

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
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 (Gai Lazarides)
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

Reverend Malcolm Hausler from the Uniting Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Dixon/Alley

That the apology from Councillor Cusato be noted.

CARRIED: 8/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Intemann/Griffiths

That the Minutes of the Ordinary Council Meeting held on 17 April 2019 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 12.03 - Lorne Road Works as Material Public Benefit, the reason being that Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for the owner of the property the subject of the report before Council.

Mayor Pinson declared a Pecuniary Interest in Item 14.02 - T-19-08 Construction of Lighthouse Road East Upgrade, the reason being that Mayor Pinson owns a company (Stabilcorp) who has business dealings with three of the tenderers.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.02 - T-19-08 Construction of Lighthouse road East Upgrade, the reason being that Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for one the tenderers as to the tender the subject of the report before Council.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.04 - T-19-17 Westport Drainage Study and Detailed Design of Stormwater Remediation Measures, the reason being that Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for one the tenderers as to the tender the subject of the report before Council.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 14.05 - T-19-17 Provision of Surveying Services, the reason being that Councillor Levido is the principal of the Port Macquarie Law Firm, Levido Law & Property. The Firm acts for one the tenderers as to the tender the subject of the report before Council.

06.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS

RESOLVED: Pinson

That the Mayoral Discretionary Fund allocations for the period 4 April to 1 May 2019 inclusive be noted.

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

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Levido/Hawkins

That Council determine that the attachments to Item Numbers 09.04, 09.08, 10.01 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0
FOR: Alley, 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 Philip Lloyd regarding the Orbital Road proposal
2. Mr Grant Mitchell, regarding the Airport primary access road and Orbital community consultation process
3. Ms Kathy Wonderley, regarding the Orbital Road proposal for Fernhill Road and the impact on ACES.

RESOLVED: Dixon/Hawkins

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

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

08.01 ORBITAL ROAD PROPOSAL

Mr Philip Lloyd addressed Council regarding the Orbital Road and responded to questions from Councillors.

08.02 AIRPORT PRIMARY ACCESS ROAD AND ORBITAL COMMUNITY CONSULTATION PROCESS

Mr Grant Mitchell addressed Council regarding the Airport primary access road and Orbital community consultation process and responded to questions from Councillors. Mr Mitchell tabled a document and provided copies to Councillors.

08.03 ORBITAL ROAD PROPOSAL FOR FERNHILL ROAD AND THE IMPACT ON ACES

Ms Kathy Wonderley addressed Council regarding the Orbital Road proposal for Fernhill Road and the impact on ACES.

REQUEST TO SPEAK ON AN AGENDA ITEM

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

Item 09.01 - Ms Danielle Maltman in support of the recommendation

Item 12.03 - Mr Michael Mowle in support of the recommendation.

RESOLVED: Intemann/Alley

CARRIED: 8/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Alley

That Standing Orders be suspended to allow Items 09.01, 12.03 to be brought forward and considered next.

CARRIED: 8/0

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

AGAINST: Nil

**09.01 NOTICE OF MOTION - SUBMISSION FROM REVIVE LAKE CATHIE
INC.TO PMHC 2019-2020 OPERATIONAL PLAN**

Ms Danielle Maltman addressed Council in support of the recommendation and responded to questions from Councillors.

RESOLVED: Hawkins/Griffiths

That Council:

1. Thank the Revive Lake Cathie group for its submission on Lake Cathie.
2. Note that Lake Cathie is an asset of the Crown and management of the Lake Cathie system is the responsibility of a number of stakeholders including:
 - a) Council;
 - b) National Parks and Wildlife Service (NPWS);
 - c) Office of the Environment and Heritage (OEH); and
 - d) NSW Fisheries and Department of Industry (Lands),in accordance with the NSW Coastal Management Act 2016 and the Lake Cathie Opening Strategy
3. Request the General Manager to forward a copy of the Revive Lake Cathie Group's submission to:
 - a) National Parks and Wildlife Service;
 - b) Office of the Environment and Heritage (OEH);
 - c) NSW Fisheries and Department of Industry (Lands);
 - d) NSW Minister for Water, Property and Housing;
 - e) NSW Local Member (and local resident) Leslie Williams;
 - f) Premier Gladys Berejiklian;
 - g) Deputy Premier John Barilaro;
 - h) Newly elected Federal Members for Lyne and Cowper;
 - i) Newly appointed Federal Environment Minister.
4. Request the General Manager to seek advice from the NSW Government referred to in 3 above as to whether, as a result of the Revive Lake Cathie submission, the existing Lake Cathie Opening Strategy should be reviewed.
5. Request the General Manager to make a further request of the NSW Government that if it deems a review of the Lake Cathie Opening Strategy is required, that the necessary resources to undertake such a review be provided, along with any resources required for associated capital works that may be prescribed by an updated strategy or management plan.
6. Give consideration to including an allocation in the 2019/20 Operational Budget to support the initial work required.
7. Request the General Manager submit an update report to the September, 2019 meeting of council.

CARRIED: 8/0

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

AGAINST: Nil

Councillor Levido left the meeting, the time being 06:43pm.

12.03 LORNE ROAD WORKS AS MATERIAL PUBLIC BENEFIT

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

RESOLVED: Alley/Hawkins

That Council:

1. Approve the application to undertake construction of road works in Lorne Road, Kendall on the basis that the work will provide material public benefit pursuant to s7.11(5)(b) of the Environmental Planning and Assessment Act 1979 (as amended), subject to the applicant entering into a Works in Kind Agreement.
2. Delegate authority to the General Manager to execute the Works in Kind Agreement in item 1 above.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 06:46pm.

09.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Intemann/Hawkins

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

CARRIED: 8/0

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

AGAINST: Nil

Councillor Hawkins left the meeting, the time being 06:47pm.

Councillor Hawkins returned to the meeting, the time being 06:49pm.

**09.03 DRAFT CODE OF CONDUCT AND DRAFT PROCEDURES FOR THE
ADMINISTRATION OF THE MODEL CODE OF CONDUCT**

RESOLVED: Intemann/Griffiths

That Council:

1. Pursuant to Section 440 of the Local Government Act 1993, adopt the draft Code of Conduct.
2. Pursuant to Section 440AA of the Local Government Act 1993, adopt the draft Procedures for the Administration of the Model Code of Conduct.

CARRIED: 8/0

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

AGAINST: Nil

09.04 LEGAL FEES

RESOLVED: Hawkins/Turner

That Council note the information in the Legal Fees report.

CARRIED: 8/0

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

AGAINST: Nil

09.05 DISCLOSURE OF INTEREST RETURN

RESOLVED: Intemann/Turner

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

1. Development Engineer.
2. Building Surveyor.
3. Project Manager Infrastructure Delivery.

CARRIED: 8/0

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

AGAINST: Nil

09.06 A PROPOSAL TO AMEND THE BOUNDARY OF THE LOCALITIES OF HACKS FERRY AND LIMEBURNERS CREEK

RESOLVED: Turner/Intemann

That Council make application to the Geographical Names Board to alter the boundary of the localities of Hacks Ferry and Limeburners Creek, to incorporate that part of Hacks Ferry situated on the eastern side of the Maria River into the locality of Limeburners Creek.

CARRIED: 8/0

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

AGAINST: Nil

09.07 MONTHLY BUDGET REVIEW - APRIL 2019

RESOLVED: Hawkins/Alley

That Council:

1. Note the error with the Tables on Page 51 and 52 of the agenda. The correct figures are as per the second table, but with the addition of the \$300,000 line item to add to the \$388,685 total.
2. Adopt the adjustments in the "Budget Variations – April 2019" section of the Monthly Budget Review – April 2019.
3. Amend the 2018-2019 Operational Plan to include all budget adjustments approved in this report.

CARRIED: 8/0

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

AGAINST: Nil

09.08 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2019

RESOLVED: Hawkins/Turner

That Council note the Quarterly Budget Review Statement for the March 2019 Quarter.

CARRIED: 8/0

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

AGAINST: Nil

09.09 2018-2019 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 31 MARCH 2019

RESOLVED: Dixon/Turner

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

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

09.10 PROPERTY INVESTMENT PORTFOLIO - SIX MONTHLY REPORT

RESOLVED: Hawkins/Alley

That Council note the update provided on the Property Investment Portfolio as provided in this report

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

09.11 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Turner/Griffiths

That Council note:

1. The Development Activity and Assessment System Performance report for the third quarter of 2018-2019; and
2. The determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011.

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

09.12 INVESTMENTS - APRIL 2019

RESOLVED: Hawkins/Dixon

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

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

09.13 2019-2020 COUNCILLOR AND MAYORAL FEES

RESOLVED: Hawkins/Turner

That in relation to Councillor remuneration for the 2019-2020 financial year, Council:

1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2019 to be \$20,280.
2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2019 to be \$64,530 (this amount includes the fee payable to a Councillor).
3. Request the General Manager:
 - a. Write to the Local Government Remuneration Tribunal (Tribunal) to confirm what additional information and criteria needs to be provided and to what level of detail in order for the Tribunal to seriously consider an application from Council with regard to potentially moving Council categories.
 - b. Table a report at a future meeting of Council detailing the response from the Tribunal to the above question.

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

10.01 2018-2019 ROUND 2 COMMUNITY GRANT PROGRAM FOR ENDORSEMENT

RESOLVED: Dixon/Griffiths

That Council pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2018-2019 Round 2 for the total amount of \$83,421 to the following:

General Community Grants

Bonny Hills Progress Association	Covered Seating	\$9800
Port Macquarie-Hastings Bridge Association	LED Lighting Upgrade	\$2393
Amateur Beekeepers Association (Hastings Valley)	Bee Education and BioSecurity Awareness	\$8678
Comboyne Community Association	Community Website	\$3770
Motorcycle Friendly Wauchope	Motofest Collateral	\$9227
Port Macquarie Tennis Club	Safety Fencing	\$3440
Wauchope Timbertown Tennis Club	Facility Improvements	\$10,000
Seaside Scavenge	Community Clean Up	\$3326
Laurieton Men's Shed	Thicknesser	\$5996
Hastings Orienteering Group	Collateral for Events	\$7651
Total		\$64,281

Place Making Grants

Rotary Club Port Macquarie	Shade Sail over Liberty	
Sunrise	Swing	\$10,000
Friends of Mrs York's Garden	New Covered Seat	\$9140
Total		\$19,140

CARRIED: 8/0

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

AGAINST: Nil

10.02 GRANT APPLICATIONS QUARTERLY REPORT

RESOLVED: Alley/Turner

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

CARRIED: 8/0

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

AGAINST: Nil

10.03 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - APRIL 2019

RESOLVED: Pinson/Griffiths

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

1. Madelaine Goodridge receive \$500.00 to assist with the expenses she would have incurred travelling to and competing at the 2019 Hancock Prospecting

Australian Age Swimming Championships held in Adelaide, South Australia from 15 - 22 April 2019 inclusive.

2. Morgan Jean receive a total of \$800.00 to assist with the expenses he would have incurred travelling to and competing at both the NSWCHS Swimming Championships held in Sydney from 8 - 10 April 2019 inclusive, and the 2019 Hancock Prospecting Australian Age Swimming Championships held in Adelaide, South Australia from 15 - 22 April 2019 inclusive.

CARRIED: 8/0

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

AGAINST: Nil

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

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

RESOLVED: Turner/Hawkins

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

CARRIED: 7/0

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

AGAINST: Nil

Councillor Dixon returned to the meeting, the time being 07:11pm.

11.02 RECOMMENDED ITEM FROM ECONOMIC DEVELOPMENT STEERING GROUP - SMART REGIONAL CITY PLANNING

RESOLVED: Turner/Hawkins

That Council:

1. Note the recommendation from the Economic Development Steering Group that consideration be given to the development of a Smart City Strategy; and
2. Develop a Smart City Strategy as a replacement action for the development of a Regional City Strategy in the Draft 19/20 Operational Plan action 3.1.1.1 to "Implement actions from the 2017-2021 Economic Development Strategy to lead, create and proactively support an environment that stimulates sustainable industry, business and investment"
3. Endorse Councillors Hawkins and Turner to attend the Smart Cities conference in Melbourne 30 & 31 May 2019.

CARRIED: 8/0

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

AGAINST: Nil

12.01 CLASSIFICATION OF LAND CONTAINING SEWER INFRASTRUCTURE

RESOLVED: Intemann/Griffiths

That Council classify Lot 11 DP1250178 (land off Botanic Drive, Kew) as “operational land”.

CARRIED: 8/0

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

AGAINST: Nil

12.02 QUESTION FROM PREVIOUS MEETING - NEW PEDESTRIAN CROSSING - BOLD STREET, LAURIETON

RESOLVED: Pinson/Dixon

That Council:

1. Note the information provided in this report.
2. Note the tabled Petition of over 600 signatures to locate the pedestrian crossing on Bold Street Laurieton and investigate the crossing being constructed between the entry and exit of the Coles Supermarket carpark and the Chemist Shop.
3. Defer commencement of pedestrian crossing works in Bold Street Laurieton for the purpose of reviewing the location of the crossing.
4. Request the General Manager report to the July 2019 Council Meeting on the feasibility of moving the crossing including the safety, financial and other impacts of doing so.
5. Note that this deferral is likely to delay the project beyond the terms of the current funding agreement.

CARRIED: 8/0

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

AGAINST: Nil

Item - 12.03 Lorne Road Works as Material Public Benefit - has been moved to another part of the document.

**12.04 RECOMMENDED ITEM FROM COAST, ESTUARY & FLOODPLAIN
ADVISORY SUB COMMITTEE - HIBBARD PRECINCT FLOOD STUDY -
DRAFT REPORT**

RESOLVED: Intemann/Griffiths

That Council:

1. Place the draft Hibbard Precinct Flood Study (2019) on public exhibition for a minimum of 28 days commencing 20 May 2019; and
2. Receive a further report detailing the submissions received from the public during the exhibition period at the conclusion of the exhibition.

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

**12.05 RECOMMENDED ITEM FROM COAST, ESTUARY & FLOODPLAIN
ADVISORY SUB COMMITTEE - NORTH BROTHER FLOOD STUDY DRAFT
REPORT**

RESOLVED: Intemann/Dixon

That Council:

1. Place the North Brother Flood Study Draft Report on public exhibition for a minimum of 28 days commencing 20 May 2019; and
2. Receive a further report detailing the submissions received from the public during the exhibition period at the conclusion of the exhibition.

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

13 QUESTIONS FOR NEXT MEETING

There be no questions for next meeting.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/Alley

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local
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- Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole (Closed Session) on the basis that items to be considered are of a confidential nature.
2. That Council move into Confidential Committee of the Whole (Closed Session) to receive and consider the following items:
- Item 14.01 T-18-58 Supply and Delivery of two (2) x 20 Tonne Track Mounted Excavators
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- Item 14.02 T-19-08 Construction of Lighthouse Road East Upgrade
- 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-19-11 Provision of Destination Public Relations Services
- This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 14.04 T-19-17 Westport Drainage Study and Detailed Design of Stormwater Remediation Measures
- This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 14.05 T-19-24 Provision of Surveying Services
- This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 14.06 Request for Transfer of Land and Building - Lot 101 DP1147245, 91 Greenmeadows 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 Contract Extension Tender T-14-18 Dam Safety Engineer, Dam Surveillance and Annual Dam Safety Inspections

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- 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 14.08 Provision of Integrated Water Cycle Management Phase 2 Supplementary Report
- 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 14.09 Provision of Port Macquarie Water Treatment Plant Scoping Study
- 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 14.10 Legal Proceeding
- This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- Item 14.11 T-19-18 Provision of Insurance, Brokerage and Risk Management Services
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
3. That the resolutions made by the Council in Confidential Committee of the Whole (Closed Session) be made public as soon as practicable after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

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

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 7.36pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 7.50pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/Griffiths

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

Item 14.01 T-18-58 Supply and Delivery of two (2) x 20 Tonne Track Mounted Excavators

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

RECOMMENDATION

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b), decline to accept any of the tenders submitted for T-18-58 for the supply and delivery of two (2) x 20 tonne track mounted excavators due to the need to redefine the specification to meet operational and contractual requirements.
2. In accordance with the Local Government (General) Regulations 2005 clause 178(3)(a), cancel the proposal for the contract.
3. In accordance with sect 55(3)(a) of the Local Government Act 1993 and with the Local Government (General) Regulations 2005 clause 163(1A)(i) invite quotes through the Local Government Procurement arrangement LGP707-3 from approved contractors.
4. Request the General Manager present a further report to a future meeting of Council on completion of the LGP707-3 quotation process, for Council's further consideration.
5. Maintain the confidentiality of the documents and consideration in respect of Tender T-18-58.

Item 14.02 T-19-08 Construction of Lighthouse Road East Upgrade

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 Eire Constructions Pty Ltd for

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- \$1,021,682.36 (exclusive of GST) for the construction of Lighthouse Road East Upgrade.
2. Affix the seal of Council to the necessary documents.
 3. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-08.
- Item 14.03 T-19-11 Provision of Destination Public Relations Services
- This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- RECOMMENDATION**
That Council:
1. Accept the proposal from Gate 7 Pty Ltd for \$65,000 (exclusive of GST) for the provision of Destination Public Relations Services for one (1) year commencing on 16 May 2019, with two (2) options to extend for a further two (2) year periods, such option(s) to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
 2. Accept the schedule of rates from Gate 7 Pty Ltd for the provision of Destination Public Relations Services.
 3. Affix the seal of Council to the necessary documents.
 4. Maintain the confidentiality of the documents and consideration in respect of RFP T-19-11.
- Item 14.04 T-19-17 Westport Drainage Study and Detailed Design of Stormwater Remediation Measures
- 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 Calibre Professional Services for \$178,782.00 (exclusive of GST) to undertake the Westport Drainage Study and Detailed Design of Stormwater Remediation Measures.
 2. Accept the Schedule of Rates from Calibre Professional Services for the Westport Drainage Study and Detailed Design of Stormwater Remediation Measures.
 3. Affix the seal of Council to the necessary documents.
 4. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-17.
- Item 14.05 T-19-24 Provision of Surveying Services
- This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- RECOMMENDATION**
That Council:

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1. Accept tenders from the following contractors to be appointed to a panel arrangement for the provision of Surveying Services for a two (2) year period commencing 1 June 2019, with two (2) options to extend for a further two (2) year periods, such option(s) to be for the benefit of the Council and may be exercised only by the Council in its sole discretion:
 - a) Barker Ryan Stewart Pty Ltd;
 - b) Cadence Consulting Surveyors Pty Ltd;
 - c) De Witt Consulting Pty Ltd;
 - d) Echo Ecology Pty Ltd;
 - e) Hopkins Consultants Pty Ltd;
 - f) King & Campbell Trust t/as King & Campbell Pty Ltd;
 - g) Land Dynamics Pty Ltd t/as Land Dynamics Australia;
 - h) Local Government Engineering Services Pty Limited;
 - i) McGlashan & Crisp Pty Limited; and
 - j) Pacific Survey Sydney Pty Limited.
 2. Accept the Schedule of Rates for the provision of Surveying Services from:
 - a) Barker Ryan Stewart Pty Ltd;
 - b) Cadence Consulting Surveyors Pty Ltd;
 - c) De Witt Consulting Pty Ltd;
 - d) Echo Ecology Pty Ltd;
 - e) Hopkins Consultants Pty Ltd;
 - f) King & Campbell Trust t/as King & Campbell Pty Ltd;
 - g) Land Dynamics Pty Ltd t/as Land Dynamics Australia;
 - h) Local Government Engineering Services Pty Limited;
 - i) McGlashan & Crisp Pty Limited; and
 - j) Pacific Survey Sydney Pty Limited.
 3. Affix the seal of Council to the necessary documents.
 4. Maintain the confidentiality of the documents and considerations in respect of Tender T-18-24.

Item 14.06 Request for Transfer of Land and Building - Lot 101 DP1147245, 91 Greenmeadows 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. Note the request to transfer the land (including improvements) comprising Lot 101 Deposited Plan 1147245, 91 Greenmeadows Drive, Port Macquarie, to the NSW Minister for Disability Services and Omnicare Alliance Ltd. in accordance with the proposed Novation and Implementation Deed;
2. Retain ownership of the property and decline the request to transfer the land as requested at this time.
3. Request the General Manager provide a briefing to Councillors on the subject land options prior to any further decision.

Item 14.07 Contract Extension Tender T-14-18 Dam Safety Engineer, Dam Surveillance and Annual Dam Safety Inspections

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. Extend the Contract T-14-18 awarded to NSW Public Works Advisory for Part A Dam Safety Engineer, Dam Surveillance and Annual Dam Safety Inspections for the extension option period of five years, commencing 1 August 2019.
2. Accept the revised lump sum from NSW Public Works Advisory of \$99,080 (Ex GST) for the contract extension to Contract T-14-18 Part A Dam Safety Engineer, Dam Surveillance and Annual Dam Safety Inspections.
3. Note the total contract sum for Contract T-14-18 Part A and B of \$410,709 (ex GST).
4. Delegate to the General Manager the authority to sign the contract extension agreement with NSW Public Works Advisory for five years, commencing 1 August 2019 in accordance with the terms and conditions specified in the contract.
5. Maintain the confidentiality of the documents and consideration in respect of Tender T-14-18.

Item 14.08 Provision of Integrated Water Cycle Management Phase 2 Supplementary Report

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. Accept the quotation from NSW Public Works Advisory of \$230,675 (exclusive of GST) to deliver the Integrated Water Cycle Management Strategy Phase 2 Supplementary Report.
2. Pursuant to Section 55(3)(b) of the Local Government Act 1993, resolve to not invite tenders for the Integrated Water Cycle Management Strategy Phase Supplementary Report due to the entering into a contract by Council with the Crown.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of the Integrated Water Cycle Management Strategy Phase 2 Supplementary Report and NSW Public Works Advisory engagement.

Item 14.09 Provision of Port Macquarie Water Treatment Plant Scoping Study

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. Accept the quotation from NSW Public Works Advisory of \$232,480 (exclusive of GST) to deliver the Port Macquarie Water Treatment Scoping Study.
2. Pursuant to Section 55(3)(b) of the Local Government Act 1993, resolve to not invite tenders for the Port Macquarie Water Treatment Scoping Study due to the entering into a contract by Council with the Crown.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of the Port Macquarie Water Treatment Scoping Study and NSW Public Works Advisory engagement.

Item 14.10 Legal Proceeding

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

RECOMMENDATION

That the Council:

1. Note the information contained in this Legal Proceedings Report;
2. Adopt Option 1 as outlined in this Legal Proceedings Report;
3. Authorise the General Manager to implement Option 1 as outlined in this Legal Proceedings Report.

Item 14.11 T-19-18 Provision of Insurance, Brokerage and Risk Management Services

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

RECOMMENDATION

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b), decline to accept any of the tenders submitted for RFT T-19-18 for the provision of Insurance Brokerage and Risk Management Services due to no conforming Tender being received.
2. Review the requirements for the provision of Insurance Brokerage and Risk Management Services including contractual obligations.
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 all tenderers that have submitted a Tender in response to RFT T-19-18 with a view to entering into a contract for provision of Insurance Brokerage and Risk Management Services for the reason that the Tender Evaluation Panel considers that the tenderers have demonstrated the experience, capacity and capability to meet the requirements of the tender.

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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 RFT T-19-18.
 5. Maintain the confidentiality of the documents and considerations in respect of RFP T-19-18.

CARRIED: 8/0

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

AGAINST: Nil

The meeting closed at 7.51pm.

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Peta Pinson
Mayor