

PRESENT

Members:

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Strategy and Growth and Acting Director Infrastructure (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 Mayor opened the Meeting with an Acknowledgement of Country and welcomed all in attendance in the Chamber.

02 LOCAL GOVERNMENT PRAYER

Pastor Mark Minturn from the Ministers' Association delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Alley/Cusato

That the apology received from Councillor Dixon be accepted.

CARRIED: 8/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Hawkins

That the Minutes of the Ordinary Council Meeting held on 21 November 2018 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Cusato declared a Pecuniary Interest in Item 11.01 - Draft EPBC Act Preliminary Documentation Assessment Report - Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, the reason being that Councillor Cusato owns a hanger at the Port Macquarie Airport.

Councillor Hawkins declared a Non-Pecuniary, Less Than Significant Interest in Item 12.13 - Wrights Creek Flood Study Update - Public Exhibition Submissions Report, the reason being that Councillor Hawkins and his wife own a rental property at no. 3 Waniora Parkway, Port Macquarie which is in the general catchment area reviewed. However, it is well clear of the flood mapping under all scenarios and is, therefore, a non-pecuniary matter of less than significant interest.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That the Mayoral Discretionary Fund allocations for the period 8 to 28 November 2018 inclusive be noted.

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

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Intemann/Alley

That Council determine that the attachments to Item Numbers 09.03, 09.07, 09.10 and 12.04 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

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

08 PUBLIC FORUM

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

1. Mr Philip Lloyd regarding the proposed Orbital Road, objection to East-West Link.
2. Ms Debbie Purcell regarding the Orbital Road impact on Innes Lake Residents.

RESOLVED: Hawkins/Alley

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

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

08.01 ORBITAL ROAD - OBJECTION TO EAST-WEST LINK

Mr Philip Lloyd, representing the Sanctuary Springs residents, addressed Council in regard to the proposed Orbital Road – objection to the East-West link and answered questions from Councillors.

08.02 ORBITAL ROAD IMPACT ON INNES LAKE RESIDENTS

Ms Debbie Purcell, representing the Lake Innes Action Group, addressed Council regarding the Orbital Road impact on Innes Lake Residents 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 Dianne Davison in opposition of the recommendation.

Item 12.01 – Ms Ellen Brown in support of the recommendation.

Item 12.13 – Mr Graeme Roberts in opposition of the recommendation.

Item 12.13 – Ms Christina Parkin in support of the recommendation.

RESOLVED: Intemann/Griffiths

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

CARRIED: 8/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Turner/Cusato

That Standing Orders be suspended to allow items 10.01, 12.01 and 12.13 to be brought forward and considered next.

CARRIED: 8/0

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

AGAINST: Nil

10.01 DRAFT MRS YORK'S GARDEN MASTER PLAN

Ms Dianne Davison, representing the Friends of Mrs York's Garden, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Hawkins/Turner

That Council:

1. Note the information contained in the Draft Mrs York's Garden Master Plan report.
2. Place the Draft Mrs York's Garden Master Plan on public exhibition for 42 days from 14 December 2018 to 25 January 2019.
3. Request the General Manager provide a report to the March 2019 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.
4. Note that the reference; "Remove existing concrete footpath along road edge to reduce impact upon Norfolk Island Pines" on Sheet 4 of 7 on page 156 of Attachment 3 is to be amended prior to commencement of public exhibition of the draft to state: "Replace existing concrete footpath along road edge to reduce impact upon Norfolk Island Pines".

CARRIED: 8/0

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

AGAINST: Nil

12.01 NOTICE OF MOTION - TRAFFIC CONGESTION CRISIS - OXLEY HIGHWAY, PORT MACQUARIE

As Ms Ellen Brown was unable to attend, Ms Debbie Purcell addressed Council in support of the recommendation.

RESOLVED: Turner/Intemann

That Council:

1. Request the General Manager write to the Minister for Roads and the Member for Port Macquarie seeking an urgent response to the impending traffic congestion crisis on the Oxley Highway in Port Macquarie, notably at the intersection with the Pacific Highway, the intersection with Wrights Road, and the intersection with Lake Road, as described in the November 2018 Bitzios report.
2. Request the General Manager immediately devise and implement a communications strategy to explain to our community:
 - (a) What Council is doing to mitigate the Oxley Highway traffic congestion crisis at Lake Road, the Wrights Road roundabout, and at the Pacific Highway interchange; and
 - (b) The relationship and responsibilities between RMS and PMHC with respect to safety and functional aspects of intersections involving state “controlled” highways and Council “controlled” roads with specific reference to the intersections at Wrights Road and Lake Road, Port Macquarie and the Oxley Highway.
3. Request the General Manager report back to the February 2019 Council meeting with:
 - (a) Responses from the Minister for Roads and the Member for Port Macquarie.
 - (b) An update on the development and implementation of the communications strategy.
4. Send a copy of all correspondence to all local State and Federal election candidates for the 2019 elections.

CARRIED: 8/0

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

AGAINST: Nil

12.13 WRIGHTS CREEK FLOOD STUDY UPDATE - PUBLIC EXHIBITION SUBMISSIONS REPORT

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

Mr Graeme Roberts, GR Consulting Engineers, representing an affected property owner, addressed Council in opposition of the recommendation and answered questions from Councillors.

Ms Christina Parkin, representing the owners and residents of Flynn's Beach Resort, addressed Council in support of the recommendation and answered questions from Councillors.

MOTION

MOVED: Cusato/Turner

That Council:

1. Endorse the Wrights Creek Flood Study Update (2018) report;
2. Adopt 'Scenario 3' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Proceed with the Floodplain Risk Management Study phase; and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

AMENDMENT

MOVED: Alley/Intemann

That Council:

1. Endorse the Wrights Creek Flood Study Update (2018) report;
2. Adopt 'Scenario 1' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Proceed with the Floodplain Risk Management Study phase; and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

THE AMENDMENT WAS PUT

MOVED: Alley/Intemann

That Council:

1. Endorse the Wrights Creek Flood Study Update (2018) report;
2. Adopt 'Scenario 1' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Proceed with the Floodplain Risk Management Study phase; and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

LOST: 2/6

FOR: Alley and Intemann

AGAINST: Cusato, Griffiths, Hawkins, Levido, Pinson and Turner

THE MOTION WAS PUT

RESOLVED: Cusato/Turner

That Council:

1. Endorse the Wrights Creek Flood Study Update (2018) report;
2. Adopt 'Scenario 3' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Proceed with the Floodplain Risk Management Study phase; and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

CARRIED: 6/2

FOR: Cusato, Griffiths, Hawkins, Levido, Pinson and Turner

AGAINST: Alley and Intemann

09.01 COUNCILLOR PORTFOLIO PROTOCOL - REVISED

RESOLVED: Intemann/Turner

That Council adopt the revised Councillor Portfolio Protocol.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

09.02 2018 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

RESOLVED: Griffiths/Alley

That Council note the information contained in the 2018 Local Government NSW Annual Conference report.

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

09.03 WHY LOCAL GOVERNMENT MATTERS

The General Manager advised that he previously circulated a document detailing the resolution from the Mid North Coast Joint Organisation Board meeting held on 5 December 2018 in relation to Why Local Government Matters.

MOTION

MOVED: Turner/Cusato

That Council:

1. Note the information included in this Why Local Government Matters report.
2. Decline to allocate Council funds towards this project of the MNCJO.
3. Request the General Manager table a report detailing the financial position of the MNCJO at the Ordinary Council Meeting in February 2019.
4. Transfer the \$41,792.44 refund from MIDROC membership to the Regional Sporting Fields reserve.

AMENDMENT

MOVED: Griffiths/Intemann

That Council:

1. Note the information included in this Why Local Government Matters report.
2. Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.
3. Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.

THE AMENDMENT WAS PUT

RESOLVED: Griffiths/Intemann

That Council:

1. Note the information included in this Why Local Government Matters report.
2. Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.
3. Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.

EQUAL: 4/4

FOR: Alley, Griffiths, Intemann and Pinson

AGAINST: Cusato, Hawkins, Levido and Turner

CASTING VOTE: FOR

CARRIED

RESOLVED: Griffiths/Intemann

That Council:

1. Note the information included in this Why Local Government Matters report.
2. Allocate \$14,000 from the reserve containing the remaining funding from the Mid North Coast Regional Organisation of Councils (MIDROC), (as the result of Council's July 2018 resignation from MIDROC), as the Port Macquarie-Hastings Council contribution to the Mid North Coast Joint Organisation Why Local Government Matters report.
3. Request the General Manager table a further report to Council upon completion of the Why Local Government Matters project.
4. Request the GM table a report detailing the financial position of the MNCJO at the OC Feb 2019.

EQUAL: 4/4

FOR: Alley, Griffiths, Intemann and Pinson

AGAINST: Cusato, Hawkins, Levido and Turner

CASTING VOTE: FOR

CARRIED

09.04 QUESTION FROM PREVIOUS MEETING - COUNCILLOR PORTFOLIO SYSTEM

RESOLVED: Levido/Cusato

That Council :

1. Confirms the question, the subject of this report, is not a “Question For Next Meeting” and directs that the General Manager do nothing further with respect to this item ; and
2. (a) States that a valid “Question For Next Meeting” shall, in addition to the matters set out in Clause 2.22 of Council’s Code of Meeting Practice comprise the following:
 - (i) A single sentence of a single question commencing” could the GM ...”;
 - (ii) Be capable of being finalised by directly utilising no more than 20 minutes of Council resources or as deemed reasonable by the General Manager; and
 - (iii) Results in a “response” component of not more than 1 A4 page; To be answered at the next Ordinary meeting of Council; and
- b) Determines that a Councillor shall be limited to a maximum of 2 Questions for Next Meeting at any Ordinary Council Meeting; and
- c) As part of the 2019 review of its Code of Meeting practice, make provision for Questions for the next meeting as set out in (a) and (b) above.

Councillor Levido left the meeting, the time being 8:41pm.

Councillor Levido returned to the meeting, the time being 8:42pm.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

09.05 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Intemann/Turner

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

CARRIED: 8/0

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

AGAINST: Nil

Councillor Alley left the meeting, the time being 08:50pm.

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

RESOLVED: Hawkins/Griffiths

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

1. Ross Frazier – Building Surveyor.
2. Ray Abbott – Building Surveyor.

CARRIED: 7/0

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

AGAINST: Nil

09.07 2020 ORDINARY LOCAL GOVERNMENT ELECTION

RESOLVED: Turner/Intemann

That Council resolve that:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
4. Request the General Manager to submit a report to the February 2019 meeting of Council detailing:
 - (a) A cost estimate provided by the Electoral Commissioner for the administration of the 2020 Ordinary Local Government Election (as in 1. above).
 - (b) A cost estimate provided by the Electoral Commissioner for the administration of a constitutional referendum (as in 3. above) held in conjunction with the 2020 Ordinary Local Government Election.

Councillor Alley returned to the meeting, the time being 8:52pm.

CARRIED: 8/0

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

AGAINST: Nil

09.08 CODE OF CONDUCT COMPLAINT STATISTICS

RESOLVED: Griffiths/Intemann

That Council note the Code of Conduct Complaint Statistics for the period 1 September 2017 to 31 August 2018.

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

09.09 POLICY REVIEW - PUBLIC INTEREST DISCLOSURE - INTERNAL REPORTING - POST EXHIBITION

RESOLVED: Hawkins/Intemann

That Council adopt the amended Public Interest Disclosure – Internal Reporting Policy.

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

09.10 DRAFT INVESTMENT POLICY

RESOLVED: Hawkins/Griffiths

That Council:

1. Place the Revised Investment Policy on public exhibition from 19 December 2018 to 29 January 2019 (42 days, extended due to the Christmas period).
2. Note that a further report will be tabled at the February 2019 Ordinary Council meeting detailing the submissions received from the public in relation to the Revised Investment Policy, during the exhibition period.

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

09.11 MONTHLY BUDGET REVIEW - NOVEMBER 2018

RESOLVED: Cusato/Turner

That Council:

1. Adopt the adjustments in the "Budget Variations – November 2018" section of the Monthly Budget Review - November 2018.
2. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.
3. (a) Note that the current budget includes \$5.5M for the Ocean Drive duplication which was transferred from the Regional Sporting Fields project at Stoney Creek Road.
(b) Due to the estimation of \$60-65M to complete the project, in the event that the Ocean Drive duplication project does not receive sufficient grant funding commitment prior to 2019 NSW election, transfer the \$5.5M back to the Regional Sporting Fields project for the Monthly Budget review as at the Ordinary Council Meeting immediately following the election.

Councillor Hawkins left the meeting, the time being 09:00pm.

Councillor Hawkins returned to the meeting, the time being 09:03pm.

CARRIED: 8/0

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

AGAINST: Nil

09.12 INVESTMENTS - NOVEMBER 2018

RESOLVED: Hawkins/Griffiths

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

CARRIED: 8/0

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

AGAINST: Nil

09.13 POLICY RESCISSION - BANNERS OVER PUBLIC ROADS AND RESERVES POLICY - POST PUBLIC EXHIBITION

RESOLVED: Intemann/Turner

That Council rescind the Banners over Public Roads and Reserves Policy.

CARRIED: 8/0

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

AGAINST: Nil

09.14 COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2017-2018

RESOLVED: Griffiths/Cusato

That Council note the Compliments and Complaints Annual Report for 2017-2018.

CARRIED: 8/0

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

AGAINST: Nil

Item - 10.01 Draft Mrs York's Garden Master Plan - has been moved to another part of the document.

10.02 FUTURE STRATEGY FOR TASTINGS ON HASTINGS

MOTION

MOVED: Alley/

That Council:

1. Note the information presented in the report.
2. Deliver Tastings on Hastings in October 2019, based on the 2017 format.
3. Cease organising Tastings on Hastings from 2020, and invest in other, local events through the establishment of a 'Local Grown' event category as detailed in Option C within the report.

LAPSED FOR WANT OF A SECONDER

FORESHADOWED MOTION

MOTION: Turner/Cusato

That Council:

1. Note the information presented in the report.
2. Deliver Tastings on Hastings in October 2019, based on the 2017 format.
3. Request the General Manager call for EOI for event organisers for the 2019 Tastings on Hastings event and based on responses for event organisation capability for the 2019 event, consider future events at the Ordinary Council Meeting in May 2019.

THE MOTION PUT

RESOLVED: Turner/Cusato

That Council:

1. Note the information presented in the report.
2. Deliver Tastings on Hastings in October 2019, based on the 2017 format.
3. Request the General Manager call for EOI for event organisers for the 2019 Tastings on Hastings event and based on responses for event organisation capability for the 2019 event, consider future events at the Ordinary Council Meeting in May 2019.

CARRIED: 8/0

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

AGAINST: Nil

10.03 PORT MACQUARIE-HASTINGS COUNCIL DISABILITY INCLUSION ACTION PLAN 2017-2018 ANNUAL PROGRESS REPORT

RESOLVED: Griffiths/Alley

That Council note the information in the Port Macquarie-Hastings Council Disability Inclusion Action Plan 2017-2018 Annual Progress report.

CARRIED: 8/0

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

AGAINST: Nil

10.04 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB- COMMITTEE - NOVEMBER 2018

RESOLVED: Pinson/Griffiths

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 Matthew Catania the amount of \$450.00 to assist with the expenses he will incur travelling to and competing at the Australian All Schools Athletics Championships to be held in Cairns from 7th – 9th December 2018.
2. Grant Ian Matthews the amount of \$150.00 to assist with the expenses he incurred travelling to and competing at the FFA National Championships held in Coffs Harbour from 24th September – 28th September 2018 inclusive.

CARRIED: 8/0

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

AGAINST: Nil

10.05 CULTURAL PLAN 2018 - 2021 - ALLOCATION OF FUNDS

RESOLVED: Turner/Hawkins

That Council:

1. Give consideration during the 2019-2020 draft Operational Plan development for an additional budget allocation of \$220,000 to deliver the actions in the Cultural Plan.
2. Request the GM provide a briefing to Councillors in early 2019.

CARRIED: 8/0

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

AGAINST: Nil

11.01 DRAFT EPBC ACT PRELIMINARY DOCUMENTATION ASSESSMENT REPORT - PORT MACQUARIE AIRPORT MASTER PLAN IMPLEMENTATION AND VEGETATION CLEARING ON COUNCIL OWNED LAND IN THE THRUMSTER URBAN RELEASE AREA

Councillor Cusato declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 9:33pm.

RESOLVED: Levido/Alley

That Council:

1. Note the information contained in the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area.
2. Publicly notify and exhibit the Draft EPBC Act Preliminary Documentation Assessment Report for the Port Macquarie Airport Master Plan Implementation and vegetation clearing on Council owned land in the Thrumster Urban Release Area, in accordance with Section 95A(3) of the Environment Protection and Biodiversity Conservation Act 1999, from 13 December 2018 to 14 February 2019.
3. Request the General Manager to consider a response to submissions following the public exhibition period prior to final assessment by the Australian Government Department of the Environment and Energy.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Cusato returned to the meeting, the time being 9:34pm.

Item - 12.01 Notice of Motion - Traffic Congestion Crisis - Oxley Highway, Port Macquarie - has been moved to another part of the document.

12.02 QUESTION FROM PREVIOUS MEETING - LEGAL ADVICE ON WATER FLUORIDATION

RESOLVED: Intemann/Turner

That Council note that the General Manager will be seeking legal advice on the matter of fluoridation of the public water supply in early 2019.

CARRIED: 8/0

FOR: Alley, Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

12.03 LAND ACQUISITION - INTERSECTION OF DOYLES ROAD AND ROLLANDS PLAINS ROAD, BALLENGARRA

RESOLVED: Cusato/Intemann

That Council:

1. Pay compensation in the amount of \$7,850 (GST Exclusive) to the owners of Lot 1 DP1245746, J W & J Thompson, for the acquisition of part Lot 1 DP1245746 more particularly described as Lot 1 in plan of acquisition DP1246538.
2. Delegate authority to the General Manager to execute, electronically or otherwise, all documents associated with the land acquisition including but not limited to any authorisation form as required by the Electronic Transactions Act 2000.
3. Pursuant to Section 10 of the Roads Act 1993 dedicate Lot 1 DP1246538 as public road.

CARRIED: 8/0

FOR: Alley, Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

12.04 LAND ACQUISITION - 921 HASTINGS RIVER DRIVE, PEMBROOKE

RESOLVED: Levido/Hawkins

That Council:

1. Pursuant to Section 186 of the Local Government Act 1993 make application to His Excellency, The Governor, for the compulsory acquisition of Lot 50 Deposited Plan 1248785 for general operational purposes associated with the storage of bulk materials utilised in Council providing to the community, services and facilities and the carrying out of activities prescribed at Chapter 6 of the Local Government Act 1993.
2. Exclude all mines and minerals from the compulsory acquisition of Lot 50 Deposited Plan 1248785.
3. On acquisition of Lot 50 Deposited Plan 1248785 and pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 50 Deposited Plan 1248785 as "operational land" by placing on public exhibition the proposed resolution, "It is intended to classify Lot 50 Deposited Plan 1248785 (land at 921 Hastings River Drive, Pembroke) as operational land", for a minimum period of 28 days.
4. Note that a further report will be tabled to a future Council meeting detailing any submissions received during the exhibition period.
5. Pursuant to Section 377 of the Local Government Act 1993 delegate authority to the General Manager to execute, electronically or otherwise, all documents associated with the land acquisition included but not limited to any authorisation form as required by the Electronic Transactions Act 2000.

CARRIED: 8/0

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

AGAINST: Nil

12.05 TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES - LEADERS WAY WAUCHOPE

RESOLVED: Intemann/Griffiths

That Council:

1. Accept the transfer of land being that part of Lot 31 Deposited Plan 1228142, formerly in Lot 2 Deposited Plan 1110947, in Leaders Way Wauchope.
2. 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 transfer in accordance with the Electronic Transactions Act 2000.
3. Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 31 Deposited Plan 1228142 as "operational land" by placing on public exhibition the proposed resolution, "It is intended to classify Lot 31 Deposited Plan 1228142 as "operational land", from 31 January 2019 for a minimum period of 28 days.
4. Note that a further report will be tabled at the March 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

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

**12.06 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE -
PEDESTRIAN CROSSING - BOLD STREET, LAURIETON**

RESOLVED: Alley/Intemann

That Council endorse the Local Traffic Committee's recommendation for a 'pedestrian (zebra) crossing' to be installed in Bold Street, Laurieton, between Tunis Street and Seymour Street.

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

**12.07 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 40 KM/H
HIGH PEDESTRIAN ACTIVITY AREA - WAUCHOPE TOWN CENTRE**

RESOLVED: Alley/Hawkins

That Council seek RMS approval of the final design of the scheme for a '40 km/h High Pedestrian Activity Area' in Wauchope town centre.

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

**12.08 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 40 KM/H
HIGH PEDESTRIAN ACTIVITY AREA - PORT MACQUARIE TOWN
CENTRE**

RESOLVED: Hawkins/Turner

That Council seek RMS approval of the final design of the scheme for a '40 km/h High Pedestrian Activity Area' in Port Macquarie town centre.

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

12.09 OCEAN DRIVE UPGRADE LAKE CATHIE - COMMUNITY FEEDBACK

MOTION

MOVED: Alley/Hawkins

That Council:

1. Adopt Section A - Miala Street to Fiona Crescent, as the highest priority construction stage.
2. Retain the current design philosophy to allow for the easy duplication of the travel lanes, should they be required in future.
3. Revise the design to include an on-street parking lane as requested by residents along Ocean Drive despite the loss of traffic efficiency.
4. Change to the project scope to include the detailed design of the preferred first construction stage only.
5. Actively seek grant funding to enable the construction of the upgrades as a high priority.

AMENDMENT

MOVED: Griffiths/

That Council:

1. Adopt Section A and B - Miala Street to Ernest Street.
2. Retain the current design philosophy to allow for the easy duplication of the travel lanes, should they be required in future.
3. Revise the design to include an on-street parking lane as requested by residents along Ocean Drive despite the loss of traffic efficiency.
4. Change to the project scope to include the detailed design of the entire length of the entire construction.
5. Actively seek grant funding to enable the construction of the upgrades as a high priority.

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THE MOTION WAS PUT

MOVED: Alley/Hawkins

That Council:

1. Adopt Section A - Miala Street to Fiona Crescent, as the highest priority construction stage.
2. Retain the current design philosophy to allow for the easy duplication of the travel lanes, should they be required in future.
3. Revise the design to include an on-street parking lane as requested by residents along Ocean Drive despite the loss of traffic efficiency.
4. Change to the project scope to include the detailed design of the preferred first construction stage only.
5. Actively seek grant funding to enable the construction of the upgrades as a high priority.

CARRIED: 8/0

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

AGAINST: Nil

12.10 BUNDALEER AGED CARE - PROJECT UPDATE

RESOLVED: Intemann/Alley

That Council:

1. Note the information contained within this update report.
2. Request the General Manager write to the Mid North Coast Local Health District seeking to be removed from the current Lease S228374 and the subsequent Deed dated 20 March 1984.
3. Seek from the proponent, Love Project Management, the land owners consent for Lot 1 DP 603483 situated 4-8 Johnstone Street, Wauchope prior to further consideration of the Planning Proposal.

CARRIED: 8/0

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

AGAINST: Nil

12.11 DEVELOPMENT CONTRIBUTIONS DEFERRAL SCHEME

RESOLVED: Intemann/Griffiths

That Council:

1. Note the Development Contributions Deferral Scheme report.
2. Defer expansion of the contributions deferral scheme until 2019/20 and that the review be included as an action in the draft 2019/20 Operational Plan.
3. Endorse the revised fees as below and include them in the draft 2019/20 Operational Plan for the purpose of public notice of the proposed fee changes in accordance with Section 610F of the Local Government Act, 1993.

Name	Pricing Policy	Fee (Ex GST)	GST	Total	Unit
Preparation of Standard Contributions Deferral Deed.	D	\$500	\$50	\$550	Each
Withdrawal of caveat associated with Contributions Deferral Deeds per each lot created in the subdivision (Excluding lots to be dedicated to Council). Paid at the time of preparation of the Contributions Deferral Deed.	D	\$90	\$9	\$99	Each
Variation of a Contributions Deferral	D	Fee determined	Minimum charge	Minimum	Estimate

Deed or associated dealings including a review of Caveator's Consent or a request to vary the deferral deed template.		by quotation based on full Recovery. Minimum charge \$250	\$250	Charge \$275		
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CARRIED: 8/0

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

AGAINST: Nil

12.12 HASTINGS RIVER FLOOD STUDY - PUBLIC EXHIBITION SUBMISSIONS REPORT

MOTION

MOVED: Cusato/Hawkins

That Council:

1. Endorse the Hastings River Flood Study Update (2017) report;
2. Adopt Scenario 3' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Adopt the revised Port Macquarie-Hastings Council Flood Policy (2018); and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

AMENDMENT

MOTION: Intemann/Alley

That Council:

1. Endorse the Hastings River Flood Study Update (2017) report;
2. Adopt Scenario 1' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Adopt the revised Port Macquarie-Hastings Council Flood Policy (2018); and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

THE AMENDMENT WAS PUT

MOTION: Intemann/Alley

That Council:

1. Endorse the Hastings River Flood Study Update (2017) report;
2. Adopt Scenario 1' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Adopt the revised Port Macquarie-Hastings Council Flood Policy (2018); and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

LOST: 2/6

FOR: Alley and Intemann

AGAINST: Cusato, Griffiths, Hawkins, Levido, Pinson and Turner

THE MOTION WAS PUT

MOVED: Cusato/Hawkins

That Council:

1. Endorse the Hastings River Flood Study Update (2017) report;
2. Adopt Scenario 3' as the basis for the Flood Planning Area (FPA);
3. Advise people who made submissions of the outcome of Council's determination in this matter;
4. Adopt the revised Port Macquarie-Hastings Council Flood Policy (2018); and
5. Develop a 'plain English' explanatory note in conjunction with development of the Floodplain Risk Management Study and Management Plan to clearly and simply explain the implications of the adopted flood data and what actions Council will be taking to implement the Floodplain Risk Management Plan.

CARRIED: 6/2

FOR: Cusato, Griffiths, Hawkins, Levido, Pinson and Turner

AGAINST: Alley and Intemann

Item - 12.13 Wrights Creek Flood Study Update - Public Exhibition Submissions Report - has been moved to another part of the document.

12.14 UPDATE ON KOOLONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN

RESOLVED: Griffiths/Pinson

That the information in the Kooloonbung Creek Flying-fox camp management update report be noted.

CARRIED: 8/0

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

AGAINST: Nil

12.15 NSW PARKING FINES CONCESSION SCHEME

RESOLVED: Alley/Intemann

That Council:

1. Not opt into the new parking fine concession fee scheme at this time.
2. Give consideration to the implications of opting into the scheme at a later opt in date in conjunction with development of the draft 2019/20 Operational Plan.
3. Request the General Manager undertake community engagement in February 2019 regarding the proposed scheme.
4. Request the General Manager to advise the NSW Treasurer of Council's determination in this matter.

CARRIED: 8/0

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

AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

13.01 MAYOR - DELEGATED AUTHORITY

Question from Councillor Turner:

Could the General Manager provide a list of any matters for which the Mayor has delegated authority to make a decision without requiring the resolution of Council?

Comments by Councillor (if provided):

Nil.

13.02 ORBITAL ROAD - DEVELOPMENT IN INVESTIGATION AREA

Question from Mayor Pinson:

Can the General Manager please explain how development was able to take place in the investigation area of the proposed Orbital Road, if route options were determined in 2008?

Comments by Mayor (if provided):

Nil.

13.03 ORBITAL ROAD - CURRENT INVESTIGATION AREA

Question from Mayor Pinson:

Can the General Manager please provide an explanation as to how the current investigation area for the Orbital Road was determined as being the preferred investigation area?

Comments by Mayor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Cusato/Alley

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 Request from Resident in Respect of Water Charges
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 14.02 T-18-54 Provision of Property Sales and Buyer's Agent Services
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
 - Item 14.03 T-18-33 Concrete, Bricks and Masonry Processing
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: Alley, Cusato, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 10:13pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 10:15pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Intemann/Griffiths

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

Item 14.01 Request from Resident in Respect of Water Charges

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. Note the request from Mr and Mrs Hazenveld for a departure from the existing Water Policy in respect of a water leak incurred on a property owned by the Hazenveld Superannuation Pty Ltd.
2. Apply the provisions of the existing Water Supply Policy.
3. Note that the Water Supply Policy will be reviewed by Council during the 2019 calendar year.

Item 14.02 T-18-54 Provision of Property Sales and Buyer's Agent Services

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

RECOMMENDATION

That Council:

1. In accordance with the Local Government (General) Regulations 2005, 178 (1) (b) decline to accept any of the tenders submitted for Tender T-18-54 Provision of Property Sales and Buyer's Agent Services due to insufficient submissions to establish panel arrangements for Parts A and B.

2. In accordance with Local Government (General) Regulations 2005, 178 (3) (b) invite, in accordance with clause 167, fresh tenders based on revised tender details.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-54.

Item 14.03 T-18-33 Concrete, Bricks and Masonry Processing

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 Davis Earthmoving & Quarrying Pty Ltd for the provision of Concrete, Bricks and Masonry Processing at Cairncross Waste Management Facility for a two year period commencing 1 January 2019, with three 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 Davis Earthmoving & Quarrying Pty Ltd for the provision of Concrete, Bricks and Masonry Processing Cairncross Waste Management Facility.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-33.

CARRIED: 8/0

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

AGAINST: Nil

The meeting closed at 10:16pm.

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Peta Pinson
Mayor