

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
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 WELCOME TO COUNTRY

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

Mr Donovan advised that due to protocols he will be delivering an Acknowledgement to Country.

02 LOCAL GOVERNMENT PRAYER

Mr Peter Huxley from the Wauchope Presbyterian Church delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Dixon

That the Minutes of the Ordinary Council Meeting held on 20 February 2019 be confirmed.

CARRIED: 9/0

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

05 DISCLOSURES OF INTEREST

Councillor Cusato declared a Pecuniary Interest in Item 11.01 - Response to Submissions - 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 hangar at Port Macquarie Airport.

Councillor Cusato declared a Pecuniary Interest in Item 12.07 - Question from Previous Meeting - Airport Planning Proposal - Regular Reporting Schedule, the reason being that Councillor Cusato owns a hangar at Port Macquarie Airport.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.08 - Homedale Road Planning Proposal & Draft Development Control 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 a property the subject of the report before Council.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That the Mayoral Discretionary Fund allocations for the period 7 February to 6 March 2019 inclusive be noted.

CARRIED: 9/0

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

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Griffiths/Hawkins

That Council determine that the attachments to Item Numbers 09.01 and 12.09 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 9/0

FOR: Alley, Cusato, Dixon, 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 Raymond Griffiths, regarding rural roads.
2. Mr Grant Mitchell regarding "Save Fernhill" Petition.
3. Mr Martin Garoni regarding Rainbow Beach sports fields.
4. Mr Jason Keonig regarding pathway from Kew Country Club to Kendall Community Op Shop.

RESOLVED: Alley/Turner

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

CARRIED: 9/0

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

AGAINST: Nil

08.01 RURAL ROADS

Mr Raymond Griffiths, representing the Rollands Plains Community Group, addressed Council in relation to rural roads and answered questions from Councillors.

08.02 "SAVE FERNHILL" PETITION

Mr Grant Mitchell, representing the Save Fernhill Community Action Group, addressed Council and presented the "Save Fernhill" petition and answered questions from Councillors.

08.03 RAINBOW BEACH SPORTS FIELDS

Mr Martin Garoni, representing the Lake Cathie / Bonny Hills Sporting Committee, addressed Council in relation to the Rainbow Beach sports fields and answered questions from Councillors.

08.04 PATHWAY FRM KEW COUNTRY CLUB TO KENDALL COMMUNITY OP SHOP

Councillor Levido left the meeting, the time being 6:18pm.

Mr Jason Keonig, representing the Camden Haven Schools to Schools, addressed Council in relation to a pathway from Kew Country Club to Kendall Community Op Shop and answered questions from Councillors.

Councillor Levido returned to the meeting, the time being 6:25pm.

REQUESTS TO SPEAK ON AN AGENDA ITEM

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

- Item 12.01 – Ms Raeleen Shelly in support of the recommendation.
- Item 12.01 – Mr Lucas Tubergen in support of the recommendation.
- Item 12.08 – Ms Geraldine Haigh in support of the recommendation.
- Item 12.08 – Mr Michael Mowle in support of the recommendation.
- Item 12.09 – Mr Peter Scott in support of the recommendation.
- Item 12.09 – Mr Tony Thorne being neutral to the recommendation.

RESOLVED: Dixon/Griffiths

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

FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
CARRIED: 9/0
AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Alley/Dixon

That Standing Orders be suspended to allow items 12.01, 12.08 and 12.09 to be brought forward and considered next.

CARRIED: 9/0

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

AGAINST: Nil

12.01 NOTICE OF MOTION - PETITION - SAVE BARTLETTS BEACH AND RESERVE

Ms Raeleen Shelly, addressed Council in support of the recommendation and answered questions from Councillors.

Mr Lucas Tubergen, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Pinson/Dixon

That Council:

1. Note the petition received opposing the destruction of Bartletts Beach Reserve through ongoing environmental and communal impacts from paragliders.
2. Note that the General Manager will report a review of the appropriate policy to the June 2019 Council Meeting.

CARRIED: 9/0

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

AGAINST: Nil

12.08 HOMEDALE ROAD PLANNING PROPOSAL & DRAFT DEVELOPMENT CONTROL PROVISIONS - CONSIDERATION OF SUBMISSIONS

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 6:50pm.

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

Mr Michael Mowle of Hopkins Consultants Pty Ltd and representing the applicant, addressed Council in support of the recommendation.

RESOLVED: Cusato/Dixon

That Council:

1. As a result of the consideration of submissions, amend the Planning Proposal to adjust the northern and eastern boundary of the E3 Environmental Conservation zone and make corresponding amendments to the Height of Buildings, Lot Size and Floor Space Ratio LEP maps, as described in this report.
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 to finalise Local Environmental Plan 2011 (Amendment No 45).
3. Adopt the exhibited draft site-specific development control plan provisions as an amendment to Part 5 of the Port Macquarie-Hastings Development Control Plan 2013, incorporating the change referred to in this report, to commence on notification of the Local Environmental Plan in 2 above on the NSW Legislation website.
4. Within 28 days, publish a public notice of Council's decision to adopt the site-specific development control provisions in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
5. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal and draft development control plan provisions in finalising the matter.
6. Notify all persons who lodged a submission of Council's decision.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 6:56pm.

12.09 HIGHWAY SERVICE CENTRE PLANNING PROPOSAL - STATE GOVERNMENT AGENCY CONSULTATION

Mr Peter Scott addressed Council in support of the recommendation and answered questions from Councillors.

Mr Tony Thorne of King and Campbell Pty Ltd and representing Hazenveld addressed Council being neutral to the recommendation and answered questions from Councillors.

MOTION

MOVED: Intemann/Cusato

1. That the information contained in the Highway Service Centre Planning Proposal – State Government Agency Consultation report, be noted;
 2. Council proceed to exhibition as soon as the proposed Voluntary Planning Agreement (VPA) is signed by the proponent and landowner;
 3. Noting, if the VPA proposed by the proponent is not signed to enable Council to
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proceed to community engagement, a further report will be prepared at that time so that Council can review the basis for the Planning Proposal and whether or not it should proceed.

4. That any intersection or road realignment of Billabong Drive be taken into account in the Sancrox / Fernbank Creek structure planning process.

FORESHADOW MOTION

MOVED: Hawkins/

1. That the information contained in the Highway Service Centre Planning Proposal – State Government Agency Consultation report, be noted;
2. Council proceed to exhibition as soon as the proposed Voluntary Planning Agreement (VPA) is signed by the proponent and landowner;
3. Noting, if the VPA proposed by the proponent is not signed to enable Council to proceed to community engagement, a further report will be prepared at that time so that Council can review the basis for the Planning Proposal and whether or not it should proceed.

MOTION WAS PUT

RESOLVED: Intemann/Cusato

1. That the information contained in the Highway Service Centre Planning Proposal – State Government Agency Consultation report, be noted;
2. Council proceed to exhibition as soon as the proposed Voluntary Planning Agreement (VPA) is signed by the proponent and landowner;
3. Noting, if the VPA proposed by the proponent is not signed to enable Council to proceed to community engagement, a further report will be prepared at that time so that Council can review the basis for the Planning Proposal and whether or not it should proceed.
4. That any intersection or road realignment of Billabong Drive be taken into account in the Sancrox / Fernbank Creek structure planning process.

CARRIED: 7/2

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

AGAINST: Griffiths and Hawkins

09.01 GENERAL MANAGER'S PERFORMANCE PANEL

RESOLVED: Intemann/Dixon

That Council:

1. Determine the composition of the General Manager's Performance Review Panel for the 2018-2019 period to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the General Manager.
2. Appoint Councillor Peter Alley as the Councillor nominated by the Council to the General Manager's Performance Review Panel for the 2018-2019 period.

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3. Note that Councillor Lee Dixon is the General Manager's nominated Councillor on the General Manager's Performance Review Panel for the 2018- 2019 period.
 4. Delegate to the General Manager's Performance Review Panel:
 - a) The whole process of performance management, including discussions about performance and performance reviews for the 2018-2019 period.
 - b) The reporting to Council of findings and recommendations of reviews for the 2018-2019 period and any actions that should be taken.
 - c) The determination of any new performance agreement for the period 2019-2020.
 5. Note that the General Manager performance plan for 2018-2019 will run from 1 February 2019 to 30 June 2019.

CARRIED: 9/0

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

AGAINST: Nil

09.02 EXTENSION OF A MEMORANDUM OF UNDERSTANDING WITH NORFOLK ISLAND REGIONAL COUNCIL

Councillor Turner left the meeting, the time being 7:30pm.

Councillor Turner returned to the meeting, the time being 7:31pm.

RESOLVED: Cusato/Hawkins

That Council:

1. Delegate authority to the General Manager to enter into a two year extension to the Memorandum of Understanding with the Norfolk Island Regional Council for the sharing of information and experience relevant to Local Government practices in New South Wales.
2. Request the General Manager present a report to Council in February 2021 as to income and expenditure for administrating the Memorandum of Understanding with the Norfolk Island Regional Council.

CARRIED: 9/0

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

AGAINST: Nil

09.03 NOTICE OF MOTION - COUNCILLOR STRATEGIC PLANNING

RESOLVED: Intemann/Turner

That the General Manager be requested to schedule a strategy session between himself and Councillors within one month of this March 2019 Council meeting, to identify high level Councillor strategic priorities for the coming year.

CARRIED: 9/0

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

AGAINST: Nil

09.04 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Councillor Dixon left the meeting, the time being 7:40pm.

RESOLVED: Cusato/Intemann

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

09.05 MONTHLY BUDGET REVIEW - FEBRUARY 2019

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

RESOLVED: Hawkins/Griffiths

That Council:

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

CARRIED: 9/0

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

AGAINST: Nil

09.06 INVESTMENTS - FEBRUARY 2019

RESOLVED: Cusato/Hawkins

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

CARRIED: 9/0

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

AGAINST: Nil

**09.07 DELIVERY PROGRAM (2017-2021) SIX MONTHLY PROGRESS REPORT
(JULY TO DECEMBER 2018)**

Councillor Cusato left the meeting, the time being 7:50pm.

Councillor Cusato returned to the meeting, the time being 7:52pm.

RESOLVED: Dixon/Griffiths

That the information in the Delivery Program (2017-2021) six monthly progress report (July to December 2018) be noted.

CARRIED: 9/0

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

AGAINST: Nil

**09.08 DRAFT DELIVERY PROGRAM 2017-2021 (REVISED 2019), DRAFT
OPERATIONAL PLAN 2019-2020, FEES AND CHARGES, REVENUE
POLICY, AND RATING MAPS DOCUMENTS FOR PUBLIC EXHIBITION**

RESOLVED: Alley/Turner

That Council:

1. Place the following Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of 28 days from 21 March to 18 April 2019:
 - a) Draft Delivery Program 2017-2021 (Revised 2019) and Draft Operational Plan 2019-2020
 - b) Draft Fees and Charges 2019-2020
 - c) Draft Revenue Policy 2019-2020
 - d) Draft Rating Maps 2019-2020
2. Note that a further report will be tabled at the June 2019 meeting of Council for the adoption of the 2019-20 IP&R documents, detailing the submissions received from the public during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

09.09 PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2017-2018

RESOLVED: Hawkins/Alley

That Council:

1. Note the achievement of substantial compliance with each of the best practice guidelines (NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007) of:
 - (a) Strategic Business Planning
 - (b) Pricing
 - (c) Water Conservation
 - (d) Drought Management
 - (e) Performance Reporting
 - (f) Integrated Water Cycle Management
2. Authorise the application to the NSW Government for approval to pay a dividend of \$908,550 to the General Fund from the surplus in Water Supply operations for the 2017-2018 financial year.
3. Authorise the payment of \$100,950 for tax equivalents to the general fund from the Water Supply operations for the 2017-2018 financial year.
4. Authorise the application to the NSW Government for approval to pay a dividend of \$854,766 to the General Fund from the surplus in the Sewerage Fund for the 2017-2018 financial year.
5. Authorise the payment of \$94,974 for tax equivalents to the general fund from the Sewerage Fund for the 2017-2018 financial year.
6. Determine that if successful in its application the dividend will be quarantined in a Strategic Projects reserve pending allocation to suitable projects.

CARRIED: 9/0

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

10.01 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - FEBRUARY 2019

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. Madelaine Goodridge receive the amount of \$450.00 to assist with the expenses she incurred travelling to and competing at the Australian All Schools Athletics Championships held in Cairns, Queensland from 7 – 9 December 2018 inclusive.
2. Shanay Northey receive the amount of \$250.00 to assist with the expenses she incurred traveling to and competing at the NSW State Age Swimming Championships held at Sydney Olympic Park from 14 – 19 December 2018 inclusive.
3. Phoebe Bentley receive the amount of \$600.00 to assist with the expenses

incurred and will incur travelling to and competing at both the NSW Country Swimming Championships held in Sydney Olympic Park from 22 – 24 February 2019 inclusive, and the Georgina Hope 2019 Australian Age Swimming Championships to be held in Adelaide, South Australia from 15 – 20 April 2019 inclusive.

4. Shannon Moore receive the amount of \$500.00 to assist with the expenses he will incur travelling to and competing in the National Motocross Series (Championships) to take place through NSW, VIC, SA, and QLD throughout 2019.

CARRIED: 9/0

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

AGAINST: Nil

10.02 MRS YORK'S GARDEN MASTER PLAN - PUBLIC EXHIBITION

The Director Development and Environment tabled revised plans.

MOTION

MOVED: Hawkins/Alley

That Council:

1. Note the submissions received during the Draft Mrs York's Garden Master Plan exhibition period.
2. Adopt the amended Master Plan as presented with the following amendment: "Proposed tree plantings adjacent to Stewart Street as proposed in the draft Master Plan should be retained to strengthen the cultural Norfolk Island Pine plantings in this area as well as provide continuous high-level separation between the road and footpath from the lawn and gardens below."
3. Thank those who made submissions and advise them of the outcome of Councils' determination of this matter.
4. Request the General Manager to refer to the Town Centre Master Plan Sub-Committee to investigate high level conceptual options for reconfiguration of pedestrian access on the northern side of Stewart Street between Grant Street and Lord Street to incorporate an upgraded walkway on the northern side of the road while maximising on-road parking opportunities and emphasizing pedestrian safety.

AMENDMENT

MOVED: Cusato/Turner

That Council:

1. Note the submissions received during the Draft Mrs York's Garden Master Plan exhibition period.
2. Adopt the amended Master Plan which reflects the feedback received from the exhibition period.
3. Thank those who made submissions and advise them of the outcome of

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- Councils' determination of this matter.
4. Request the General Manager to refer to the Town Centre Master Plan Sub-Committee to investigate high level conceptual options for reconfiguration of pedestrian access on the northern side of Stewart Street between Grant Street and Lord Street to incorporate an upgraded walkway on the northern side of the road while maximising on-road parking opportunities and emphasizing pedestrian safety.

THE AMENDMENT WAS PUT

MOVED: Cusato/Turner

That Council:

1. Note the submissions received during the Draft Mrs York's Garden Master Plan exhibition period.
2. Adopt the amended Master Plan which reflects the feedback received from the exhibition period.
3. Thank those who made submissions and advise them of the outcome of Councils' determination of this matter.
4. Request the General Manager to refer to the Town Centre Master Plan Sub-Committee to investigate high level conceptual options for reconfiguration of pedestrian access on the northern side of Stewart Street between Grant Street and Lord Street to incorporate an upgraded walkway on the northern side of the road while maximising on-road parking opportunities and emphasizing pedestrian safety.

CARRIED: 6/3

FOR: Cusato, Dixon, Griffiths, Intemann, Pinson and Turner

AGAINST: Alley, Hawkins and Levido

THE AMENDMENT BECAME THE MOTION AND WAS PUT

RESOLVED: Cusato/Turner

That Council:

1. Note the submissions received during the Draft Mrs York's Garden Master Plan exhibition period.
2. Adopt the amended Master Plan which reflects the feedback received from the exhibition period.
3. Thank those who made submissions and advise them of the outcome of Councils' determination of this matter.
4. Request the General Manager to refer to the Town Centre Master Plan Sub-Committee to investigate high level conceptual options for reconfiguration of pedestrian access on the northern side of Stewart Street between Grant Street and Lord Street to incorporate an upgraded walkway on the northern side of the road while maximising on-road parking opportunities and emphasizing pedestrian safety.

CARRIED: 9/0

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

AGAINST: Nil

11.01 RESPONSE TO SUBMISSIONS - 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 8:29pm.

RESOLVED: Turner/Intemann

That Council:

1. Note the submissions received during the public exhibition of 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. Prepare the Final 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, and submit the report to the Australian Government Department of the Environment and Energy for final assessment.
3. Publicly notify and publish the Final 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 the requirements of the Australian Government Department of the Environment and Energy.

CARRIED: 8/0

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

AGAINST: Nil

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

Item - 12.01 Notice of Motion - Petition - Save Bartletts Beach and Reserve - has been moved to another part of the document.

12.02 NOTICE OF MOTION - 20TH ANNIVERSARY OF LANDCARE IN PORT MACQUARIE

Councillor Hawkins left the meeting, the time being 8:32pm.

Councillor Hawkins returned to the meeting, the time being 8:34pm.

RESOLVED: Alley/Turner

That Council:

1. Note the contents of the Landcare reports as tabled at this meeting.
2. Request the General Manager write to Port Macquarie Landcare congratulating them on their 20 years of contribution to the natural environment and our community and pass on Council's gratitude to them for the ongoing work that they do.

CARRIED: 9/0

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

AGAINST: Nil

12.03 TRANSFER OF LAND TO COUNCIL FOR SEWER PURPOSES - BOTANIC DRIVE, KEW

RESOLVED: Intemann/Cusato

That Council:

1. Accept the transfer of Lot 11 DP1250178, Botanic Drive, Kew.
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 11 DP1250178 as "operational land" by placing on public exhibition the proposed resolution "It is intended to classify Lot 11 DP1250178 (land off Botanic Drive, Kew) as operational land" from 27 March 2019 for a minimum period of 28 days.
4. Note that a further report will be tabled at the May 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

CARRIED: 9/0

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

AGAINST: Nil

12.04 REGIONAL TRANSPORT INFRASTRUCTURE STEERING GROUP MEMBERSHIP AMENDMENT

RESOLVED: Levido/Cusato

That Council:

1. Appoint the Group Manager Transport and Stormwater Network as a voting member of the Regional Transport Infrastructure Steering Group and remove the Engineering Planning Manager, Transport and Stormwater Network.
2. Invite representatives of the Office of Environment and Heritage, Future Transport, Transport for NSW, Department of Premier and Cabinet, Department of Planning and Roads and Maritime Services – Maritime Division as additional members of the Regional Transport Infrastructure Steering Group.
3. Endorse the amended Regional Transport Infrastructure Steering Group Charter reflecting the membership changes.

CARRIED: 9/0

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

AGAINST: Nil

12.05 QUESTION FROM PREVIOUS MEETING - WAUCHOPE HERITAGE DEVELOPMENT CONTROL PLAN

RESOLVED: Intemann/Turner

That Council:

1. Note the information in the Question on Notice – Wauchope Heritage Development Control Plan report.
2. Request the General Manager provide a copy of this report to Council's Heritage Advisor for his information and advice as to potential issues arising from the planned action and timing.

CARRIED: 9/0

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

AGAINST: Nil

12.06 QUESTION FROM PREVIOUS MEETING - PARKING STRATEGY AND PARKING CONTRIBUTIONS RESERVE

RESOLVED: Intemann/Cusato

That the information in the Question on Notice – Parking Strategy and Parking Contributions Reserve Report be noted.

CARRIED: 9/0

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

AGAINST: Nil

12.07 QUESTION FROM PREVIOUS MEETING - AIRPORT PLANNING PROPOSAL - REGULAR REPORTING SCHEDULE

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 8:44pm.

RESOLVED: Turner/Hawkins

That Council note the information provided in respect of a regular reporting schedule for the Airport Planning Proposal.

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

Item - 12.08 Homedale Road Planning Proposal & Draft Development Control Provisions - Consideration of Submissions - has been moved to another part of the document.

Item - 12.09 Highway Service Centre Planning Proposal - State Government Agency Consultation - has been moved to another part of the document.

12.10 LAND TENURE OF MCINHERNEY PARK - LOT 2 DP 535212

Councillor Cusato returned to the meeting, the time being 8:46pm.

RESOLVED: Alley/Griffiths

That Council note that:

1. Lot 2 DP 535212, McInherney Park, Port Macquarie is owned by Council;
2. The proposed boat storage and amenities building approved under DA2017 – 667 would be owned by Council;
3. The building could be part leased to a community group such as Sailability;
4. Confirmation of land ownership will be undertaken with the approval of all future development application assessment reports prepared in the Council Business Paper System.

CARRIED: 9/0
FOR: Alley, Cusato, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

**12.11 UPDATE ON KOOLOONBUNG CREEK FLYING-FOX CAMP
MANAGEMENT PLAN**

RESOLVED: Alley/Griffiths

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

CARRIED: 9/0

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

AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

**13.01 COASTAL KOALA PLAN OF MANAGEMENT - AERIAL
PHOTOGRAPH 2012**

Question from Councillor Turner:

Noting that aerial photography undertaken in 2012 informed Council's current draft Coastal Koala Plan of Management, could the General Manager advise how much land has subsequently needed to be removed as affected land, due to clearing or development?

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/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 John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council

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

Item 14.02 T-18-49 Kingfisher WTS Supply and Install Weighbridges and Gate Office

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-18-59 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.

Item 14.04 Operation & Routine Maintenance of PMHC Vehicular Ferries - Settlement Point & Hibbard Crossings

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: 9/0

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

AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8:49pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 9:03pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Griffiths/Dixon

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

Item 14.01 John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council

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 provided in the John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Report.
2. Delegate to the General Manager the authority to instruct a legal firm on the Council's legal panel to advise on the appropriate course of action for Council to follow having regard to the options and other matters set out in that Report and to instruct the legal firm to act on the Council's behalf in this matter.
3. Note that a further report will be presented to Council in relation to progress in the matter.

Item 14.02 T-18-49 Kingfisher WTS Supply and Install Weighbridges and Gate Office

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 Newcastle Weighing Services Pty Ltd for \$390,926 (exclusive of GST) for the supply and installation of Weighbridges and a Gate Office at the Kingfisher Waste Transfer Station.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-49.

Item 14.03 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. Pursuant to Section 55 (3) (a) of the Local Government Act 1993, resolve to not invite tenders for the Hastings River Drive Upgrade – preconstruction project.
2. Accept the quotation, obtained through Local Government Procurement’s LGP1208-3 arrangement, from AT&L for the Hastings River Drive Upgrade - preconstruction project for \$457,705 (exclusive of GST).
3. Accept the Schedule of Rates from AT&L for the Hastings River Drive Upgrade - preconstruction project.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and consideration in respect of request for quotation T-18-59.

Item 14.04 Operation & Routine Maintenance of PMHC Vehicular Ferries - Settlement Point & Hibbard Crossings

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 Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances, as described in this report, resolves not to call public tenders for the Operation & Routine Maintenance of PMHC Vehicular Ferries – Settlement Point & Hibbard Crossings.

2. Request the General Manager to enter into negotiations to vary Contract Number T-14-06 for the Operation and Routine Maintenance of PMHC Vehicular Ferries – Settlement Point and Hibbard Crossings with Ferrymen (Port Macquarie) Pty Limited for a further period of twelve (12) months to 30 June 2020 in accordance with the terms and conditions specified in the contract.
3. Delegate to the General Manager the authority to negotiate and sign the contract extension agreement with Ferrymen (Port Macquarie) Pty Limited for twelve (12) months to 30 June 2020 in accordance with the terms and conditions specified in the contract.
4. Note that a further report will be tabled providing the negotiated rates/fees accepted for the contract extension.
5. Maintain the confidentiality of the documents and consideration in respect to Contract Number T-14-06.

CARRIED: 9/0

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

AGAINST: Nil

The meeting closed at 9:04pm.

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Peta Pinson
Mayor