

PRESENT

Members:

Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Michael Cusato
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)
Acting Director Infrastructure (Jeffery Sharp)
Acting Director Strategy and Growth (Holly McBride)
Group Manager Governance and Procurement (Blair Hancock)
Governance Support Officer (Bronwyn Lyon)
Communications Manager (Andy Roberts)

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Pastor Mark Minturn from the Coastside Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Dixon/Alley

That the apologies received from Mayor Pinson and Councillor Griffiths be accepted.

CARRIED: 7/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Cusato/Hawkins

That the Minutes of the Ordinary Council Meeting held on 12 December 2018 be confirmed.

CARRIED: 7/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Cusato declared a Non-Pecuniary, Significant Interest in Item 11.01 - Notice of Motion - Exception Under General Provisions of the Markets Policy, the reason being that Councillor Cusato Has business interests selling the same products.

Councillor Cusato declared a Pecuniary Interest in Item 12.15 - Airport Business Park Planning Proposal - status update, the reason being that Councillor Cusato is the owner of a hanger in the precinct.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.10 - Strategic Land Use Planning - Fernbank Creek and Sancrox, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the owners of property within the West Lindfield precinct dealt with as part of the report before Council.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.11 - Planning Proposal - 2019 Administrative Review of Port Macquarie - Hastings LEP 2011, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the owner of a property the subject of the report before Council.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.12 - Homedale Road, Kew - Planning Proposal and Draft Development Control Plan Provisions - consideration of submissions, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the owner of the property the subject of the report before Council.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.05 - T-18-53 Design and Construction of Underbores - Beechwood and Bonny Hills, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the principals of one of the tenderers as to the matter the subject of the report before Council.

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 12.14 - DA2018 - 562.1 Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795534, Lot 1 DP 151300, Lot 3 and 4 DP 347796, No. 15 - 21 Cameron Street and 3 Young Street, Wauchope, the reason being that Councillor Intemann is a Director of Hastings Co-operative, which is located nearby to the Wauchope RSL proposal. After consultation with the Hastings Co-operative Executive, Councillor Intemann declared a non-pecuniary less than significant interest arising from the possibility of no more than an "insignificant" benefit to the Hastings Co-operative business from potential patronage from the future residents of the proposed development.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Intemann

That the Mayoral Discretionary Fund allocations for the period 29 November 2018 to 6 February 2019 inclusive be noted.

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

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Dixon

That Council determine that the attachments to Item Numbers 09.09 and 09.12 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

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

08 PUBLIC FORUM

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

1. Mr Grant Mitchell regarding Impact of Proposed Flood Free Airport Access Route on Oxley Highway / Fernhill Road Residents and Wildlife.
2. Ms Peta Watters regarding Orbital Road Opposition.
3. Mr James Munro regarding Orbital Road Proposal.
4. Mr Stuart Redman regarding The Hatch Road – Air Monitoring.

RESOLVED: Turner/Alley

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

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

08.01 IMPACT OF PROPOSED FLOOD FREE AIRPORT ACCESS ROUTE ON OXLEY HIGHWAY / FERNHILL ROAD RESIDENTS AND WILDLIFE

Mr Grant Mitchell, representing the Fernhill Road and Oxley Highway Sustainable Progress Group, addressed Council in regard to the Impact of the Proposed Flood Free Airport Access Route on Oxley Highway / Fernhill Road Residents and Wildlife.

08.02 ORBITAL ROAD OPPOSITION

Ms Peta Watters addressed Council in regard to opposition of the Orbital Road.

08.03 ORBITAL ROAD PROPOSAL

Mr James Munro addressed Council in regard to an Orbital Road Proposal.

08.04 THE HATCH ROAD - AIR MONITORING

Mr Stuart Redman addressed Council in regard to air monitoring of The Hatch Road.

REQUEST TO SPEAK ON AN AGENDA ITEM

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

- Item 12.07 – Mr Garry Krestensen in opposition of the recommendation.
- Item 12.08 – Mr Philip Lloyd in opposition of the recommendation.
- Item 12.09 – Rev. Dr. John Barrett OAM in opposition of the recommendation.
- Item 12.09 – Mr Tony Thorne in support of the recommendation.
- Item 12.09 – Mr Grant Mitchell in opposition of the recommendation.
- Item 11.01 – Mr Ian McKittrick in support of the recommendation.
- Item 11.01 – Mr Desley Bailey in support of the recommendation.
- Item 12.02 – Dr John Lusk in support of the recommendation.
- Item 12.10 – Mr Maurice Driscoll in opposition of the recommendation.
- Item 12.10 – Mr Graham Burns in opposition of the recommendation.
- Item 12.12 – Ms Julie Edgecombe in opposition of the recommendation.
- Item 12.13 – Ms Elizabeth Williams in opposition of the recommendation.
- Item 12.13 – Mr Wayne Evans in support of the recommendation.
- Item 12.14 – Ms Geraldine Haigh in support of the recommendation.
- Item 12.17 – Mr David Pensini in support of the recommendation.

RESOLVED: Hawkins/Dixon

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

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Alley/Turner

That Standing Orders be suspended to allow Items 12.06, 12.07, 12.08, 12.09, 11.01, 12.02, 12.10, 12.12, 12.13, 12.14 and 12.17 to be brought forward and considered next.

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

**12.06 QUESTION FROM PREVIOUS MEETING - ORBITAL ROAD -
DEVELOPMENT IN INVESTIGATION AREA**

RESOLVED: Levido/Alley

That Council note the information provided in this report regarding development of the Orbital Road route options and investigation area.

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

**12.07 QUESTION FROM PREVIOUS MEETING - ORBITAL ROAD - CURRENT
INVESTIGATION AREA**

Mr Garry Krestensen addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Levido/Cusato

That Council note the information contained in this report regarding the determination of the current investigation zone for the Orbital Road.

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

**12.08 PORT MACQUARIE-HASTINGS LOCAL GOVERNMENT AREA TRAFFIC
STUDY**

Mr Philip Lloyd addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Alley/Levido

That Council note:

1. The information contained in this report and attached Port Macquarie-Hastings Local Government Area Traffic Study reports.
2. That the Port Macquarie-Hastings Local Government Area Traffic Study will be used for strategic future road network and land use planning.
3. That any future road upgrades identified within this study will be the subject of separate Council resolutions prior to work being undertaken.

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

12.09 ORBITAL ROAD - FEASIBILITY STUDY

Rev. Dr. John Barrett OAM, representing the St Columba Anglican School, addressed Council in opposition of the recommendation.

Mr Tony Thorne, King and Campbell Pty Ltd, representing Jim and Gail Newton, addressed Council and spoke on the information in the report and raised concerns with respect to some of the information provided and answered questions from Councillors.

Mr Grant Mitchell representing Save Fernhill Community Action Group addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Alley/Turner

That Council:

1. Note the information contained in this report and the attached Engineering Feasibility Study for the proposed Orbital Road.
2. Further that in noting the Engineering Feasibility Study (which is the subject of this report), does not infer that Council has made any decisions on a preferred route or routes for the proposed Orbital Road.
3. Note that any future decisions on preferred routes relating to the proposed Orbital Road, will be the subject of future reports to Council for consideration.

CARRIED: 7/0

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

AGAINST: Nil

11.01 NOTICE OF MOTION - EXCEPTION UNDER GENERAL PROVISIONS OF THE MARKETS POLICY

Councillor Cusato declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 7:37pm.

Mr Ian McKittrick, Ewetopia Farm, address Council in support of the recommendation and answered questions from Councillors.

Ms Desley Bailey, The Eastward Garden, addressed Council in support of the recommendation.

RESOLVED: Intemann/Hawkins

That Council:

1. Subject to a successful application under Council's Markets Policy, admit the Tuesday Real Food Market in the Hay Street Forecourt as a trial exception

under the general provisions of the Markets Policy relating to timing in the CBD, with a set-up time from 11am and start time of noon, and the trial to end 31 December 2019.

2. Request the General Manager to:
- a) Report to Council any future application for exception under the Markets Policy, for Council's determination.
 - b) Advise the approved operator of the Hay Street Forecourt Tuesday Real Food Market of the terms of the policy exception for those markets, namely that only fresh local food products be offered, and the approved operator is required to manage the stalls in accordance with the approved exception and provide a compliance report by 30 November 2019.
 - c) Table the compliance report referred to in 2(b) to Council in conjunction with the review of Markets Policy at the December 2019 Ordinary Council Meeting.

CARRIED: 6/0
FOR: Alley, Dixon, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

Councillor Cusato returned to the meeting, the time being 07:56pm.

Councillor Hawkins left the meeting, the time being 7:57pm.

Councillor Hawkins returned to the meeting, the time being 7:58pm.

12.02 LEGAL ADVICE ON WATER FLUORIDATION

Dr John Lusk addressed Council in support of the recommendation.

RESOLVED: Turner/Alley

That Council note the information included in this Legal Advice on Water Fluoridation report.

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

12.10 STRATEGIC LAND USE PLANNING - FERNBANK CREEK AND SANCROX

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:00pm.

Mr Maurice Driscoll, Maurice Driscoll Consulting, representing the Le Clos Sancrox Landowners, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Graham Burns, Land Dynamics, representing the landowners, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Hawkins

That Council:

1. Note the information in the February 2019 Strategic Land Use Planning - Fernbank Creek and Sancrox Report.
2. Note that a Greater Sancrox Area Structure Plan was tabled at the Council Meeting in February 2015 and deferred pending adoption of the UGMS.
3. Note that according to landowner representatives, the Le Clos Sancrox owners have all now committed to acting as a single entity to achieve a co-ordinated planning outcome.
4. Immediately commence Stage 1 planning to prepare an Outline Plan for Sancrox-Fernbank Creek as detailed in the UGMS.
5. Invite the Le Clos Sancrox landowners to submit a planning proposal in parallel with Stage 1 planning in order to assist in informing the planning process.
6. Allow the General Manager to adequately resource this program.
7. Include regular updates on this matter in the biannual Site Specific LEP Amendments Update Report in March and September of each year.

CARRIED: 6/0

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

AGAINST: Nil

12.12 HOMEDALE ROAD, KEW - PLANNING PROPOSAL AND DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS - CONSIDERATION OF SUBMISSIONS

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

Ms Julie Edgecombe addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Cusato/Turner

That this item be deferred pending consideration of potential unauthorised works on the site and the matter be reported back to Council with advice on these matters as soon as practicable.

CARRIED: 6/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 8:31pm.

Councillor Dixon left the meeting, the time being 8:31pm.

Councillor Dixon returned to the meeting, the time being 8:33pm.

12.13 DA2017 - 667.1 DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF BOAT STORAGE FACILITY AND PUBLIC AMENITIES, TREE REMOVAL AND ROAD WORKS AT LOT 2 DP 535212, NO. 9 MCINHERNEY PARK, PORT MACQUARIE

Ms Elizabeth Williams addressed Council in opposition of the recommendation.

Mr Wayne Evans, representing Sailability, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Hawkins

1. That DA2017 – 667 for demolition of existing building and construction of boat storage facility and public amenities, tree removal and road works at Lot 2, DP 535212, McInherney Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.
2. That the facility and land tenure arrangements be confirmed and reported back to Council.

CARRIED: 6/1

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

AGAINST: Cusato

12.14 DA2018 - 562.1 DEMOLITION OF EXISTING BUILDINGS, CONSOLIDATION AND BOUNDARY ADJUSTMENT, AND CONSTRUCTION OF SENIORS HOUSING AT LOTS 10 - 13 DP 861177, LOT 1 DP 782560, LOT 1 DP 393967, LOT 1 DP 390610, LOT 1 DP 1053812, LOT 1 DP 121189, LOT 1 DP 795534, LOT 1 DP 151300, LOT 3 AND 4 DP 347796, NO. 15 - 21 CAMERON STREET AND 3 YOUNG STREET, WAUCHOPE

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

Ms Geraldine Haigh, GEM Planning Projects, representing the applicant, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Levido/Cusato

That this matter be deferred to enable a briefing to Councillors on car parking specific to this application and generally and the historical agreement of 1967 involving the Wauchope RSL Club and Council and a report be brought back to the April 2019 Council Meeting.

CARRIED: 7/0

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

AGAINST: Nil

12.17 DA2018 - 353.1 COMMERCIAL PREMISES AND TOURIST AND VISITOR ACCOMMODATION WITH CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 123 DP 1219042, NO. 17 CLARENCE STREET, PORT MACQUARIE

Mr David Pensini, representing the applicant, addressed Council in support of the recommendation and answered questions from Councillors.

MOVED: Levido/Intemann

That DA2018 – 353 be refused on the grounds that:

1. Insufficient on-site car parking has been provided (deficit of 21 spaces) as required by the Port Macquarie-Hastings Development Control Plan 2013. In the context of this proposed tourist development located within an area with time limited parking the public interest would not be well served by allowing such a significant shortfall in parking spaces on site, or offsetting this number of spaces via the contribution plan.
2. The proposed turning movements at the reception area are unreasonably compromised and should be redesigned to avoid regular interruption to the in-out vehicular movements by the 3-point turn.

FORESHADOWED MOTION

MOVED: Intemann

That DA2018 – 353 be deferred to allow the applicant to readdress non-compliance with development standards and provide further car parking provision on site so as to avoid dependence on parking offsets.

THE MOTION WAS PUT

MOVED: Levido/Intemann

That DA2018 – 353 be refused on the grounds that:

1. Insufficient on-site car parking has been provided (deficit of 21 spaces) as required by the Port Macquarie-Hastings Development Control Plan 2013. In the context of this proposed tourist development located within an area with time limited parking the public interest would not be well served by allowing such a significant shortfall in parking spaces on site, or offsetting this number of spaces via the contribution plan.
2. The proposed turning movements at the reception area are unreasonably compromised and should be redesigned to avoid regular interruption to the in-out vehicular movements by the 3-point turn.

LOST: 3/4

FOR: Cusato, Dixon and Levido

AGAINST: Alley, Hawkins, Intemann and Turner

FORESHADOWED MOTION WAS PUT

RESOLVED: Intemann/Alley

That DA2018 – 353 be deferred to allow the applicant to readdress non-compliance with development standards and provide further car parking provision on site so as to avoid dependence on parking offsets.

CARRIED: 6/1

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

AGAINST: Levido

09.01 QUESTION FROM PREVIOUS MEETING - MAYOR - DELEGATED AUTHORITY

RESOLVED: Turner/Levido

That Council note the information contained in this response to the Question from Previous Meeting relating to the Mayors Delegated Authority.

CARRIED: 7/0

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

AGAINST: Nil

09.02 MID NORTH COAST JOINT ORGANISATION FINANCIAL STATEMENT

RESOLVED: Alley/Levido

That Council note the information contained in this Mid North Coast Joint Organisation financial statement report.

CARRIED: 5/2

FOR: Alley, Dixon, Intemann, Levido and Turner

AGAINST: Cusato and Hawkins

09.03 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Cusato/Turner

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

CARRIED: 7/0

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

AGAINST: Nil

09.04 DESIGNATED PERSONS

RESOLVED: Levido/Hawkins

That Council determine that the following position become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:

1. Project Manager Infrastructure Delivery.

CARRIED: 7/0

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

AGAINST: Nil

09.05 DISCLOSURE OF INTEREST RETURN

RESOLVED: Levido/Hawkins

That Council note the Disclosure of Interest returns for the following positions:

1. Building Surveyor Team Leader Building Regulation – Fire Safety
2. Contracts Administrator
3. Design Engineer
4. Development Compliance Co-ordinator
5. Development Compliance Officer
6. Engineering Planning Manager
7. Environmental Projects Officer
8. Group Manager Digital Technology
9. Group Manager Organisational Performance
10. Group Manager Regulatory Services (title change from Group Manager Compliance)
11. Land Use Planning Manager
12. Operations Engineer
13. Senior Works Engineer
14. Stormwater Engineer
15. Water and Sewer Operations Manager
16. Water and Sewer Planning Manager
17. Water and Sewer Process Manager
18. Water and Sewer Process Engineer
19. Water and Sewer Headworks Engineer
20. Water and Sewer Operations Engineer
21. Water and Sewer Planning Engineer
22. Works Engineer

CARRIED: 7/0

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

AGAINST: Nil

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

RESOLVED: Cusato/Alley

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. Anna Stricker – Building Surveyor

CARRIED: 7/0

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

AGAINST: Nil

09.07 2020 ORDINARY LOCAL GOVERNMENT ELECTION

RESOLVED: Alley/Hawkins

That Council note:

1. The Office of Local Government circular informing of an Independent Pricing and Regulatory Tribunal review relating to the costs of conducting local government elections in New South Wales.
2. That a further report will be presented to Council when the Electoral Commission estimates to administer the 2020 local government election and constitutional referendum are released.

CARRIED: 7/0

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

AGAINST: Nil

09.08 POLICY REVIEW - RISK MANAGEMENT POLICY- POST PUBLIC EXHIBITION

RESOLVED: Hawkins/Alley

That Council:

1. Adopt the Risk Management Policy.
2. Rescind the Risk Management Framework Policy and reclassify the document as an internal procedure.

CARRIED: 7/0

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

AGAINST: Nil

09.09 LEGAL FEES

RESOLVED: Alley/Cusato

That Council note the information in the Legal Fees report.

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

09.10 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT

RESOLVED: Hawkins/Levido

That Council note the information contained in the Financial Impact of Cost Shifting From Other Levels of Government report.

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

09.11 INVESTMENT POLICY REVIEW - POST EXHIBITION

RESOLVED: Cusato/Hawkins

That Council adopt the amended Investment Policy.

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

09.12 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2018

RESOLVED: Hawkins/Turner

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

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

09.13 MONTHLY BUDGET REVIEW - JANUARY 2019

RESOLVED: Hawkins/Intemann

That Council:

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

CARRIED: 7/0

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

AGAINST: Nil

09.14 INVESTMENTS - DECEMBER 2018

RESOLVED: Hawkins/Turner

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

CARRIED: 7/0

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

AGAINST: Nil

09.15 INVESTMENTS - JANUARY 2019

RESOLVED: Alley/Hawkins

That Council note the Investment Report for the month of January 2019.

CARRIED: 7/0

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

AGAINST: Nil

09.16 2018-2019 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 31 DECEMBER 2018

RESOLVED: Dixon/Cusato

That Council note the 2018-2019 Operational Plan - Quarterly Progress Report as at 31 December 2018.

CARRIED: 7/0

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

AGAINST: Nil

**09.17 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON STRATEGIC PLAN
RECOMMENDATIONS**

RESOLVED: Turner/Hawkins

That Council note the information provided in the Glasshouse Biennial Report and Update on Strategic Plan Recommendations report.

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

09.18 DIGITAL TECHNOLOGY PROJECT STATUS

RESOLVED: Hawkins/Dixon

That Council note the information in the Digital Technology Project Status report and the progress made to date.

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

**09.19 COMMUNICATIONS STRATEGY - OXLEY HIGHWAY TRAFFIC
CONGESTION AND ROADS AUTHORITIES**

RESOLVED: Turner/Hawkins

That Council note the action taken and communications planning in place regarding the Oxley Highway traffic congestion and Council versus State Government road responsibilities.

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

09.20 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Cusato/Dixon

That Council note:

1. The Development Activity and Assessment System Performance report for the second quarter of 2018-2019; and
2. The four (4) clause 4.6 - Port Macquarie-Hastings Local Environmental Plan 2011 determinations that have been made under staff delegation.

CARRIED: 7/0

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

AGAINST: Nil

10.01 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - DECEMBER 2018

RESOLVED: Intemann/Turner

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. Kayle Enfield the amount of \$350.00 to assist with the expenses he would have incurred travelling to and competing at the Australian All Schools National Surfing Titles held in South Australia from 1 – 8 December 2018 inclusive.

CARRIED: 7/0

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

AGAINST: Nil

10.02 FINAL REPORT: ABORIGINAL AWARENESS AND UNDERSTANDING STRATEGY 2013 - 2017

RESOLVED: Turner/Hawkins

That Council:

1. Note the end of term report of the Aboriginal Awareness and Understanding Strategy 2013 – 2017.
2. Request the General Manager report this matter to the next Cultural Steering Group.

CARRIED: 7/0

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

AGAINST: Nil

10.03 GRANT APPLICATIONS QUARTERLY REPORT

RESOLVED: Cusato/Hawkins

That Council note the first quarterly Grant Application Report, providing an overview of grants applied for or obtained in the 2018-19 financial year.

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

10.04 TOWN CENTRE MASTER PLAN PRIORITY PROJECT - DRAFT OPERATIONAL PLAN 2019/20

RESOLVED: Hawkins/Dixon

That Council:

1. Approve the deferral of the following Town Centre Master Plan projects from the 2018/19 Operational Plan listed in the financial section of this report to allow for focus on the Port Macquarie Foreshore Walkway Project.
2. Include in the draft 2019/2020 operational plan a budget of \$985,000 for the Port Macquarie Foreshore Walk Project from the Town Centre Master Plan Reserve.

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

Item - 11.01 Notice of Motion - Exception Under General Provisions of the Markets Policy - has been moved to another part of the document.

12.01 NOTICE OF MOTION - CLASSIFICATION OF OCEAN DRIVE AND HASTINGS RIVER DRIVE TO STATE ROAD

RESOLVED: Alley/Cusato

That Council:

1. Note that Ocean Drive and Hastings River Drive are currently classified by the Roads and Maritime Services as a Regional Road.
2. Request the General Manager write to the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight, requesting that Gazetted Road Number 600 be reclassified as a State Road under the Roads Act 1993.

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

Item - 12.02 Legal Advice on Water Fluoridation - has been moved to another part of the document.

12.03 BOUNDARY ADJUSTMENT BETWEEN PART COUNCIL'S PORT MACQUARIE WATER SUPPLY DAM LAND AND 1 ORR STREET

RESOLVED: Hawkins/Turner

That Council note that the application for the boundary adjustment between part Council's Port Macquarie Water Supply Dam Land and 1 Orr Street has been withdrawn by the applicant.

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

12.04 CLASSIFICATION OF LAND REQUIRED FOR SEWER PURPOSES AT COMBOYNE AND LONG FLAT

RESOLVED: Levido/Dixon

That Council:

1. Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify the following lots as "operational" land by placing on public exhibition from 27 February 2019 for a minimum period of 28 days, the proposed resolutions:
 - a) "It is intended to classify Lot 1 DP1240385 (land situated at Main Street, Comboyne) as operational land";
 - b) "It is intended to classify Lot 2 DP1244793 (land situated off Henry Street, Long Flat) as operational land";
 - c) "It is intended to classify Lot 2 DP1244795 (land situated off Henry Street, Long Flat) as operational land".
2. Note that a further report will be tabled to Council at the April 2019 Ordinary Council meeting, detailing any submissions received from the public during the exhibition period.

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

12.05 TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES - PACIFIC HIGHWAY, SANCROX

Councillor Alley left the meeting, the time being 10:11pm.

RESOLVED: Levido/Hawkins

That Council:

1. Accept the transfer of Lot 3 Deposited Plan 1241253, Pacific Highway, Sancrox;
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 3 Deposited Plan 1241253 as “operational land” by placing on public exhibition the proposed resolution “It is intended to classify Lot 3 Deposited Plan 1241253 (land situated at Pacific Highway, Sancrox) as operational land” from 27 February 2019 for a minimum period of 28 days;
4. Note that a further report will be tabled at the April 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

CARRIED: 6/0

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

AGAINST: Nil

Item - 12.06 Question From Previous Meeting - Orbital Road - Development in Investigation Area - has been moved to another part of the document.

Item - 12.07 Question From Previous Meeting - Orbital Road - Current Investigation Area - has been moved to another part of the document.

Item - 12.08 Port Macquarie-Hastings Local Government Area Traffic Study - has been moved to another part of the document.

Item - 12.09 Orbital Road - Feasibility Study - has been moved to another part of the document.

Item - 12.10 Strategic Land Use Planning - Fernbank Creek and Sancrox - has been moved to another part of the document.

12.11 PLANNING PROPOSAL - 2019 ADMINISTRATIVE REVIEW OF PORT MACQUARIE - HASTINGS LEP 2011

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 10:12pm.

RESOLVED: Turner/Cusato

That Council:

1. Prepare a draft Planning Proposal as described in this report, pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979, for the amendment of the provisions of Port Macquarie-Hastings Local Environmental Plan 2011, in relation to the seven issues as generally described in this report.
2. Forward the draft Planning Proposal to the Department of Planning and Environment for a Gateway Determination pursuant to section 3.34 of the Act, and request that the Gateway Determination authorise Council to be the local plan-making authority.
3. Upon receipt of the Gateway Determination, complete the relevant procedures under section 3.34 and clause 4 of Schedule 1 of the Act, including public exhibition of the Planning Proposal.

CARRIED: 5/0

FOR: Cusato, Dixon, Hawkins, Intemann and Turner

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 10:13pm.

Councillor Alley returned to the meeting, the time being 10:13pm.

Item - 12.12 Homedale Road, Kew - Planning Proposal and Draft Development Control Plan Provisions - consideration of submissions - has been moved to another part of the document.

Item - 12.13 DA2017 - 667.1 Demolition Of Existing Building And Construction Of Boat Storage Facility And Public Amenities, Tree Removal And Road Works At Lot 2 DP 535212, No. 9 McInherney Park, Port Macquarie - has been moved to another part of the document.

Item - 12.14 DA2018 - 562.1 Demolition of Existing Buildings, Consolidation and Boundary Adjustment, and Construction of Seniors Housing at Lots 10 - 13 DP 861177, Lot 1 DP 782560, Lot 1 DP 393967, Lot 1 DP 390610, Lot 1 DP 1053812, Lot 1 DP 121189, Lot 1 DP 795 - has been moved to another part of the document.

12.15 AIRPORT BUSINESS PARK PLANNING PROPOSAL - STATUS UPDATE

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 10:13pm.

RESOLVED: Levido/Dixon

That Council note the information contained in the Airport Business Park Planning Proposal – Status Update report.

CARRIED: 6/0
FOR: Alley, Dixon, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

Councillor Cusato returned to the meeting, the time being 10:16pm.

Councillor Hawkins left the meeting, the time being 10:16pm.

12.16 WITHDRAWAL OF CAVEATS - LOT 16 DP 1221921 AND LOT 234 DP 1224670, BRENCHLEY CIRCUIT (RIVERBREEZE ESTATE), WAUCHOPE

RESOLVED: Levido/Turner

That Council:

1. Approve the execution of the Withdrawal of Caveats AK978502 and AM225925 relating to Lot 16 DP 1221921 and Lot 234 DP 1224670, Brenchley Circuit, Wauchope; and
2. Authorise the General Manager to execute any necessary dealings in respect of this matter.

CARRIED: 6/0
FOR: Alley, Cusato, Dixon, Intemann, Levido and Turner
AGAINST: Nil

Item - 12.17 DA2018 - 353.1 Commercial Premises and Tourist and Visitor Accommodation with Clause 4.6 variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123 DP 1219 - has been moved to another part of the document.

13 QUESTIONS FOR NEXT MEETING

13.01 PARKING STRATEGY AND PARKING CONTRIBUTIONS RESERVE

Question from Councillor Intemann:

Could the General Manager please update Councillors on the status of the review of the Parking Strategy and the parking contributions reserve?

Comments by Councillor (if provided):

Nil.

13.02 WAUCHOPE HERITAGE DEVELOPMENT CONTROL PLAN

Question from Councillor Intemann:

Could the General Manager please update Councillors on the status of a heritage DCP, or similar, for Wauchope, in view of comments by Council's Heritage Advisor on page 235 of the agenda identifying an "urgent need" for such instruments.

Comments by Councillor (if provided):

Nil.

13.03 AIRPORT PLANNING PROPOSAL - REGULAR REPORTING SCHEDULE

Question from Councillor Turner:

Could the General Manager advise if there is a regular reporting schedule planned for the airport planning proposal?

Comments by Councillor (if provided):

Nil.

Councillor Hawkins returned to the meeting, the time being 10:18pm.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/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 Council Owned Land in William Street Port Macquarie (PIN 34119)

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 14.02 EOI-18-04 Independent Member of the Audit, Risk and Improvement Committee

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 14.03 Supply of Electricity

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 14.04 Update on T-18-26 Supply of a Fully Automated, Self Cleaning Toilet Facility

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

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 14.06 T-18-59 Hastings River Drive Upgrade - Pre-construction

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 14.07 Hastings River Drive Property Purchase
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: 7/0
FOR: Alley, Cusato, Dixon, Hawkins, Intemann, Levido and Turner
AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 10:19pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 10:30pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Turner/Alley

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

- Item 14.01 Council Owned Land in William Street Port Macquarie (PIN 34119)
- 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. Note the information contained in the Council Owned Land in William Street Port Macquarie (PIN 34119) report.
 2. Delegate authority to the General Manager to enter into a Second Deed of Extension with Gowing Bros Limited, to extend the date for exercise of the Call Option Deed with Gowing Bros Limited for the option to purchase the property by a further six (6) months to 4 October 2019.
- Item 14.02 EOI-18-04 Independent Member of the Audit, Risk and Improvement Committee
- This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- RECOMMENDATION**
That Council:
1. Appoint Mr Michael Parkinson as an independent member of the Audit, Risk and Improvement Committee for a four (4) year term.
 2. Maintain the confidentiality of the documents and considerations in respect of Expression of Interest EOI-18-04.
- Item 14.03 Supply of Electricity
- 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 rates accepted by Local Government Procurement for the contract extension to the Supply of Electricity contracts.
 2. Maintain the confidentiality of the documents and considerations

in respect of the Supply of Electricity contracts.

Item 14.04 Update on T-18-26 Supply of a Fully Automated, Self Cleaning Toilet Facility

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 note the information contained in the Update on T-18-26 Supply of a Fully Automated, Self Cleaning Toilet Facility Report.

Item 14.05 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. Accept the quotation from Ledonne Constructions Pty Ltd for \$555,643 (exclusive of GST) for the Design and Construction of Underbores – Beechwood and Bonny Hills.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-53.

Item 14.06 T-18-59 Hastings River Drive Upgrade - Pre-construction

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. Defer consideration of Tender T-18-59 Hastings River Drive Upgrade – preconstruction project until the 20 March 2019 Ordinary Council meeting.
2. Maintain the confidentiality of the documents and consideration in respect of request for quotation T-18-59.

Item 14.07 Hastings River Drive Property Purchase

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. Undertake an acquisition for the purchase of Lot 2 DP39064 (210 Hastings River Dr, Port Macquarie).
2. Submit an offer and commence acquisition, once the impact of flood mapping is determined, within the adopted value range nominated by Council's Consulting Valuer for the purchase of Lot 1 DP39064 (212A Hastings River Dr, Port Macquarie).
3. Subject to the outcome of resolutions 1 and 2 above, delegate to the General Manager authority to:
 - a) Sign the Contracts for Sale.
 - b) Sign the letters to Revenue NSW seeking an exemption from the payment of Stamp Duty.
 - c) Sign the Revenue NSW Purchaser Declaration Forms.
 - d) Sign the Land Registry Services Transfer Forms.
 - e) Sign any of the above or additional forms, either by hand or electronically, that may be required with the recent introduction of e-conveyancing.
4. Utilise Council's Hastings River Drive Contributions Plan and an internal loan from Council's Major Roads Contribution Plan to complete these acquisitions.
5. Combine the Hastings River Drive and Major Roads Contributions Plans at the time of updating the Major Roads Contribution Plan.
6. Reimburse the relevant Contribution Plan should any future sales of the land occur.
7. On completion of the purchase of each of Lot 2 DP39064 (210 Hastings River Dr, Port Macquarie) and Lot 1 DP39064 (212A Hastings River Dr, Port Macquarie), pursuant to Section 34 of the Local Government Act 1993, commence the process to classify each of the lots as "operational" land by placing on exhibition for minimum period of 28 days the proposed resolution "it is intended to classify Lot 2 DP39064 (210 Hastings River Dr, Port Macquarie) and Lot 1 DP39064 (212A Hastings River Dr, Port Macquarie) as operational land."
8. Note that a further report will be tabled to Council detailing any submissions received from the public during the exhibition period.

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

The meeting closed at 10:31pm.

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Peta Pinson
Mayor