4 on Page 138 of the Agenda and detailed in Attachment 2.
4. Request the General Manager provide a report to the December 2019 Council

meeting on the local markets situation (regular, occasional, ancillary to another event) including the operation of the Markets Policy.

5. Request the General Manager to give consideration to a suitable fee structure and report back through the Cultural & Economic Development Portfolio and include any fee structure developed to the December 2019 Annual Report to Council.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

11.04 EVENT SPONSORSHIP PROGRAM ROUND 1, 2019 - RECOMMENDATIONS

RESOLVED: Levido/Dixon

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 1 2019 in the total amount of \$20,000 to:

Event Name & Ranking	Sponsorship \$ Recommended
1. Fox Super Flow Mountain Bike Championships (Bonny Hills)	\$5,000
2. Seaview Classic Road Cycling Race (Port to Walcha)	\$5,000
3. Regional Dementia (RED) Conference (Port Macquarie)	\$5,000
4. Multisport Adventurethon (Laurieton)	\$5,000
Total allocated this round	\$20,000

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

11.05 THE HEALTH AND EDUCATION PRECINCT DRAFT MASTER PLAN

RESOLVED: Cusato/Griffiths

That Council:

1. Place the draft Health and Education Precinct Master Plan on public exhibition for an extended period from 26 November 2018 through to the 21 February 2019.
2. Note a further report will be tabled at the April 2019 meeting of Council detailing the submissions received during the public exhibition period.

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson
AGAINST: Nil

11.06 POLICY REVIEW - ALCOHOL USE ON PUBLIC RESERVES AND BEACHES POLICY REVIEW

RESOLVED: Griffiths/Alley

That Council:

1. Note the submissions received on the draft Alcohol Use on Public Reserves and Beaches Policy received from public during exhibition period.
2. Adopt the Draft Alcohol Use on Public Reserves and Beaches Policy.

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson
AGAINST: Nil

12.01 NAMING OF A PRIVATE RIGHT OF ACCESS - 210 NORTH BRANCH ROAD, UPSALLS CREEK

RESOLVED: Intemann/Hawkins

That Council name the right of access to land west of 210 North Branch Road at Upsalls Creek, "Malcolmvale Road (Private Access)".

CARRIED: 8/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson
AGAINST: Nil

12.02 CLOSURE OF PART JOHN OXLEY DRIVE AND TRANSFER OF FORMER HIGHWAY LAND, THRUMSTER

RESOLVED: Levido/Intemann

That Council:

1. Affix the Common Seal of Council to the survey plan of road closure.
2. Pursuant to Section 377 of the Local Government Act 1993 delegate authority to the General Manager to execute, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the road closure and subsequent transfer of the former highway land in accordance with the Electronic Transactions Act 2000.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

12.03 PORT MACQUARIE TOWN CENTRE - PEDESTRIAN FACILITY INVESTIGATIONS

MOTION

MOVED: Hawkins/Cusato

That Council:

1. Partner with Roads and Maritime Services to implement a 40 km/h speed zone in the Port Macquarie town centre.
2. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to construct the following treatments:
 - (a) Pedestrian refuge on Hayward Street west of Horton Street.
 - (b) Pedestrian refuge improvements at the intersection of Gordon Street and Hollingworth Street.
3. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to undertake further design and community engagement work for a pedestrian refuge on Horton Street between Clarence Street and William Street.

AMENDMENT

MOVED: Alley/Pinson

1. Partner with Roads and Maritime Services to implement a 40 km/h speed zone in the Port Macquarie town centre.
2. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to construct the following treatments:
 - (a) Pedestrian crossing at Hayward Street east of Short Street.
 - (b) Pedestrian refuge on Hayward Street west of Horton Street.
 - (c) Pedestrian refuge improvements at the intersection of Gordon Street and Hollingworth Street.

-
3. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to undertake further design and community engagement work for a pedestrian refuge on Horton Street between Clarence Street and William Street.

THE AMENDMENT WAS PUT

MOVED: Alley/Pinson

1. Partner with Roads and Maritime Services to implement a 40 km/h speed zone in the Port Macquarie town centre.
2. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to construct the following treatments:
 - (a) Pedestrian crossing at Hayward Street east of Short Street.
 - (b) Pedestrian refuge on Hayward Street west of Horton Street.
 - (c) Pedestrian refuge improvements at the intersection of Gordon Street and Hollingworth Street.
3. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to undertake further design and community engagement work for a pedestrian refuge on Horton Street between Clarence Street and William Street.

LOST: 3/5

FOR: Alley, Dixon and Pinson

AGAINST: Cusato, Griffiths, Hawkins, Intemann and Levido

THE MOTION WAS PUT

RESOLVED: Hawkins/Cusato

That Council:

1. Partner with Roads and Maritime Services to implement a 40 km/h speed zone in the Port Macquarie town centre.
2. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to construct the following treatments:
 - (a) Pedestrian refuge on Hayward Street west of Horton Street.
 - (b) Pedestrian refuge improvements at the intersection of Gordon Street and Hollingworth Street.
3. Consider for inclusion in the Draft 2019/2020 Operational Plan, an allocation to undertake further design and community engagement work for a pedestrian refuge on Horton Street between Clarence Street and William Street.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

12.04 DRAFT UNSEALED ROADS POLICY - POST PUBLIC EXHIBITION

RESOLVED: Griffiths/Intemann

That Council:

1. Note the submissions made on the Draft Unsealed Roads Policy during the exhibition period.
2. Adopt the Unsealed Roads Policy.
3. Note the actions outstanding as listed in Point 3 of the Council Resolution from the 15 August 2018 meeting, will be reported back to Council in August 2019.
4. Give consideration in the 2019-2020 budget to funding for gravel resheeting on unsealed roads.

CARRIED: 7/1

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

AGAINST: Pinson

Item 12.05 - Draft Port Macquarie-Hastings Development Control Plan 2013 - Highways Gateway Sites - has been moved to another part of the document.

12.06 LONG TERM ENERGY 6 MONTH UPDATE

RESOLVED: Alley/Intemann

That Council:

1. Note the update on the Long Term Energy Strategy implementation, as provided in the report.
2. Noting the issues in addressing the current resolution, request the Planning, Environment and Sustainability Portfolio review the data required for future reports.
3. Commit to the five Cities Power Partnership initiatives identified in the body of the report as part of Council's membership with this free National program.

CARRIED: 7/1

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Cusato

Item 12.07 - Planning Proposal: Lot 14, DP 240042, Pioneer Street, North Haven - has been moved to another part of the document.

**12.08 NSW GOVERNMENT APPROVAL OF PORT MACQUARIE-HASTINGS
URBAN GROWTH MANAGEMENT STRATEGY 2017-2036**

RESOLVED: Intemann/Dixon

That Council:

1. Note the approval of the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 by the NSW State Government.
2. Formally publish the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 on Council's website and in print, including a copy of the State government approval.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

Item 12.09 - Airport Precinct Investigation Area - Site Selection for Proposed Business Park - has been moved to another part of the document.

**12.10 DA2018 - 649.1 ALTERATIONS AND ADDITIONS TO A DWELLING
INCLUDING A CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF
BUILDINGS) OF THE PORT MACQUARIE HASTINGS LOCAL
ENVIRONMENTAL PLAN 2011 - LOT 346 DP 236950, NO. 14 VENDUL
CRESCENT, PORT MACQUARIE**

RESOLVED: Griffiths/Hawkins

1. That the Clause 4.6 Objection submitted with DA2018 – 649 be supported.
2. That DA2018 – 649.1 for alterations and additions to a dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 346 DP 236950, 14 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

13.01 LEGAL ADVICE ON WATER FLUORIDATION

Question from Councillor Intemann:

There continues to be community objection to the fluoridation of our public water supply and in April 2018, Council adopted a watching brief on the legal issues.

Specifically 'Lusk v Tong and Commonwealth Ombudsman' concerns the need for registration and licensing the manufacture of fluoridated water under the federal Therapeutic Goods Act 1989.

As fluoridated water is intended for consumption in preventing a disease or ailment in persons, namely tooth decay, it seems obvious that it should be defined as a therapeutic good under the Act, requiring registration. However the court finding has been delayed long past the time normally expected.

As Council adds fluoride under instruction from NSW Health, storing it in dams, and as fluoridated water seems obviously a therapeutic good, it would seem prudent to seek assurance from NSW Health that the NSW Government will indemnify or otherwise shield PMHC from prosecution under the Therapeutic Goods Act 1989 with respect to fluoridated water.

Could the General Manager please consider getting legal advice on these matters, with a response provided either now or back to the December Council meeting?

Comments by Councillor (if provided):

Nil.

The General Manager replied that he would get legal advice and report back to the February 2019 Council Meeting.

13.02 COUNCILLOR PORTFOLIO SYSTEM

Question from Mayor Pinson:

Can the General Manager please provide advice to the February 2019 Council Meeting on the resources required (and resultant cost to Council) to operate the Councillor Portfolio system and provide advice on outcomes achieved to-date from the Councillor Portfolio structure.

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/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 14.01 T-18-44 Supply and Delivery of a Lift and Carry 4WD Crane

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.02 T-18-47 Laurieton Sewer Rising Main SPS No.1

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.03 T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills

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 14.04 Kew Sewage Treatment Plant Upgrade - Public Works Advisory Project Management Engagement

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 14.05 T-18-12 Provision of Dredging Services - Settlement Shores Estate Canal Maintenance Dredging (Part B)

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.06 T-18-36 Port Macquarie Town Square Shade Structures

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.07 T-18-39 Collection, Sorting and Removal of Ferrous and Non-Ferrous Scrap Metal and Used Lead Acid Batteries (ULAB)

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.08 T-18-40 Pressure Cleaning of Street Litter Bins

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.09 T-18-43 Orbital Road Communications Strategy and Community Engagement

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

Item 14.10 T-18-24 Sports Field Lighting Installation Program Part A: Wayne Richards Park Hockey Precinct & Part B: Regional Sports Stadium

This item is considered confidential under Section 10A(2)(d(ii)) 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 14.11 Cairncross Materials Recovery Facility (MRF) Contract Variation

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.

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: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido and Pinson

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 9.34pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 9.45pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Alley/Dixon

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

Item 14.01 T-18-44 Supply and Delivery of a Lift and Carry 4WD Crane

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Accept the tender from Terex Australia Pty Ltd for \$336,950 (exclusive of GST) for the supply and delivery of a Lift and Carry 4WD Crane.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-44.

Item 14.02 T-18-47 Laurieton Sewer Rising Main SPS No.1

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Accept the tender from Coffs Harbour City Council t/as Coastal Works for \$747,695 (exclusive of GST) for the construction of the Sewer Rising Main from Laurieton SPS No.1 to Dunbogan Bridge.
2. Accept the Schedule of Rates from Coffs Harbour City Council t/as Coastal Works for construction of the Sewer Rising Main from Laurieton SPS No.1 to Dunbogan Bridge.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-47.

Item 14.03 T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills

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. In accordance with the Local Government (General) Regulations 2005 clause 178 (1) (b), decline to accept any of the tender submitted for Design and Construction of Underbores – Beechwood and Bonny Hills due to the inability to determine value for money.
2. In accordance with the Local Government (General Regulations) 2005 clause 178 (3) (e) decline to invite fresh tenders and enter into negotiations with the following contractors (listed in alphabetical order) with a view to entering into a contract for the Design and Construction of Underbores – Beechwood and Bonny Hills.
 - (a) Codmah Pty Ltd
 - (b) Eire Constructions Pty Ltd
 - (c) Ledonne Constructions Pty Ltd
 - (d) Midcoast Under Road Boring Pty Ltd
3. Maintain the confidentiality of the documents and considerations in respect of tender T-18-53.
4. Request the General Manager present a further report to a future meeting of Council on completion of the negotiation process, for Council's further consideration of Tender T-18-53 based on the outcome of the negotiations and confirming value for money.

Item 14.04 Kew Sewage Treatment Plant Upgrade - Public Works Advisory Project Management Engagement

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 quotation from the Public Works Advisory of \$1,219,295 (exclusive of GST) to complete the Design and Construction Project Management of the delivery of the Kew Sewage Treatment Plant.
2. Pursuant to Section 55 (3) (b) of the Local Government Act 1993, resolve to not invite tenders for the Design and Construction Project Management of the delivery of the Kew

Sewage Treatment Plant.

3. Note the expected total cost of the project and approve the overall project budget as described in the included project financial summary.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and considerations in respect of the Kew Sewage Treatment Plant Public Works Advisory Project Management Engagement.

Item 14.05 T-18-12 Provision of Dredging Services - Settlement Shores Estate Canal Maintenance Dredging (Part B)

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Note the options presented within this report regarding maintenance dredging for the Settlement Shores Estate canals.
2. Accept the quotation from Birdon Pty Ltd for \$780,863.00 (exclusive of GST) (Option A) to undertake maintenance dredging of the Settlement Shores Estate canal system.
3. Accept the Schedule of Rates from Birdon Pty Ltd for variation to the project.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-12.

Item 14.06 T-18-36 Port Macquarie Town Square Shade Structures

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Accept the alternative tender from AMAC Holdings Pty Ltd t/as Alfresco Shade for \$186,800.00 (exclusive of GST) for the supply and installation of shade structures for the Town Square in Port Macquarie.
2. Accept the Schedule of Rates from AMAC Holdings Pty Ltd t/as Alfresco Shade for the supply and installation of shade structures for the Town Square in Port Macquarie.
3. Increase the project budget through journals from existing budget allocations as detailed within the report.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-36.

Item 14.07 T-18-39 Collection, Sorting and Removal of Ferrous and Non-Ferrous Scrap Metal and Used Lead Acid Batteries (ULAB)

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Accept the tender from Sims Group Australia Holdings Limited t/as Sims Metal Management for the Collection, Sorting and Removal of Ferrous and Non-Ferrous Scrap Metal and Used Lead Acid Batteries (ULAB) for a two year period commencing 1 December 2018, with two options to extend for a further one year period, such option to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Accept the Schedule of Rates from Sims Group Australia Holdings Limited t/as Sims Metal Management for the Collection, Sorting and Removal of Ferrous and Non-Ferrous Scrap Metal and Used Lead Acid Batteries (ULAB).
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-39.

Item 14.08 T-18-40 Pressure Cleaning of Street Litter Bins

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Accept the tender from Glen & Cathy Barnett t/as B&B Wheelie Bin Wash for the provision of Pressure Cleaning of Street Litter Bins for a three year period commencing 1 December 2018, with two options to extend for a further one year period, such options to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Accept the Schedule of Rates from Glen & Cathy Barnett t/as B&B Wheelie Bin Wash for the provision of Pressure Cleaning of Street Litter Bins.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-40.

Item 14.09 T-18-43 Orbital Road Communications Strategy and Community Engagement

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Accept the quote from RPS Manidis Roberts Pty Ltd trading as Straight Talk for Phase 2 of the Orbital Road Communications Strategy and Community Engagement project for \$106,525.00 (inclusive of Project Management Fees- exclusive of GST).
2. Note that the total cost for engaging RPS Manidis Roberts Pty Ltd trading as Straight Talk for the Orbital Road Communications Strategy and Community Engagement project(Phase 1 and Phase 2) will total \$181,275.00 (inclusive of Project Management Fees- exclusive of GST).
3. Pursuant to Section 55 (3) (a) of the Local Government Act 1993, resolve to not invite tenders for the Orbital Road Communications Strategy and Community Engagement project.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-43.
6. Request the General Manager to commence community and stakeholder engagement on the viable route options for the Orbital Road.
7. Request the General Manager to actively seek external funding for preconstruction activities required to progress the planning for the Orbital Road.

Item 14.10 T-18-24 Sports Field Lighting Installation Program Part A: Wayne Richards Park Hockey Precinct & Part B: Regional Sports Stadium

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 Rees Electrical Pty Ltd for \$200,300 (exclusive of GST) for Sports Field Lighting Installation Program Part A Wayne Richards Park Hockey Precinct.
2. Accept the tender from Rees Electrical Pty Ltd for \$113,000 (exclusive of GST) for Sports Field Lighting Installation Program Part B Port Macquarie Regional Sports Stadium.

-
3. Affix the seal of Council to the necessary documents.
 4. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-24.
 5. Increase the project budget associated with Sports Field Lighting Installation Program Part A Wayne Richards Park Hockey Precinct as outlined in the Financial and Economic Implications section of this report.

Item 14.11 Cairncross Materials Recovery Facility (MRF) Contract Variation

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 'In Principle' agreement between JR Richards and Council which seeks to:
 - (a) Extend the Material Recovery Facility (MRF) contract for a further two years to 2022.
 - (b) Extend the waste collection contract for a further two years to 2026
 - (c) Share equally the increased costs of MRF processing due to the China National Sword Policy.
 - (d) Share equally in the revenue generated through the Container Deposit Scheme (CDS) for the duration of the MRF contract.
2. Authorise the General Manager to finalise the CDS refund sharing agreement.
3. Authorise the General Manager to register the signed CDS refund sharing agreement and accompanying documentation with the NSW State government by 1 December 2018.
4. Authorise the General Manager to affix the Council Seal to any necessary documents.

The meeting closed at 9.46pm.

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Peta Pinson
Mayor