

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Michael Cusato (arrived at 5.37pm)
Councillor Peter Alley
Councillor Justin Levido
Councillor Geoff Hawkins

Other Attendees:

General Manager (Craig Swift-McNair)
Acting Director Corporate Performance (Ashley Grummitt)
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 Mayor opened the Meeting with an Acknowledgement of Country and welcomed all in attendance in the Chamber.

02 LOCAL GOVERNMENT PRAYER

Pastor Greg Campion from the Grace Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Levido/Hawkins

1. That the apology received from Councillor Griffiths be accepted, Councillor Griffiths being on leave.
2. That the apology received from Councillor Dixon be accepted, Councillor Dixon being out of the area.

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

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Alley

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

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

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.08 - Update on Site Specific Planning Proposal Requests, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the owners of some of the properties the subject of the report before Council.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.02 - Port Macquarie Airport Hangar Lease Rental Valuations, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for a Lessee of a Port Macquarie Airport hangar.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.05 - T-19-02 Lease of the Cafe and Retail Lease Areas and other commercial opportunities at the Port Macquarie Airport, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for one of the proposal submitters as to the proposal the subject of the report before Council.

Councillor Alley declared a Non-Pecuniary, Significant Interest in Item 12.08 - Update on Site Specific Planning Proposal Requests, the reason being that the subject matter of this item includes property immediately adjacent to property that is owned

by the Property Approvals Board, Anglicans Diocese of Newcastle which holds that property for the benefit of the Anglican Parish of the Camden haven, of which I serve as the Treasurer on the Parish Council. These changes may result in a financial loss or gain to nearby property owners and hence to the Property Approvals Board.

Mayor Pinson declared a Pecuniary Interest in Item 09.05 - Monthly Budget Review - March 2019, the reason being that the Lighthouse Road East Project is noted in the monthly budget review for March in which Mayor Pinson's company, Stabilcorp, has been approached for quotations in an upcoming tender.

Mayor Pinson declared a Pecuniary Interest in Item 12.12 - DA2016 - 1000.1 Waste Management Facility and Caretaker's Residence at Lot 315 DP 1075670, No. 6 Enterprise Place, Wauchope, the reason being that Mayor Pinson owns a property adjacent to Enterprise Place, Wauchope and her business may be affected by the development.

Following Councillor Cusato's arrival at the meeting he declared the following:

Councillor Cusato declared a Pecuniary Interest in Item 14.02 - Port Macquarie Airport Hangar Lease Rental Valuations, the reason being that Councillor Cusato owns a hangar at the Port Macquarie Airport.

Councillor Cusato declared a Non-Pecuniary, Less Than Significant Interest in Item 14.05 - T-19-02 Lease of the Cafe and Retail Lease Areas and other commercial opportunities at the Port Macquarie Airport, the reason being that Councillor Cusato owns a hangar at the Port Macquarie Airport.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That the Mayoral Discretionary Fund allocations for the period 7 March to 3 April 2019 inclusive be noted.

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

Councillor Cusato arrived at the meeting, the time being 5:37pm.

06.02 NSW STATE GOVERNMENT ELECTION - CONGRATULATIONS TO LOCAL MEMBERS

RESOLVED: Pinson

That Council:

1. Congratulate The Hon Leslie Williams MP and The Hon Melinda Pavey MP on their re-election as the Member for Port Macquarie and the Member for Oxley, respectively.
2. Congratulate The Hon Melinda Pavey MP on being appointed the Minister for Water, Property & Housing.
3. Congratulate The Hon Leslie Williams MP on being appointed the Deputy Speaker of the Legislative Assembly.
4. Thank and congratulate for their participation in our democracy all candidates within our local government area who stood for election in the NSW elections.

CARRIED: 7/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RSOLVED: Turner/Hawkins

That Council determine that the attachments to Item Number 11.01 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 7/0

FOR: Alley, Cusato, 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 Robbie Lloyd and Ms Sue English representing the Mid North Coast Community College Ltd regarding stewardship of the Albert Circuit "Island" Parkland.
2. Mr Denis Lane regarding the Orbital Road.

RESOLVED: Alley/Turner

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

CARRIED: 7/0

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

AGAINST: Nil

**08.01 STEWARDSHIP OF THE ALBERT CIRCUIT "ISLAND"
PARKLAND**

Mr Lloyd advised that Ms Sue English was unable to attend the meeting.

Mr Robbie Lloyd representing the Mid North Coast Community College Ltd addressed Council regarding stewardship of the Albert Circuit "Island" Parkland and answered questions from Councillors.

08.02 ORBITAL ROAD

Mr Denis Lane addressed Council regarding the Orbital Road.

REQUEST TO SPEAK ON AN AGENDA ITEM

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

Item 12.06 - Mr Tony Thorne in support of the recommendation.

Item 12.09 - Mr Tony Thorne in support of the recommendation.

Item 12.11 - Mr Bill Amy in support of the recommendation.

Item 12.12 - Ms Jillian Busch in opposition of the recommendation.

Item 12.12 - Mr Geoffrey Peckham in support of the recommendation.

Item 12.12 - Mr Troy Thompson in opposition of the recommendation.

Item 12.12 - Mr David Pensini in support of the recommendation

RESOLVED: Levido/Hawkins

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

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Alley/Cusato

That Standing Orders be suspended to allow items 12.06, 12.09, 12.11, 12.12, 12.13 to be brought forward and considered next.

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

12.06 URBAN GROWTH MANAGEMENT STRATEGY UPDATE

Mr Tony Thorne, King and Campbell Pty Ltd, representing Gwynvill Pty Ltd, addressed Council in support of the recommendation.

RESOLVED: Alley/Hawkins

That Council:

1. Proceed with the UGMS Actions, as described in this report;
2. Advise affected landowners regarding the deferral of UGMS actions related to their land;
3. Advise the NSW Department of Planning & Environment of the proposed changes to the indicative timing in the UGMS Actions table; and
4. Include a report card on the progress of all UGMS actions on Council's website and notes regarding the changes in the indicative timing column in the UGMS on Council's website.
5. Give consideration to the required \$150,000 funding for the preparation of support studies for Fernbank Creek/Sancrox during finalisation of the 2019/2020 Budget.
6. Give consideration to the required \$60,000 funding for the preparation of a heritage inventory as part of the 2019/2020 budget.

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

12.09 PLANNING PROPOSAL: LAND AT THE INTERSECTION OF HOUSTON MITCHELL DRIVE AND OCEAN DRIVE, BONNY HILLS

Mr Tony Thorne, King and Campbell Pty Ltd, representing Angelo Mifsud, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Hawkins/Alley

That Council:

1. Prepare a Planning Proposal pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to Lot 10 DP 615775 and Lot 1 DP 1117908, corner Houston Mitchell Drive and Ocean Drive, Bonny Hills to rezone the land for light industrial and environmental protection purposes and associated changes to the Height of Buildings Map and Minimum Lot Size Map as outlined in this report.
2. Forward the draft Planning Proposal to the Department of Planning and Environment for a Gateway Determination, 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.
4. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal as a result of the Gateway Determination.
5. Endorse and publicly exhibit the attached draft Development Control Plans, incorporating site specific and Asset Protection Zone matters, concurrently with the Voluntary Planning Agreement and Planning Proposal in accordance with clauses 18 and 19 of the Environmental Planning and Assessment Regulations 2000.

CARRIED: 7/0

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

AGAINST: Nil

12.11 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

Mr Bill Amy, Bill Amy Project Management, representing the applicant, address Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Turner

That DA2018 – 562.1 for 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 No. 3 Young Street, Wauchope be determined by granting consent subject to the recommended conditions.

CARRIED: 7/0

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

AGAINST: Nil

12.12 DA2016 - 1000.1 WASTE MANAGEMENT FACILITY AND CARETAKER'S RESIDENCE AT LOT 315 DP 1075670, NO. 6 ENTERPRISE PLACE, WAUCHOPE

Councillor Pinson declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 6:21pm.

The Mayor vacated the Chair and the Deputy Mayor assumed the Chair.

Ms Jillian Busch, Aqualift Project Delivery, addressed Council in opposition of the recommendation.

Mr Geoffrey Peckham, applicant, addressed Council in support of the recommendation and answered questions from Councillors.

Mr Troy Thompson, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr David Pensini, representing the applicant, addressed Council in support of the recommendation.

RESOLVED: Cusato/Turner

That DA2016 – 1000.1 for a Waste Management Facility and Caretaker's Residence at Lot 315, DP 1075670, No. 6 Enterprise Place, Wauchope, be determined by granting consent subject to the recommended conditions.

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

Mayor Pinson returned to the meeting, the time being 6:53pm.

The Deputy Mayor vacated the Chair and the Mayor resumed the Chair.

12.13 DRAFT KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN

RESOLVED: Intemann/Cusato

That Council:

1. Endorse the draft Kooloonbung Creek Flying-Fox Camp Management Plan for the purpose of public exhibition for not less than 28 days from 23 April 2019 to 21 May 2019.
2. Receive a further report for consideration following public exhibition of the draft plan.

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

09.01 GENERAL MANAGERS REMUNERATION

RESOLVED: Pinson/Intemann

That Council approve a 6% increase to the Total Remuneration Package (TRP) of the General Manager taking the TRP to \$350,487 effective from 1 May 2019.

CARRIED: 6/1
FOR: Alley, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Cusato

09.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Levido/Intemann

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

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

09.03 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR SHARON GRIFFITHS

RESOLVED: Hawkins/Alley

That Council grant leave of absence for Councillor Griffiths for the period 14 to 20 April 2019, which includes the Ordinary Meeting of Council scheduled 17 April 2019.

CARRIED: 7/0

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

AGAINST: Nil

09.04 CODE OF MEETING PRACTICE

RESOLVED: Intemann/Alley

That Council:

1. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice, from 24 April 2019 for a minimum of 28 days.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the Code of Meeting Practice, from 24 April 2019 for a minimum 42-day period.
3. Note that a further report will be tabled at the June 2019 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.

CARRIED: 7/0

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

AGAINST: Nil

09.05 MONTHLY BUDGET REVIEW - MARCH 2019

Councillor Pinson declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 7:05pm.

The Mayor vacated the Chair and the Deputy Mayor assumed the Chair.

RESOLVED: Hawkins/Alley

That Council:

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

CARRIED: 6/0

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

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 7:10pm.

The Deputy Mayor vacated the Chair and the Mayor resumed the Chair.

09.06 INVESTMENTS - MARCH 2019

RESOLVED: Cusato/Hawkins

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

CARRIED: 7/0

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

AGAINST: Nil

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

RESOLVED: Pinson/Intemann

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. Claire McIntosh receive \$500.00 to assist with the expenses she will incur traveling to and competing at the 2019 Hancock Prospecting Australian Age Swimming Championships to be held in Adelaide, South Australia from 15 – 22 April 2019 inclusive.
2. Sarah McIntosh receive \$500.00 to assist with the expenses she will incur traveling to and competing at the 2019 Hancock Prospecting Australian Age Swimming Championships to be held in Adelaide, South Australia from 15 – 22 April 2019 inclusive.
3. Ryan Payne receive \$350.00 to assist with the expenses he will incur competing as a member of the Under 18's NSW Men's Blues Team to compete at the Australian Hockey Championships to be held in Hobart, Tasmania from 9 – 17 April 2019 inclusive.

CARRIED: 7/0

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

AGAINST: Nil

10.02 T-19-13 TASTINGS ON HASTINGS - EVENT COORDINATOR

MOTION

MOVED: Intemann/Levido

That Council:

1. Note that no responses were received to the Request for Proposal for an Event Coordinator for the 2019 Tastings on Hastings event.
2. Not deliver the 2019 Tastings on Hastings event.
3. Note the current 2018-2019 Operational Plan Item 3.1.3.2 - 'Finalise and Implement a new Port Macquarie-Hastings Events Plan'.
4. Request the General Manager hold a Councillor briefing on the Port Macquarie-Hastings Events Plan by the end of June 2019, with a view to tabling a report at a meeting of Council on or before September 2019 on the Port Macquarie Events Plan and how the Tastings on Hastings budget may be best allocated into the future.

FORESHADOWED MOTION

MOVED: Hawkins

That Council:

1. Note that no responses were received to the Request for Proposal for an Event Coordinator for the 2019 Tastings on Hastings event;
2. Deliver the 2019 event using an internal staff resource.

3. Request the General Manager present a report to Council on the future of Tastings on Hastings to the Ordinary Council Meeting in December 2019.

THE MOTION WAS PUT

RESOLVED: Intemann/Levido

That Council:

1. Note that no responses were received to the Request for Proposal for an Event Coordinator for the 2019 Tastings on Hastings event.
2. Not deliver the 2019 Tastings on Hastings event.
3. Note the current 2018-2019 Operational Plan Item 3.1.3.2 - 'Finalise and Implement a new Port Macquarie-Hastings Events Plan'.
4. Request the General Manager hold a Councillor briefing on the Port Macquarie-Hastings Events Plan by the end of June 2019, with a view to tabling a report at a meeting of Council on or before September 2019 on the Port Macquarie Events Plan and how the Tastings on Hastings budget may be best allocated into the future.

CARRIED: 4/3

FOR: Cusato, Intemann, Levido and Pinson

AGAINST: Alley, Hawkins and Turner

11.01 EVENT SPONSORSHIP PROGRAM ROUND 2, 2019

RESOLVED: Intemann/Alley

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 2 2019 in the total amount of \$20,000 to:

Event Name & Ranking	Sponsorship \$ Recommended
1. Elephant Trail Race	\$5,000
2. 'A Gala Night at the Ballet'	\$5,000
3. PMBA Bodyboard Teams Event	\$5,000
4. Aussie Endurance MTB Championships (Solo 24 hr)	\$5,000
Total allocated this round	\$20,000

CARRIED: 7/0

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

AGAINST: Nil

12.01 LAND ACQUISITION - 201 BEECHWOOD ROAD, YIPPIN CREEK

RESOLVED: Levido/Alley

That Council:

1. Pay compensation in the amount of \$5,006.00 (GST Exclusive) as compensation to the owners of Lot 28 DP245751, CA & ML Cooper, for the acquisition of that part of Lot 28 DP245751 more particularly described as Lot 1 in plan of acquisition DP1248433.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowners' reasonably incurred legal and financial costs associated with the acquisition, including discharge of mortgage over the land to be acquired.
3. Pursuant to Section 10 of the Roads Act 1993, on the acquisition of Lot 1 DP1248433 dedicate the land as a public road.
4. Pursuant to Section 377 of the Local Government Act 1993, delegate authority to the General Manager to execute, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the Electronic Transactions Act 2000.

CARRIED: 7/0

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

AGAINST: Nil

12.02 CLASSIFICATION OF LAND CONTAINING SEWER INFRASTRUCTURE

RESOLVED: Levido/Cusato

That Council:

1. Classify Lot 31 Deposited Plan 1228142 as "operational land";
2. Classify Lot 3 Deposited Plan 1241253 (land situated at Pacific Highway, Sancrox) as "operational land";
3. Classify Lot 1 Deposited Plan 1240385 (land situated at Main Street, Comboyne) as "operational land";
4. Classify Lot 2 Deposited Plan 1244793 (land situated off Henry Street, Long Flat) as "operational land";
5. Classify Lot 2 Deposited Plan 1244795 (land situated off Henry Street, Long Flat) as "operational land".

CARRIED: 7/0

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

AGAINST: Nil

12.03 AUGMENTATION OF THE BEECHWOOD WATER SUPPLY - ACQUISITION OF EASEMENT

RESOLVED: Levido/Cusato

That Council:

1. Pay compensation in the amount of \$24,750.00 (GST Exclusive) to the owners of Lot 2 Deposited Plan 629354, R C & K L Beers, for the acquisition of an easement for water supply 5 metres wide depicted as (A) in plan of acquisition Deposited Plan 1242345 as it affects Lot 2 Deposited Plan 629354;
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 acquisition in accordance with the Electronic Transactions Act 2000.

CARRIED: 7/0

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

AGAINST: Nil

12.04 LAND ACQUISITION - LONG FLAT SEWERAGE SCHEME

RESOLVED: Levido/Cusato

That Council

1. Pay compensation in the amount of \$21,250.00 (GST Exclusive) to the owner of Lot 4 Deposited Plan 713682, S Parker, for the acquisition of that part of Lot 4 Deposited Plan 713682 more particularly described as Lot 4 in plan of acquisition Deposited Plan 1246722;
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's property conveyancing costs;
3. Delegate authority to the General Manager to sign, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the Electronic Transactions Act 2000;
4. Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 4 Deposited Plan 1246722 as "operational land" by placing on public exhibition the proposed resolution "It is intended to classify Lot 4 Deposited Plan 1246722 (land situated at 31A Henry Street, Long Flat) as operational land" from 24 April 2019 for a minimum period of 28 days;
5. Note that a further report will be tabled at the June 2019 Ordinary Council meeting detailing any submissions received during the exhibition period.

CARRIED: 7/0

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

AGAINST: Nil

12.05 LONG TERM ENERGY STRATEGY - 6 MONTH UPDATE

RESOLVED: Alley/Intemann

That Council:

1. Note the update on the Long Term Energy Strategy implementation as provided in this report.
2. Take proactive steps to determine Council's total electricity usage and cost and the allocation of electricity usage and cost across Council's broad function areas being, sewer, water, street lighting, administration, libraries, glasshouse, waste, airport, sporting venues and general uses and the allocation between renewable and non-renewable sources and include an update in the October 2019 report.

CARRIED: 7/0

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

AGAINST: Nil

Item - 12.06 Urban Growth Management Strategy Update - has been moved to another part of the document.

12.07 THE RUINS WAY, INNES PENINSULA ENVIRONMENTAL MANAGEMENT LAND PLANNING AGREEMENT

RESOLVED: Intemann/Cusato

That Council enter into and execute The Ruins Way, Innes Peninsula Environmental Management Land Planning Agreement.

CARRIED: 7/0

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

AGAINST: Nil

12.08 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS

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 7:56pm.

Councillor Alley 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 07:56pm.

RESOLVED: Intemann/Cusato

That Council:

1. Note the current status of site specific Planning Proposal requests as described in this report.
2. In relation to the Planning Proposal Request (PP2016-11.1) for Lot 2 DP 771931, Mission Terrace Lakewood, provide the Proponent with a further 3 months (to 17 July 2019) to resolve the NSW Rural Fire Service concerns with the Planning Proposal, and if this is not able to be achieved that the matter be reported back to Council to determine the next steps.
3. Receive a further update report in six months regarding the progress of site specific Planning Proposal requests.

CARRIED: 5/0

FOR: Cusato, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

Councillor Alley returned to the meeting, the time being 07:58pm.

Councillor Levido returned to the meeting, the time being 07:58pm.

Item - 12.09 Planning Proposal: Land at the Intersection of Houston Mitchell Drive and Ocean Drive, Bonny Hills - has been moved to another part of the document.

12.10 QUESTION FROM PREVIOUS MEETING - COASTAL KOALA PLAN OF MANAGEMENT - AERIAL PHOTOGRAPH 2012

RESOLVED: Turner/Cusato

That Council note the information provided in respect of the revised total area of land covered by the draft Coastal Koala Plan of Management.

CARRIED: 7/0

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

AGAINST: Nil

Item - 12.11 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.

Item - 12.12 DA2016 - 1000.1 Waste Management Facility and Caretaker's Residence at Lot 315 DP 1075670, No. 6 Enterprise Place, Wauchope - has been moved to another part of the document.

Item - 12.13 Draft Kooloonbung Creek Flying-fox Camp Management Plan - has been moved to another part of the document.

12.14 SAVE OUR RECYCLING CAMPAIGN

RESOLVED: Alley/Intemann

That Council:

1. Sign up to Local Government NSW's campaign, Save Our Recycling, to advocate that 100% of the Waste Levy collected by the NSW Government be reinvested in waste avoidance, recycling and resource recovery.
2. Request the General Manager make representations to both our Local State Members, in support of this campaign.
3. Request the General Manager write to the NSW Premier, the Minister for Local Government, the Minister for the Environment and the NSW Opposition Leader and Shadow Ministers seeking support for 100% reinvestment of the waste levy collected each year into waste avoidance, recycling and resource recovery.
4. Endorse the distribution and display of the Local Government NSW Save Our Recycling information on Council premises and web site.
5. Formally advise Local Government NSW that Council has endorsed the Save Our Recycling advocacy initiative.

CARRIED: 7/0

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

AGAINST: Nil

13 QUESTIONS FOR NEXT MEETING

13.01 NEW PEDESTRIAN CROSSING IN LAURIETON

Question from Mayor Pinson:

Could the General Manager please detail the process for how the decision was made to place the new Laurieton Pedestrian Crossing in its proposed location?

Comments by Councillor (if provided):

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Levido/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 Port Macquarie Airport Hangar Lease Rental Valuations

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 14.03 T-19-04 Construction of Pile Strengthening and Bridge Repairs - Dunbogan Bridge Rehabilitation

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 T-18-60 Operation & Management of Four Council Owned Swimming Pools

This item is considered confidential under Section 10A(2)(d(ii)) of

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- 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-19-02 Lease of the Cafe and Retail Lease Areas and Other Commercial Opportunities at the Port Macquarie Airport
- 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 Land Acquisition - 210 Hastings River Drive, Port Macquarie
- 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 14.07 20 Boundary Street, Port Macquarie - Hibbard Sports Club
- 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, Hawkins, Intemann, Levido, Pinson and Turner
AGAINST: Nil

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 8:01pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 8:26pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Alley/Cusato

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 legal advice provided in relation to the John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council matter.
2. Request the General Manager to retain Marsdens to act on this matter on Council's behalf.
3. Request the General Manager to engage a Costs Consultant.
4. Request the General Manager to report back to Council when the results of the cost assessment is known.

Item 14.02 Port Macquarie Airport Hangar Lease Rental Valuations

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. Adopt the valuations for ground rentals and improved hangars at Port Macquarie Airport as assessed by independent property consultants First State Property Valuers and outlined in the Financial & Economic Implications of this report;
2. Invite existing lessees with expired ground or hangar leases currently operating under holding over provisions, to enter into new leases with Council in line with the adopted rental valuations;
3. Where expired ground or hangar leases are currently operating under holding over provisions, and new leases are not entered into within six (6) months, give written notice to lessees of the end of the holding over period;
4. Subject to Resolution 3 above, invite new expressions of interest for any vacant ground lease or hangar sites.

Item 14.03 T-19-04 Construction of Pile Strengthening and Bridge Repairs -
Dunbogan Bridge Rehabilitation

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 Duratec Australia Pty Ltd for \$3,616,738 (exclusive of GST) for the construction of Pile Strengthening and Bridge Repairs on Dunbogan Bridge.
2. Accept the Schedule of Rates from Duratec Australia Pty Ltd for the construction of Pile Strengthening and Bridge Repairs on Dunbogan Bridge.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-04.
5. Increase the project budget by \$1,276,000 to \$5,276,000 as detailed within this report, noting that this is a multi-year project.

Item 14.04 T-18-60 Operation & Management of Four Council Owned Swimming Pools

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 BlueFit Pty Ltd for \$1,561,212 (exclusive of GST) for the Operation & Management of Four (4) Council Owned Swimming Pools for the term of five (5) years with the option of two 2-year extension periods, such options to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Adopt Option 1 for the extension of the swimming season at Wauchope Memorial Olympic Pool for the period 26 April to 31 May at an additional cost of \$0.
3. Note the cost implications associated with extension of the swimming season at Wauchope, Kendall and Laurieton Swimming Pools as tendered by BlueFit Pty Ltd, for Options 2 to 4.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and consideration in respect to Request for Tender T-18-60.

Item 14.05 T-19-02 Lease of the Cafe and Retail Lease Areas and Other
Commercial Opportunities at the Port Macquarie Airport

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

RECOMMENDATION

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b), decline to accept any of the proposals submitted for RFP T-19-02 for the lease of the café and retail lease areas and other commercial opportunities at the Port Macquarie Airport due to no conforming proposal being received.
2. Review the lease and service level requirements for the café and retail lease areas to ensure the delivery of appropriate and sustainable café/retail services at the Port Macquarie Airport.
3. In accordance with the Local Government (General) Regulations 2005 clauses 178(3)(e) and 178(4), decline to invite fresh tenders and enter into negotiations with Martbarr Pty Ltd with a view to entering into a lease for the café and/or retail areas at the Port Macquarie Airport.
4. Request the General Manager present a further report to a future meeting of Council on completion of the negotiation process, for Council's further consideration of RFP T-19-02.
5. Maintain the confidentiality of the documents and considerations in respect of RFP T-19-02.

Item 14.06 Land Acquisition - 210 Hastings River Drive, Port Macquarie

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. Pay compensation in the amount of \$450,000.00 (GST Exclusive) to the owners of Lot 2 Deposited Plan 39064, WF & PG Schubert and AM Morrow, for the acquisition of Lot 2 Deposited Plan 39064;
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowners' reasonably incurred legal and financial costs associated with the acquisition, including valuation fees;
3. Pursuant to Section 377 of the Local Government Act 1993, delegate authority to the General Manager to execute, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the Electronic Transactions Act 2000;
4. Pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 2 Deposited Plan 39064 as "operational land" by placing on public exhibition the

proposed resolution “It is intended to classify Lot 2 Deposited Plan 39064 (land situated at 210 Hastings River Drive, Port Macquarie) as operational land” from 24 April 2019 for a minimum period of 28 days;

5. Note that a further report will be tabled at the June 2019 Ordinary Council meeting detailing any submissions received during the exhibition period;
6. Pursuant to Section 10 of the Roads Act 1993, on completion of the process to classify Lot 2 Deposited Plan 39064, dedicate that part of Lot 2 Deposited Plan 39064 more particularly described as Lot 27 Deposited Plan 874058, as a public road.

Item 14.07 20 Boundary Street, Port Macquarie - Hibbard Sports Club

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 this report.
2. Not participate in the upcoming Expression of Interest for purchase of 20 Boundary St, Port Macquarie (Hibbard Sports Club).

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

The meeting closed at 8:27pm.

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Peta Pinson
Mayor