

## **PRESENT**

### **Members:**

Councillor Peta Pinson (Mayor)  
Councillor Lisa Intemann (Deputy Mayor)  
Councillor Rob Turner  
Councillor Michael Cusato (part of meeting)  
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)

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The meeting opened at 5:30pm.

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## **LIVE STREAMING ANNOUNCEMENT**

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The Mayor advised the following:

That this open meeting of Council is being streamed live to other areas of this Council building, being the Customer Service area and the Committee Room. The purpose of this streaming is to allow people who were unable to be seated in the Council Chamber to see what is taking place at the Council meeting. Please note that whilst this meeting is being streamed live to these areas, it is not being streamed live to the internet. All care will be taken to maintain your privacy; however if you are in attendance in the public gallery, you should be aware that your presence may be streamed live and recorded. It is suggested that any persons being recorded should refrain from making any defamatory statements.

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## **01 ACKNOWLEDGEMENT OF COUNTRY**

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

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## **02 LOCAL GOVERNMENT PRAYER**

Reverend Scott Donnellan from the Presbyterian Church delivered the Local Government Prayer.

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## **03 APOLOGIES**

Nil.

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## **SUSPENSION OF STANDING ORDERS**

*RESOLVED:: Pinson/Cusato*

That Standing Orders be suspended to allow Item 10.01 to be brought forward and considered next.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **10.01 CODE OF MEETING PRACTICE**

*RESOLVED: Griffiths/Alley*

That Council:

1. Pursuant to section 362 of the Local Government Act 1993, adopt the draft code as its Code of Meeting Practice.
2. Pursuant to section 364 of the Local Government Act 1993, make the adopted Code of Meeting Practice publicly available.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**04 CONFIRMATION OF MINUTES**

*RESOLVED: Intemann/Hawkins*

That the Minutes of the Ordinary Council Meeting held on 15 May 2019 be confirmed.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**05 DISCLOSURES OF INTEREST**

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.09 - T-19-19 Request for Proposal - Innes Gardens Memorial Park Crematorium and Lawn Cemetery, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for one of the parties who lodged an expression of interest as to the matter the subject of the report before Council.

Councillor Cusato declared a Non-Pecuniary, Less Than Significant Interest in Item 15.08 - 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.

Mayor Pinson declared a Pecuniary Interest in Item 15.04 - T-19-09 Supply and Delivery of Ready Mix Concrete, the reason being that Mayor Pinson's company, Stabilcorp, operates in the field of civil construction and has business dealings with some of the tenders from time to time.

Mayor Pinson declared a Pecuniary Interest in Item 15.05 - T-19-10 Supply and Delivery of Road Construction Materials, the reason being that Mayor Pinson's company, Stabilcorp, operates in the field of civil construction and has business dealings with some of the tenders from time to time.

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**06 MAYORAL MINUTES**

Nil.

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**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

Nil.

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## **08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA**

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The Mayor advised of requests to speak in the Public Forum - Matters Not On The Agenda from:

1. Mr Geoff Bynon regarding proposed off-leash dog facility and children's playground at Stuart Park.
2. Mr David Skeen regarding Stuart Park precinct upgrade.
3. Ms Susan East regarding the Bold Street, Laurieton pedestrian crossing.

*RESOLVED: Dixon/Cusato*

That the above requests to speak in the Public Forum - Matters Not On The Agenda be acceded to.

*CARRIED: 9/0*

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

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### **08.01 PROPOSED OFF-LEASH DOG FACILITY AND CHILDREN'S PLAYGROUND AT STUART PARK**

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Mr Geoff Bynon, representing residents of Wood Street, addressed Council in regard to the proposed off-leash dog facility and children's playground at Stuart Park and answered questions from Councillors.

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### **08.02 STUART PARK PRECINCT UPGRADE**

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Mr David Skeen, representing residents of Wood Street, addressed Council in regard to the Stuart Park precinct upgrade and answered questions from Councillors.

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### **08.03 BOLD STREET, LAURIETON PEDESTRIAN CROSSING**

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Ms Susan East addressed Council in regard to the Bold Street, Laurieton pedestrian crossing and answered questions from Councillors.

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## **09 PUBLIC FORUM – MATTERS ON THE AGENDA**

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The Mayor advised of requests to speak in the Public Forum - Matters On The Agenda from:

- Item 10.04 - Ms Cara Dale in opposition of the recommendation.
- Item 10.04 - Mr Stewart Cooper in support of the recommendation.
- Item 10.04 - Ms Danielle Maltman in opposition of the recommendation.
- Item 13.01 - Miss Peta Watters in opposition of the recommendation.
- Item 13.01 - Mr Philip Lloyd in support of the recommendation.
- Item 13.01 - Mr Terry Muldoon in opposition of the recommendation.
- Item 13.01 - Ms Cara Dale in opposition of the recommendation.
- Item 13.01 - Mr Grant Mitchell in opposition of the recommendation.
- Item 13.01 - Mr Denis Lane in opposition of the recommendation.
- Item 13.01 - Mr Graham Bray in opposition of the recommendation.
- Item 13.01 - Mr Tony Thorne in opposition of the recommendation.
- Item 13.01 - Mr Ken Monson in opposition of the recommendation.
- Item 13.01 - Mr Daniel Bessell in opposition of the recommendation.
- Item 13.06 - Ms Michelle Love in opposition of the recommendation.
- Item 13.07 - Mr Michael Mowle in support of the recommendation.
- Item 13.07 - Mr Tony Thorne in support of the recommendation.
- Item 13.08 - Mr David Pensini in support of the recommendation.
- Item 13.08 - Mr Wayne Ellis in support of the recommendation.

*RESOLVED: Pinson/Dixon*

That Council:

1. Allow 10 speakers on Item 13.01 in order for Council to hear a fuller range of views on these items of business.
2. That the requests to speak in the Public Forum - Matters on the Agenda be acceded to.

*CARRIED: 9/0*

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

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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Dixon/Alley*

That Standing Orders be suspended to allow Items 10.04, 13.01, 13.06, 13.07, 13.08 to be brought forward and considered next.

*CARRIED: 9/0*

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

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## **10.04 INTEGRATED PLANNING AND REPORTING (IPR) DOCUMENTS**

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Ms Cara Dale, C2Hills Consultancy, representing Revive Lake Cathie Inc., addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Stewart Cooper addressed Council in support of recommendation 3 and answered questions from Councillors.

Ms Danielle Maltman, President of Revive Lake Cathie Inc., addressed Council in opposition of the recommendation and in support of recommendation 3 and answered questions from Councillors.

### **MOTION**

*MOVED: Pinson/Griffiths*

That Council:

1. Adopt the following Integrated Planning and Reporting (IPR) documents:
  - a) Delivery Program 2017-2021 (Revised 2019); and
  - b) Operational Plan 2019-2020
2. Not opt into the new parking fine concession fee scheme.
3. Undertake a review of the existing Lake Cathie Opening Strategy in consultation with the National Parks and Wildlife Services (NPWS); the Office of Environment and Heritage (OEH); NSW Fisheries and Department of Industry (DPI - Lands); and the community including the Revive Lake Cathie community group.
4. Note the 2019-2020 budget position of a \$975,198 shortfall, which will be reported to Council monthly during the financial year.
5. Should adequate savings to address the shortfall position not be achieved during the financial year that the shortfall be funded from the Strategic Priorities reserve.
6. Enter into total borrowings of \$1.5 million as outlined in the Financial Implications section of the report for playing fields at Wauchope.
7. Request the General Manager:
  - a) Investigate the feasibility of utilising some of the funding currently held in the Strategic Priorities Reserve for the purpose of:
    - i. Advancing some of the initiatives as detailed in the Revive Lake Cathie Operational Plan submission.
    - ii. The upgrading of Bril Bril Road.
    - iii. Upgrading The Hatch Road.
    - iv. Increasing Council's budget for unsealed rural road maintenance.
    - v. Upgrading of Lorne Road.
  - b) Table a report at the September 2019 Council Meeting with the result of the investigations as detailed directly above in 7a).

## **AMENDMENT**

*MOVED: Alley/Hawkins*

That Council:

1. Adopt the following Integrated Planning and Reporting (IPR) documents:
  - a) Delivery Program 2017-2021 (Revised 2019); and
  - b) Operational Plan 2019-2020
2. Not opt into the new parking fine concession fee scheme.
3. Undertake a review of the existing Lake Cathie Opening Strategy in consultation with the National Parks and Wildlife Services (NPWS); the Office of Environment and Heritage (OEH); NSW Fisheries and Department of Industry (DPI - Lands); and the community including the Revive Lake Cathie community group.
4. Note the 2019-2020 budget position of a \$975,198 shortfall which will be reported to Council monthly during the financial year.
5. Should adequate savings to address the shortfall position not be achieved during the financial year, that the shortfall be funded from the Strategic Priorities reserve.
6. Enter into total borrowings of \$1.5 million as outlined in the Financial Implications section of the report for playing fields at Wauchope.

## **THE AMENDMENT WAS PUT**

*MOVED: Alley/Hawkins*

That Council:

1. Adopt the following Integrated Planning and Reporting (IPR) documents:
  - a) Delivery Program 2017-2021 (Revised 2019); and
  - b) Operational Plan 2019-2020
2. Not opt into the new parking fine concession fee scheme.
3. Undertake a review of the existing Lake Cathie Opening Strategy in consultation with the National Parks and Wildlife Services (NPWS); the Office of Environment and Heritage (OEH); NSW Fisheries and Department of Industry (DPI - Lands); and the community including the Revive Lake Cathie community group.
4. Note the 2019-2020 budget position of a \$975,198 shortfall which will be reported to Council monthly during the financial year.
5. Should adequate savings to address the shortfall position not be achieved during the financial year, that the shortfall be funded from the Strategic Priorities reserve.
6. Enter into total borrowings of \$1.5 million as outlined in the Financial Implications section of the report for playing fields at Wauchope.

*CARRIED: 8/1*

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

*AGAINST: Pinson*

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**THE AMENDMENT BECAME THE MOTION AND WAS PUT**

*RESOLVED: Alley/Hawkins*

That Council:

1. Adopt the following Integrated Planning and Reporting (IPR) documents:
  - a) Delivery Program 2017-2021 (Revised 2019); and
  - b) Operational Plan 2019-2020
2. Not opt into the new parking fine concession fee scheme.
3. Undertake a review of the existing Lake Cathie Opening Strategy in consultation with the National Parks and Wildlife Services (NPWS); the Office of Environment and Heritage (OEH); NSW Fisheries and Department of Industry (DPI - Lands); and the community including the Revive Lake Cathie community group.
4. Note the 2019-2020 budget position of a \$975,198 shortfall which will be reported to Council monthly during the financial year.
5. Should adequate savings to address the shortfall position not be achieved during the financial year, that the shortfall be funded from the Strategic Priorities reserve.
6. Enter into total borrowings of \$1.5 million as outlined in the Financial Implications section of the report for playing fields at Wauchope.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**13.01 PROPOSED ORBITAL ROAD PROJECT**

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Miss Peta Watters addressed Council in opposition of the recommendation.

Mr Philip Lloyd addressed Council in support of the recommendation.

Mr Terry Muldoon, St Columba Anglican School, addressed Council in opposition of the recommendation.

Ms Cara Dale, C2Hills Consultancy, representing St Columba Anglican School, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Grant Mitchell, Port Macquarie Better Orbital Options Alliance, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Denis Lane representing the Sanctuary Springs / Greenmeadows Action Group, addressed Council in opposition of the recommendation.

Councillor Dixon left the meeting, the time being 08:00pm.

Councillor Dixon returned to the meeting, the time being 08:03pm.

Mr Graham Bray addressed Council in opposition of the recommendation.

Councillor Cusato left the meeting, the time being 08:07pm.



Mr Tony Thorne, King and Campbell Pty Ltd, representing J Newton Constructions Pty Ltd, J & G Newton and St Agnes Care and Lifestyle Ltd addressed Council in opposition of the recommendation.

Mr Ken Monson representing the Hastings Birdwatchers, addressed Council in opposition of the recommendation.

Mr Daniel Bessell addressed Council in opposition of the recommendation.

## **MOTION**

*MOVED: Levido/Turner*

That Council:

1. Note the strong community support, including published support from the State Member for Port Macquarie and Federal Member for Cowper, for the concept of an Orbital Road as an integral part of the future strategic transport network planning for Port Macquarie;
2. Note the information provided in:
  - a) this Proposed Orbital Road Community Engagement Council report; and
  - b) the RPS Proposed Orbital Road Community Engagement Report being Attachment 1.
3. Request the General Manager to proceed to the next stage of the proposed Orbital Road process, being the development of a Strategic Business Case, known as "Gate 1" (incorporating a Needs Confirmation Summary, known as "Gate 0") as identified in the NSW Infrastructure Investment Assurance Framework.
4. Note that the Strategic Business Case will take up to 24 months and will include both a review and assessment of (but will not be limited to):
  - a) Findings to date (e.g. traffic network studies, Orbital Road Feasibility Study and recent community engagement);
  - b) Investigation of alternate routes for an East-West link road (Ocean Drive to Oxley Highway) and a North-South link road (Oxley Highway to Boundary Street), including alternate upgrades to the existing road network assuming no alternate route crossing of the Lake Innes Nature Reserve;
  - c) Planned traffic network improvements and upgrades to the existing road network, including Lake Road and Ocean Drive;
  - d) Cost-benefit analysis of options to improve the traffic network;
  - e) Project specific traffic studies;
  - f) Environmental impact investigations (including heritage); and
  - g) Social and economic impact investigations;
  - h) Arrange value management workshops for the east-west link road options and north-south link road of the Orbital Road options to include Lake Road upgrade as an option to assist with ranking options on the basis of best value for the community, at a time determined by the General Manager within the strategic business case process.
5. In proceeding with the Strategic Business Case, will engage and partner with relevant agencies including:
  - a) Roads and Maritime Service (RMS)/Transport for NSW (TfNSW)
  - b) NSW Office of Environment and Heritage (OEH)
  - c) NSW National Parks and Wildlife Service (NPWS)

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- d) NSW Department of Planning and Environment (DPE).
6. Note the strategic importance of a flood-free Primary Airport Access Road, regardless of any other link roads, and request the General Manager to separate the flood-free Primary Airport Access Road from the proposed Orbital Road project (including that project's Strategic Business Case) and to progress planning for a flood-free Primary Airport Access Road as a stand-alone priority, including consultation with RMS/TfNSW and the community.
  7. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council-adopted Charter (yet to be determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests and expertise are represented on the Committee.
  8. Request the General Manager to develop a communications and engagement plan to cover the period of the development of the Strategic Business Case, as a way of keeping the community informed and engaged, including via the Community Consultative Committee, in a transparent and timely manner in relation to progress of the project.
  9. Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council web site.
  10. Request the General Manager to write to the State Member for Port Macquarie, Leslie Williams MP, seeking ongoing support for Port Macquarie-Hastings traffic network improvements and \$400,000 in grant funding as a co-contribution towards the estimated \$800,000 cost to develop the Strategic Business Case, with Council also to contribute \$400,000.
  11. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels, including Council's web site.
  12. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above such as TfNSW, OEHL, NPWS, DPE and any others deemed applicable, as well as to the State Members of Parliament for Port Macquarie and Oxley and the Federal Members of Parliament for Cowper and Lyne.
  13. Thank the community for the feedback received during the engagement period in relation to the proposed Orbital Road and other traffic network improvements and request the General Manager advise those who made submissions of Council's determination in this matter.
  14. Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report and traffic network improvements generally.

## **AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council:

1. Note the information provided in:
  - a) The proposed Orbital Community Engagement Council report and;
  - b) The RPS Proposed Orbital Road Community Engagement Report, Attachment 1.
2. Thank the community for the extensive feedback received during the engagement period in relation to the proposed Orbital Road and request the General Manager advise those who made submissions of Council's determination in this matter.
3. Note that the community feedback supported the concept of an Orbital Road to alleviate traffic congestion but strongly oppose the current 'preferred viable route' within the investigation zone, specifically Greenmeadows to Oxley Highway and the Port Macquarie Airport Access Road, Fernhill Road intersection.
4. Discontinue and abandon any current and future investigations within the Greenmeadows/Oxley Highway route and abandon the new Fernhill Road intersection as part of any future Port Macquarie Airport Access road to Boundary Street.
5. Request the General Manager utilise previous Orbital Road concept plans, consultant reports, community engagement and survey reports as a learning tool for how Council undertakes any future investigation zones.
6. Request the General Manager proceed to the development of a Strategic Business Case using the framework of 'Gates' which are identified in the NSW Infrastructure Investment Assurance Framework.
7. Note that the Strategic Business Case will include a review of, but not limited to;
  - a) Findings to date following extensive community engagement
  - b) Project specific traffic studies and the Port Macquarie-Hastings Council Area Wide Traffic Study
  - c) Investigation of a minimum of three alternate routes for the crossing of Lake Innes Nature Reserve for the purposes of community feedback
  - d) Environmental impact investigations with inclusion of the Koala Recovery Strategy
  - e) Social and Economic impact investigations
  - f) Planned road upgrades to the existing road network
  - g) Identification of options for a strategic staged implementation of new road networks and linkages
  - h) Engage and partner with;
    - Transport for NSW (Previously known as RMS)
    - Department Planning Industry and Environment (Previously known as OEH)
    - NSW National Parks and Wildlife Service
    - State Member for Port Macquarie Ms Leslie Williams
    - Federal Member for Cowper Mr Patrick Conaghan
  - i) Arrange value management workshops for the east-west and north-south section of the Orbital Road to assist with ranking options on the basis of

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best value for money.

8. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels.
9. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above along with any other agencies deemed applicable, as well as the State Member for Port Macquarie and the Federal Member for Cowper.
10. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council adopted charter (to be formally determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests are represented on the Committee.
11. Request the General Manager to develop a communications and engagement plan to cover the period of the development of the Strategic Business Case, as a way of keeping the community informed, including via the Community Consultative Committee, to enable full transparency.
12. Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council website.
13. Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report and recommendations.

#### **THE AMENDMENT WAS PUT AND LOST**

*MOVED: Pinson/Griffiths*

That Council:

1. Note the information provided in:
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  - b) The RPS Proposed Orbital Road Community Engagement Report, Attachment 1.
2. Thank the community for the extensive feedback received during the engagement period in relation to the proposed Orbital Road and request the General Manager advise those who made submissions of Council's determination in this matter.
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4. Discontinue and abandon any current and future investigations within the Greenmeadows/Oxley Highway route and abandon the new Fernhill Road intersection as part of any future Port Macquarie Airport Access road to Boundary Street.
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  7. Note that the Strategic Business Case will include a review of, but not limited to;
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    - c) Investigation of a minimum of three alternate routes for the crossing of Lake Innes Nature Reserve for the purposes of community feedback
    - d) Environmental impact investigations with inclusion of the Koala Recovery Strategy
    - e) Social and Economic impact investigations
    - f) Planned road upgrades to the existing road network
    - g) Identification of options for a strategic staged implementation of new road networks and linkages
    - h) Engage and partner with;
      - Transport for NSW (Previously known as RMS)
      - Department Planning Industry and Environment (Previously known as OEH)
      - NSW National Parks and Wildlife Service
      - State Member for Port Macquarie Ms Leslie Williams
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    - i) Arrange value management workshops for the east-west and north-south section of the Orbital Road to assist with ranking options on the basis of best value for money.
  8. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels.
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  11. Request the General Manager to develop a communications and engagement plan to cover the period of the development of the Strategic Business Case, as a way of keeping the community informed, including via the Community Consultative Committee, to enable full transparency.
  12. Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council website.
  13. Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report and recommendations.

LOST: 3/5

FOR: Dixon, Griffiths and Pinson

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AGAINST: *Alley, Hawkins, Intemann, Levido and Turner*

**THE MOTION WAS PUT**

*RESOLVED: Levido/Turner*

That Council:

1. Note the strong community support, including published support from the State Member for Port Macquarie and Federal Member for Cowper, for the concept of an Orbital Road as an integral part of the future strategic transport network planning for Port Macquarie;
2. Note the information provided in:
  - a) this Proposed Orbital Road Community Engagement Council report; and
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  - c) Planned traffic network improvements and upgrades to the existing road network, including Lake Road and Ocean Drive;
  - d) Cost-benefit analysis of options to improve the traffic network;
  - e) Project specific traffic studies;
  - f) Environmental impact investigations (including heritage); and
  - g) Social and economic impact investigations;
  - h) Arrange value management workshops for the east-west link road options and north-south link road of the Orbital Road options to include Lake Road upgrade as an option to assist with ranking options on the basis of best value for the community, at a time determined by the General Manager within the strategic business case process.
5. In proceeding with the Strategic Business Case, will engage and partner with relevant agencies including:
  - a) Roads and Maritime Service (RMS)/Transport for NSW (TfNSW)
  - b) NSW Office of Environment and Heritage (OEH)
  - c) NSW National Parks and Wildlife Service (NPWS)
  - d) NSW Department of Planning and Environment (DPE).
6. Note the strategic importance of a flood-free Primary Airport Access Road, regardless of any other link roads, and request the General Manager to separate the flood-free Primary Airport Access Road from the proposed Orbital Road project (including that project's Strategic Business Case) and to progress planning for a flood-free Primary Airport Access Road as a stand-alone priority,

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- including consultation with RMS/TfNSW and the community.
7. Request the General Manager to establish a Proposed Orbital Road Community Consultative Committee that will be guided by a Council-adopted Charter (yet to be determined), with membership of the Committee to be determined via a formal Expression of Interest process, ensuring that a broad cross-section of interests and expertise are represented on the Committee.
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  9. Request the General Manager to develop a plain English version of the Port Macquarie-Hastings Council Area Wide Traffic Study, which is then to be made available to the public via the Council web site.
  10. Request the General Manager to write to the State Member for Port Macquarie, Leslie Williams MP, seeking ongoing support for Port Macquarie-Hastings traffic network improvements and \$400,000 in grant funding as a co-contribution towards the estimated \$800,000 cost to develop the Strategic Business Case, with Council also to contribute \$400,000.
  11. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to the public, through appropriate communication channels, including Council's web site.
  12. Request the General Manager to make this Council report (including any attachments) and the subsequent Council resolution available to State agencies as listed above such as TfNSW, OEH, NPWS, DPE and any others deemed applicable, as well as to the State Members of Parliament for Port Macquarie and Oxley and the Federal Members of Parliament for Cowper and Lyne.
  13. Thank the community for the feedback received during the engagement period in relation to the proposed Orbital Road and other traffic network improvements and request the General Manager advise those who made submissions of Council's determination in this matter.
  14. Request the General Manager to table a report at the September 2019 Council meeting detailing progress on the resolutions of Council as they relate to this Proposed Orbital Road Community Engagement report and traffic network improvements generally.

*CARRIED: 5/3*

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

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### **13.06 PLANNING PROPOSAL REQUEST PP2011 - 9.3: THE RUINS WAY AND SOUTH BLACKWOOD, PORT MACQUARIE**

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Councillor Alley left the meeting, the time being 9:21pm.

Councillor Hawkins left the meeting, the time being 9:21pm.

Councillor Alley returned to the meeting, the time being 9:21pm.

Councillor Hawkins returned to the meeting, the time being 9:21pm.

Ms Michelle Love, Love Project Management, representing the applicant, addressed Council in opposition of the recommendation.

*RESOLVED: Turner/Hawkins*

That Council:

1. Defer consideration of this item.
2. Request the General Manager schedule a Councillor briefing on the proposal as soon as practical.
3. Request the General Manager convene a meeting with the proponent and their representatives and relevant Council staff for the purpose of working towards potential modifications to the planning proposal that seek to achieve optimal outcomes for all parties, including protection of koala habitat under SEPP 44 and other positive environmental outcomes.
4. Request the General Manager provide a report back to Council regarding the outcomes of this meeting and any amendments to the Planning Proposal, once Council staff are in a position to finalise this review.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Pinson/Griffiths*

That Standing Orders be suspended to allow Item 13.09 to be brought forward and considered after 13.07 and 13.08.

*CARRIED: 8/0*

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

*AGAINST: Ni*



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### **13.07 POST EXHIBITION REPORT - HIGHWAY SERVICE CENTRE PLANNING PROPOSAL, DRAFT PLANNING AGREEMENT AND DRAFT HIGHWAYS GATEWAY DEVELOPMENT CONTROL PLAN**

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

Mr Tony Thorne, King and Campbell Pty Ltd, representing Mr and Mrs Hazenveld and Expressway Spares Pty Ltd, addressed Council in support of the recommendation.

*RESOLVED: Griffiths/Intemann*

That Council:

1. As delegate for the Minister for Planning, make the Local Environmental Plan to amend the provisions of the Port Macquarie-Hastings Local Environmental Plan 2011 to permit the following additional uses on Lot 11 DP 1029846, 1179 Oxley Highway, Sancrox:
  - a) Highway Service Centre, including ancillary hotel or motel accommodation for heavy vehicle drivers, and
  - b) Subdivision to excise the Highway Service Centre site from the balance of the land, despite the minimum lot size provisions, and
  - c) A dwelling house on the residue, following excision of the Highway Service Centre site, despite the minimum lot size provisions, and
  - d) Subdivision of the Highway Service Centre site following its construction, to create separate titles for individual tenancies despite the minimum lot size provisions.
2. Delegate authority to the General Manager to enter into and execute the 1179 Oxley Highway, Sancrox Planning Agreement in connection with the Highway Service Centre Planning Proposal, on behalf of Council.
3. Take the necessary steps under section 3.35 and 3.36 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan (Amendment No 53).
4. Adopt the exhibited draft Highways Gateway Development Control Plan provisions as an amendment to part 4 of the Port Macquarie-Hastings Development Control Plan 2013 incorporating the changes referred to in this report, to commence on notification of the Local Environmental Plan in 1 above, on the NSW Legislation website.
5. Within 28 days, publish a public notice of Council's decision to adopt the Highways Gateway Development Control Plan provisions in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
6. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal and draft Highways Gateway Development Control Plan provisions in finalising the matter.
7. Notify all persons who lodged a submission of Council's decision.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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

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Mr David Pensini, David Pensini Building Certification and Environmental Services, representing the applicant, addressed Council in support of the recommendation.

Mr Wayne Ellis, Wayne Ellis Architects, representing the applicant, addressed Council in support of the recommendation.

*RESOLVED: Hawkins/Turner*

That DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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**13.09 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN**

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*RESOLVED: Dixon/Griffiths*

That Council:

1. Adopt the Kooloonbung Creek Flying-fox Camp Management Plan (Attachment 1).
2. Acknowledge the submissions made during the exhibition period and advise people who made submissions of the outcome of Council consideration of this matter.
3. Acknowledge the contribution of the Kooloonbung Creek Flying-fox Camp Management Plan Consultative Committee in the development of the Management Plan and thank the members of the committee for their input.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 10.01 Code of Meeting Practice - has been moved to another part of the document.

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## **10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*RESOLVED: Intemann/Alley*

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*

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## **10.03 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 2 MAY TO 5 JUNE 2019**

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*RESOLVED: Pinson/Griffiths*

That Council note the allocations from the Mayoral Discretionary Fund for the period 2 May to 5 June 2019 inclusive.

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

Item 10.04 Integrated Planning and Reporting (IPR) Documents - has been moved to another part of the document.

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## **10.05 MAKING OF RATES AND CHARGES FOR 2019/2020, ADOPTION OF THE FEES AND CHARGES AND REVENUE POLICY FOR 2019/2020**

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*RESOLVED: Hawkins/Griffiths*

That Council:

1. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.28605 cents) in the dollar with a Base Amount of \$598.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Residential Defined Urban Centres’. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 49.47%.
2. Make an Ordinary Rate – Residential, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.30300 cents) in the dollar with a Base Amount of \$498.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Residential Other’. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 39.49%.
3. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.60371 cents) in the dollar with a Base

- Amount of \$598.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Business Defined Urban Centres’. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 20.28%.
4. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (2.35042 cents) in the dollar with a Base Amount of \$598.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Business Port Macquarie CBD’. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 5.20%.
  5. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.52490 cents) in the dollar with a Base Amount of \$498.80 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Business Other’. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 30.51%.
  6. Make an Ordinary Rate – Farmland, pursuant to Section 494 of the Local Government Act, for 2019/2020 of (0.30327 cents) in the dollar with a Base Amount of \$601.00 for all rateable land in the Port Macquarie-Hastings LGA categorised as ‘Farmland’. In accordance with Section 537 of the Act the percentage to be raised by the base amount will be 29.75%.
  7. Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2019/2020 of (0.07114 cents) in the dollar for all rateable land within the Broadwater Special Rate area outlined in the attached rating maps.
  8. Make a Special Rate – Residential, pursuant to Section 495 of the Local Government Act, for 2019/2020 of (0.15850 cents) in the dollar for all rateable land within the Sanctuary Springs Special Rate area outlined in the attached rating maps.
  9. Make an Annual Charge for Waste Management Services – Domestic, pursuant to Section 496 of the Local Government Act, for 2019/2020 on all rateable land, categorised as Residential or Farmland, to which a domestic waste service is (or able to be) provided. The Domestic Waste Annual Charge will be based on the type of service received:

Type of Service	Charge for 2019/20
Standard service – 240 litre fortnightly general waste	\$447.00
Minimiser service – 140 litre fortnightly general waste	\$392.00
Excess Service – 240 litre weekly general waste	\$661.00
Half standard service – 240 litre fortnightly general waste (multi-unit dwellings only)	\$246.00
Half excess service – 240 litre weekly general waste (multi-unit dwellings only)	\$354.00
Half minimiser service - 140 litre fortnightly general waste (multi-unit dwellings only)	\$219.00
Half special weekly service (multi-unit dwellings only)	\$300.00
Availability charge on vacant land	\$77.00
Availability charge on land not receiving full charge (multi-unit dwellings only)	\$139.00

Additional recycling service – 240 litre fortnightly	\$65.00
Additional organics service – 240 litre weekly	\$96.00
Additional weekly garbage service – 240 litre general waste	\$347.00
Additional weekly garbage service – 140 litre general waste (multi-unit dwellings only)	\$264.00
On application only special weekly service – 140 litre weekly general waste	\$553.00
Minimum waste charge – single dwellings	\$392.00

10. Make an Annual Charge for Waste Management Services – Other, pursuant to Section 501 of the Local Government Act, for 2019/2020 on all rateable land, categorised as Business, to which a waste service is (or able to be) provided. The Other Waste Annual Charge will be based on the type of service received:

Type of Service	Charge for 2019/20
Commercial weekly service – 140 litre general waste	\$553.00
Commercial excess Service – 240 litre weekly general waste	\$661.00
Commercial half weekly service – 140 litre fortnightly general waste (shared)	\$300.00
Commercial half excess service – 240 litre weekly general waste (shared)	\$354.00
Availability charge on vacant land – business properties	\$77.00
Commercial availability charge on land not receiving full charge	\$77.00
Commercial additional recycling service – 240 litre fortnightly	\$65.00
Commercial additional organics service – 240 litre weekly	\$96.00
Commercial additional weekly garbage service – 240 litre general waste	\$347.00
Commercial additional weekly garbage service – 140 litre general waste	\$264.00
Waste management access charge	\$30.00

11. Make an Annual Charge for Water Availability and a charge per kilolitre for Water Usage, pursuant to Section 501 and 502 of the Local Government Act, for 2019/2020 on all rateable land, to which a water service is (or able to be) provided. The Water Annual Charge will be based on water meter size:

Size of water meter connection	Charge for 2019/20
20 mm including vacant properties and equivalent tenants	\$198.00
25 mm	\$315.00
32 mm	\$527.00
40 mm	\$829.00

50 mm	\$1,306.00
80 mm	\$3,356.00
100 mm	\$5,248.00
150 mm	\$11,832.00
200 mm	\$21,039.00
Fire service – 50 mm	\$653.00
Fire service – 80 mm	\$1,678.00
Fire service – 100 mm	\$2,624.00
Fire service – 150 mm	\$5,916.00
Fire service – 200 mm	\$10,519.50
Step 1 usage charges – per kilolitre	\$3.06
Step 2 usage charges – per kilolitre	\$6.12

12. Make an Annual Charge for Sewer Availability, pursuant to Section 501 of the Local Government Act, for 2019/2020 on all rateable land, to which a sewer service is (or able to be) provided. Make a usage charge for sewerage usage, pursuant to Section 502 of the Local Government Act, for 2019/2020 on Caravan Parks, Retirement Homes, Motels, Clubs, Hotels, Schools, Backpacker Hostels, Flats, Major Regional Shopping Centres. The Sewer charges are as follows:

Service	Charge for 2019/20
Pressure Sewer	\$852.70
Connected or available (excluding churches and halls)	\$882.70
Non-rateable (other than churches & halls S555)	\$702.70
Non-rateable (S556)	\$882.70
Unconnected (S548a)	\$566.50
Non-rateable (churches & halls S555)	\$566.50
Usage Charge - per kilolitre	\$1.32

13. Make an Annual Charge for Reclaimed Water Availability, pursuant to Section 501 of the Local Government Act, for 2019/2020 on Port Macquarie urban area business/commercial/council facilities where a reclaimed water service is provided. Make a usage charge for reclaimed water usage, pursuant to Section 502 of the Local Government Act, for 2019/2020 where a reclaimed water service is provided. The reclaimed water annual charges are based on meter size:

Reclaimed Metre size	Charge for 2019/20
20 mm	\$99.00
25 mm	\$157.50
32 mm	\$263.50
40 mm	\$414.50
50 mm	\$653.00
80 mm	\$1,678.00
100 mm	\$2,624.00
150 mm	\$5,916.00
200 mm	\$10,519.50

Usage Charge - per kilolitre	\$1.53
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14. Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act, for 2019/2020 on each parcel of rateable land for which the service is available. The stormwater annual charges are as follows:

Service	Charge for 2019/20
Residential	\$25.00
Residential - Strata	\$12.50
Business - Strata	\$12.50
Business – 0m <sup>2</sup> to 350m <sup>2</sup>	\$25.00
Business – 351m <sup>2</sup> to 700m <sup>2</sup>	\$50.00
Business – 701m <sup>2</sup> to 1,000m <sup>2</sup>	\$75.00
Business – 1,001m <sup>2</sup> to 1,400m <sup>2</sup>	\$100.00
Business – 1,401m <sup>2</sup> to 1,750m <sup>2</sup>	\$125.00
Business – 1,751m <sup>2</sup> to 2,100m <sup>2</sup>	\$150.00
Business – 2,101m <sup>2</sup> to 2,450m <sup>2</sup>	\$175.00
Business – 2,451m <sup>2</sup> to 2,800m <sup>2</sup>	\$200.00
Business – 2,801m <sup>2</sup> to 3,200m <sup>2</sup>	\$225.00
Business – 3,201m <sup>2</sup> to 3,500m <sup>2</sup>	\$250.00
Business – 3,501m <sup>2</sup> to 3,850m <sup>2</sup>	\$275.00
Business – 3,851m <sup>2</sup> to 4,200m <sup>2</sup>	\$300.00
Business – 4,201m <sup>2</sup> to 4,600m <sup>2</sup>	\$325.00
Business – 4,601m <sup>2</sup> to 4,900m <sup>2</sup>	\$350.00
Business – 4,901m <sup>2</sup> to 5,200m <sup>2</sup>	\$375.00
Business – 5,201m <sup>2</sup> to 5,600m <sup>2</sup>	\$400.00
Business – 5,601m <sup>2</sup> to 5,950m <sup>2</sup>	\$425.00
Business – 5,951m <sup>2</sup> to 6,300m <sup>2</sup>	\$450.00
Business – 6,301m <sup>2</sup> to 6,600m <sup>2</sup>	\$475.00
Business > 6,600m <sup>2</sup>	\$500.00

15. Make an Annual Charge for Onsite Effluent Services, pursuant to Section 501 of the Local Government Act, for 2019/2020 on each parcel of rateable land for which the service is provided. The Onsite Effluent annual charge are based on the risk of the system:

System	Charge for 2019/20
Low risk system	\$38.00
Medium risk system	\$75.00
High risk system	\$107.00
Small commercial	\$214.00
Large commercial	\$267.00

16. Adopt the following Integrated Planning and Reporting (IPR) documents:
- Fees & Charges 2019-2020
  - Revenue Policy 2019-2020
  - Rating Maps 2019-2020
17. Set the interest rate on overdue rates and charges at 7.5% from 1 July 2019 in accordance with the Office of Local Government directive.

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

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#### **10.06 MONTHLY BUDGET REVIEW - MAY 2019**

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*RESOLVED: Griffiths/Hawkins*

That Council:

1. Adopt the adjustments in the "Budget Variations – May 2019" section of the Monthly Budget Review – May 2019.
2. 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*

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#### **10.07 INVESTMENTS - MAY 2019**

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*RESOLVED: Hawkins/Griffiths*

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

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

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#### **10.08 CLASSIFICATION OF LANDS TO BE ACQUIRED BY COUNCIL**

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*RESOLVED: Intemann/Hawkins*

That Council:

1. Classify Lot 4 Deposited Plan 1246722 (land situated at 31A Henry Street, Long Flat) as operational land;
2. Classify Lot 2 Deposited Plan 39064 (land situated at 210 Hastings River Drive, Port Macquarie) as operational land.

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



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## **10.09 NOTICE OF MOTION - FEDERAL ELECTION - CONGRATULATIONS TO FEDERAL MEMBERS**

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*RESOLVED: Pinson/Griffiths*

That Council:

1. Congratulate Dr David Gillespie MP on his re-election as the Federal Member for Lyne.
2. Congratulate Mr Patrick Conaghan on his election as the new Federal Member for Cowper.
3. Thank and congratulate all candidates who stood for election in the Federal seats of Cowper and Lyne, for their participation in our democracy.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **10.10 NOTICE OF MOTION - EMERGENCY SERVICES LEVY INCREASE**

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*RESOLVED: Pinson/Alley*

That Council:

1. Notes that last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers.
2. Notes that in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded worker's compensation scheme.
3. Notes that as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation.
4. Notes that the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/2020 budgets.
5. Notes that Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.
6. Supports Local Government NSW's calls for:
  - a) The NSW Government to cover the initial additional \$19m increase to local governments for the first year and
  - b) The NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.
- 7) Requests that the General Manager liaise with Local Government NSW to provide information on:
  - i) The impact on Council budgets and
  - ii) Council advocacy actions undertaken.
8. Requests that the General Manager write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister

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for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state members to:

- a) Call upon the NSW Government to fund the 12 months of this extra cost rather than requiring Councils to find the funds at short notice when budgets have already been allocated.
- b) Explain how this sudden increase will impact Council services / the local community.
- c) Highlight that Councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018
- d) Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.
- e) Ask the NSW Government to work with local government to redesign the implementation of the scheme to ensure it is fairer for Councils and communities into the future.
- f) Copy the above letter to Local Government NSW.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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## **11.01 NOTICE OF MOTION - PORT MACQUARIE POLICE STATION SITE**

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### **MOTION**

*MOVED: Turner/Hawkins*

That Council:

1. Note that planning is underway by the NSW Government for a new Police Station and facilities in Port Macquarie.
2. Recognise that the current Police Station site, including the historic Police Constable's cottage and lock-up, is a community heritage asset of high significance that contributes to the cultural, heritage, and educational enhancement of the Port Macquarie CBD.
3. Note that there is strong community support to retain the current Police Station and historic Police Constable's cottage in community ownership once a new Police Station has been commissioned.
4. Request the General Manager give consideration to requesting Council's heritage consultant to prepare a heritage management plan for the Police Station and the historic Police Constable's cottage during the 2019-2020 financial year.
5. Write to the Member for Port Macquarie and the Member for Cowper to request their support for the retention of the Police Station and historic Police Constable's cottage in community ownership.
6. Consider applying for any potential grant funding from other levels of Government to facilitate the retention of this important community asset.

## **AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council:

1. Request the General Manager write to the Member for Port Macquarie, Ms Leslie Williams, requesting an update on the commitment for a new Police Station in Port Macquarie along with the NSW Government's plans for the current site at 2 Hay Street Port Macquarie.
2. Request the General Manager to bring back a report to the July 2019 Ordinary Council Meeting for further consideration.

## **THE AMENDMENT WAS PUT AND LOST**

*MOVED: Pinson/Griffiths*

That Council:

1. Request the General Manager write to the Member for Port Macquarie, Ms Leslie Williams, requesting an update on the commitment for a new Police Station in Port Macquarie along with the NSW Government's plans for the current site at 2 Hay Street Port Macquarie.
2. Request the General Manager to bring back a report to the July 2019 Ordinary Council Meeting for further consideration.

*LOST: 2/6*

*FOR: Griffiths and Pinson*

*AGAINST: Alley, Dixon, Hawkins, Intemann, Levido and Turner*

## **THE MOTION WAS PUT**

*RESOLVED: Turner/Hawkins*

That Council:

1. Note that planning is underway by the NSW Government for a new Police Station and facilities in Port Macquarie.
2. Recognise that the current Police Station site, including the historic Police Constable's cottage and lock-up, is a community heritage asset of high significance that contributes to the cultural, heritage, and educational enhancement of the Port Macquarie CBD.
3. Note that there is strong community support to retain the current Police Station and historic Police Constable's cottage in community ownership once a new Police Station has been commissioned.
4. Request the General Manager give consideration to requesting Council's heritage consultant to prepare a heritage management plan for the Police Station and the historic Police Constable's cottage during the 2019-2020 financial year.
5. Write to the Member for Port Macquarie and the Member for Cowper to request their support for the retention of the Police Station and historic Police Constable's cottage in community ownership.
6. Consider applying for any potential grant funding from other levels of government to facilitate the retention of this important community asset.

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

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## **EXTENSION OF TIME**

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*RESOLVED: Pinson/Griffiths*

That, as per Clause 18.2 of the adopted Code of Meeting Practice, Council extend the time of this meeting to 11:00pm.

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

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## **11.02 RECOMMENDED ITEM FROM LOCAL TRAFFIC COMMITTEE - 2019 SEAVIEW CYCLING CLASSIC**

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*RESOLVED: Intemann/Dixon*

That Council approve the 2019 Seaview Cycling Classic subject to Police and Roads & Maritime Services concurrence of the revised Traffic Management Plan and dates.

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

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## **11.03 LAURIETON SPORTS COMPLEX MASTER PLAN**

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*RESOLVED: Alley/Dixon*

That Council:

1. Note the information contained within the Laurieton Sports Complex Master Plan Report;
2. Note that the development of the Master Plan was based on targeted stakeholder/user group engagement and will not be placed on formal public exhibition; and
3. Adopt the Laurieton Sports Complex Master Plan (Attachment 1) for implementation.

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

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## **12.01 ROAD CLOSURE AND SALE OF LAND - MAIN STREET, ELLENBOROUGH**

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*RESOLVED: Griffiths/Hawkins*

That Council:

1. Proceed with the closure of that part of Main Street, Ellenborough adjacent to House Number 6, being the areas depicted as (A) and (B) in the survey plan prepared by Frank O'Rourke & Associates dated March 2019 Job Reference 10598;
2. Pursuant to Sections 38B and 38E of the Roads Act 1993, in the Notice of Road Closure, vest the land within the closed road in Council ownership as "operational land";
3. Following completion of the road closure process, sell the land within the closed road referred to in Resolution 1 above to the owner of 6 Main Street Ellenborough, E Delaforce, at a value to be determined by Council's Consulting Valuer;
4. Reaffirm that all costs associated with the road closure and sale are the sole responsibility of the owner of 6 Main Street, Ellenborough;
5. Pursuant to Section 377 of the Local Government Act 1993 delegate authority to the General Manager to sign:
  - a) Plan of road closure;
  - b) Electronically or otherwise, all documents including but not limited to any authorisation form associated with the land sale as required in accordance with the Electronic Transactions Act 2000.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 13.01 Proposed Orbital Road Project - has been moved to another part of the document.

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## **13.02 LAND ACQUISITION - CORNER OF LAKE ROAD & BLACKBUTT ROAD, PORT MACQUARIE**

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*RESOLVED: Intemann/Alley*

That Council:

1. Pay compensation in the amount of \$13,156.00 (GST Exclusive) to the Owners Corporation of Strata Plan 98553 for the acquisition of part of the Common Property of Strata Plan 98553 more particularly described as Lot 1 in Plan of Acquisition Deposited Plan 1230034 being land situated at 146 Lake Road, Port Macquarie;
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the Owners Corporation of Strata Plan 98553 reasonably incurred legal and financial costs associated with the acquisition;

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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 10 of the Roads Act 1993, on the acquisition of Lot 1 Deposited Plan 1230034, dedicate the land as a public road.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **13.03 LAND ACQUISITION AND ROAD CLOSURE BEING PART THONE RIVER ROAD, BYABARRA**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Proceed to acquire that part of Lot 12 Deposited Plan 136647 of sufficient length and width to enable a public road to be created over the existing Thone River Road track in use at its intersection with Comboyne Road;
2. Subject to Resolution 1 above, pursuant to Section 10 of the Roads Act 1993, on completion of the proposed acquisition, dedicate the acquired land as a public road;
3. Subject to Resolutions 1 and 2 above, proceed with the closure of that part of Thone River Road, enclosed by the blue dashed line in the attachment to this report titled "Proposed Road to be Closed";
4. Pursuant to Sections 38B and 38E of the Roads Act 1993, in the Notice of Road Closure, vest the land within the closed road in Council ownership as "operational land";
5. Pursuant to Section 44 of the Roads Act 1993, provide the land within the closed road referred to in Resolution 3 above, to the owner of Lot 12 Deposited Plan 136647, as compensation for the land acquired from Lot 12 Deposited Plan 136647;
6. Complete the land acquisition and road dedication processes referred to in Resolutions 1 and 2 above, either prior to, or at the same time, as the closure of that part of Thone River Road referred to in Resolution 3 above;
7. Pursuant to Section 377 of the Local Government Act 1993 delegate authority to the General Manager to sign:
  - a) Plan of road closure and Section 88B Instrument;
  - b) Electronically or otherwise all documents including but not limited to any authorisation form as required in accordance with the Electronic Transactions Act 2000.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **13.04 LAND ACQUISITIONS - WINGHAM ROAD AND MAIN STREET, COMBOYNE**

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*RESOLVED: Griffiths/Alley*

That Council:

1. Pay compensation in the amount of \$29,132.00 (GST Exclusive) to the owner of Lot 1 Section 1 Deposited Plan 8802, N Matthews, for the acquisition of part Lot 1 Section 1 Deposited Plan 8802 more particularly described as Lot 1 in Plan of Acquisition Deposited Plan 852232;
2. Pay compensation in the amount of \$9,955.00 (GST Exclusive) to the owner of Lot 2 Deposited Plan 205711, P Newman, for the acquisition of part of Lot 2 Deposited Plan 205711 more particularly described as Lot 2 in Plan of Acquisition Deposited Plan 852232;
3. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991 pay the legal costs reasonably incurred by the landowners associated with the acquisitions;
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;
5. Pursuant to Section 10 of the Roads Act 1993, on the acquisition of Lots 1 and 2 Deposited Plan 852232, dedicate the land as a public road.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **13.05 CREATION OF EASEMENTS FOR WATER SUPPLY - JOHN OXLEY DRIVE, THRUMSTER**

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*RESOLVED: Intemann/Hawkins*

That Council:

1. Pay compensation in the amount of \$82,260.00 (GST Exclusive) to the owner of Lots 1, 2 and 3 Deposited Plan 1250669, S.Z.C.J.S.E. Pty Ltd, for the creation of easements for water supply 4 metres wide and 12 metres wide shown as (J) and (H) respectively in Deposited Plan 1250669;
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's reasonably incurred valuation and legal fees associated with the creation of the easements;
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 easement creation in accordance with the Electronic Transactions Act 2000.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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Item 13.06 Planning Proposal Request PP2011 - 9.3: The Ruins Way and South Blackwood, Port Macquarie - has been moved to another part of the document.

Item 13.07 Post Exhibition Report - Highway Service Centre Planning Proposal, Draft Planning Agreement and Draft Highways Gateway Development Control Plan - has been moved to another part of the document.

Item 13.08 DA2018 - 353.1 Commercial Premises and Tourist and Visitor Accommodation with Clause 4.6 Variation to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123 DP 1219 - has been moved to another part of the document.

Item - 13.09 Kooloonbung Creek Flying-Fox Camp Management Plan - has been moved to another part of the document.

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### **13.10 BIODIVERSITY STRATEGY: REPORT FOLLOWING CLOSE OF PUBLIC EXHIBITION PHASE**

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*RESOLVED: Griffiths/Alley*

That Council:

1. Adopt the revised Biodiversity Management Strategy and mapping (Attachment 1) as detailed in this report for the purpose of further public consultation for a period of not less than 28 days commencing 27 June 2019.
2. Provide a further report to Council following the conclusion of the public exhibition.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **14 ITEMS TO BE DEALT WITH BY EXCEPTION**

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Nil.



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## CONFIDENTIAL COMMITTEE OF THE WHOLE

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*RESOLVED: Intemann/Dixon*

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 15.01 Request for Bad Debt Write-Off

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

Item 15.02 Workers Compensation Insurance Premiums

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 15.03 Purchase by Property Reserve

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 15.04 T-19-09 Supply and Delivery of Ready Mix Concrete

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 15.05 T-19-10 Supply and Delivery of Road Construction Materials

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 15.06 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.

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- Item 15.07 T-19-22 Cash Collection 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 15.08 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)(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 15.09 T-19-19 Request for Proposal - Innes Gardens Memorial Park Crematorium and Lawn Cemetery
- 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 15.10 T-14-06 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.
- Item 15.11 T-19-20 Provision of Line Marking 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.
- Item 15.12 T-19-39 Dunbogan Bridge Rehabilitation - Construction Stage Support
- 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 15.13 Legal Advice on Water Fluoridation
- 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.
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Item 15.14 Land Acquisition - Hastings Regional Sport Complex, Wauchope

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: 8/0*

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

*AGAINST: Nil*

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**ADJOURN MEETING**

The Ordinary Council Meeting adjourned at 10:20pm.

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**RESUME MEETING**

The Ordinary Council Meeting resumed at 10:59pm.

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**ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE**

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*RESOLVED: Griffiths/Dixon*

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

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 15.01 Request for Bad Debt Write-Off

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

**RESOLVED**

That Council write off the account outlined in the Request for Bad Debt Write-off report as "bad debts not recoverable".

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 15.02 Workers Compensation Insurance Premiums

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.

**RESOLVED**

That Council:

1. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the unavailability of competitive or reliable Tenderers, as described in this report, resolves not to call public tenders for the Workers Compensation insurance.
2. Delegate authority to the General Manager to enter into an agreement with StateCover Mutual for the provision of Workers Compensation insurance for the 2019/20 financial year.
3. Maintain the confidentiality in respect of the Workers Compensation premiums.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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Item 15.03 Purchase by Property Reserve

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.

**RESOLVED**

That Council:

1. Submit an Expression of Interest within the adopted value range nominated by Council's Consulting Valuer for the purchase of Lot 4 Strata Plan 85897 (Unit 4/75-77 Clarence St, Port Macquarie).
2. Subject to the outcome of resolution 1 above, delegate to the General Manager authority to:
  - a) Sign the Contracts for Sale.
  - b) Sign the letters to Revenue NSW seeking an exemption from the payment of Stamp Duty.
  - c) Sign the Revenue NSW Purchaser Declaration Forms.
  - d) Sign the Land Registry Services Transfer Forms.
  - e) Sign any of the above or additional forms, either by hand or electronically, that may be required with the introduction of e-conveyancing from 1 July 2018.
3. Utilise Council's Property Reserve to complete this acquisition should Council's offer be accepted.
4. On completion of the purchase of Lot 4 Strata Plan 85897 (Unit 4/75-77 Clarence St, Port Macquarie), pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 4 Strata Plan 85897 as "operational" land by placing on exhibition for minimum of 28 days the proposed resolution "it is intended to Lot 4 Strata Plan 85897 (Unit 4/75-77 Clarence St, Port Macquarie) as operational land."
5. Note that a further report will be tabled to Council detailing any submissions received from the public during the exhibition period.

*LOST: 2/6*

*FOR: Alley and Levido*

*AGAINST: Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner*

Item 15.04 T-19-09 Supply and Delivery of Ready Mix Concrete

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.

**RESOLVED**

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 T-19-09 for the Supply and Delivery of Ready Mix Concrete due to the reason that there was not a sufficient number of conforming tenders to form a competitive panel arrangement.
2. In accordance with the Local Government (General) Regulations 2005 clauses 178(3)(e) and 178(4), decline to invite fresh tenders

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and enter into negotiations with the following companies:

- Boral Resources (Country) Pty Ltd;
- Hanson Construction Materials Pty Ltd;
- Holcim (Australia) Pty Ltd; and
- Hurd Haulage t/as Hy-Tec Concrete & Aggregates.

who expressed an interest in T-19-09 for the Supply and Delivery of Ready Mix Concrete with a view of appointing tenderers that offer Council value for money to the panel arrangement.

4. Request the General Manager to present a further report to a future meeting of Council on completion of the negotiation process, for Council's further consideration of T-19-09 and acceptance of the proposed panel arrangement.
5. Maintain the confidentiality of the documents and considerations in respect of T-19-09.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Item 15.05 T-19-10 Supply and Delivery of Road Construction Materials

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.

**RESOLVED**

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 T-19-10 for the Supply and Delivery of Road Construction Materials due to the reason that there was not a sufficient number of conforming tenders to form a competitive panel arrangement.
2. 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 the following companies;
  - Boral Resources (Country) Pty Ltd;
  - Hanson Construction Materials Pty Ltd;
  - Holcim (Australia) Pty Ltd;
  - Hurd Haulage t/as Hy-Tec Concrete & Aggregates; and
  - Pacific Blue Metal Pty Ltd.who expressed an interest in T-19-10 for the Supply and Delivery of Road Construction Materials with a view of appointing tenderers that offer Council value for money to the panel arrangement.
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 T-19-10 and acceptance of the proposed panel arrangement.
5. Maintain the confidentiality of the documents and considerations in respect of T-19-10.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Item 15.06 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.

**RESOLVED**

That Council:

1. Accept the revised tender from Jardine Lloyd Thompson Pty Ltd for the provision of Insurance Brokerage and Risk Management Services with a view of entering into a three (3) year contract with an initial 12-month review period subject to Council's satisfaction with the performance of Jardine Lloyd Thompson Pty Ltd, at the time of Council's receipt of renewal prices.
2. Undertake a review of insurance coverage and associated services during this period.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-18.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Item 15.07 T-19-22 Cash Collection 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.

**RESOLVED**

That Council:

1. Accept the tender from PM Securities Pty LTD t/as Phoenix Security Solutions - Mid North Coast for the provision of Cash Collection Services, for a three-year period commencing 1 July 2019, with two options to extend for a further one-year period, such options to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Accept the Schedule of Rates from PM Securities Pty Ltd t/as Phoenix Security Solutions - Mid North Coast for the Provision of Cash Collection Services.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-22.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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Item 15.08 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)(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.

**RESOLVED**

That Council:

1. Accept the revised proposal from Martbarr Pty Ltd as outlined in this RFP T-19-02 Lease of the Café and Retail Lease Areas and Other Commercial Opportunities at the Port Macquarie Airport report.
2. Delegate authority to the General Manager to enter into a lease with Martbarr Pty Ltd for the provision of food, beverage and associated retail services from the café area at the Port Macquarie Airport terminal building, for an initial term of three (3) years commencing on 26 June 2019 and ending on 25 June 2022, with two (2) consecutive options to renew each for a further term of three (3) years which are exercisable by the lessee in accordance with the terms of the lease and subject to satisfactory performance by the lessee in accordance with the terms of the lease.
3. Maintain the confidentiality of the documents and considerations in respect of RFP T-19-02.

*CARRIED: 7/0*

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

*AGAINST: Nil*

Item 15.09 T-19-19 Request for Proposal - Innes Gardens Memorial Park Crematorium and Lawn Cemetery

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.

**RESOLVED**

That Council:

1. Decline to accept any of the proposals submitted in respect of RFP No: T-19-19 Innes Gardens Memorial Park Crematorium and Lawn Cemetery.
2. Maintain the confidentiality of the documents and considerations in respect of RFP No: T-19-19.
3. Enter into negotiations with all organisations that registered an interest or submitted a proposal and attended the RFP T-19-19 site inspections, with a view to entering into a contract or other arrangement in relation to the Innes Gardens Memorial Park Crematorium and Lawn Cemetery.
4. Request the General Manager ensure that the negotiations referred to in Resolution 3 above, include (though not limited to):
  - a) a binding commitment to ensure that Innes Gardens Memorial Park continues to provide crematorium, lawn



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- cemetery and memorialisation services to the community, consistent with the existing land use zoning and property covenant restrictions.
- b) a binding commitment to ensure the perpetual care, protection and management of existing interments and inurnments at the facility, in accordance with the *Cemeteries and Crematoria Act 2013*.
  - c) a commitment to capital improvement works proposed to the facility to improve the delivery of crematorium, lawn cemetery and memorialisation services to the community.
  - d) further investigation regarding the ongoing protection and retention of the existing koala habitat on the site.
5. In parallel with the negotiations referred to in Resolutions 3 and 4 above, request the General Manager prepare and publish further information to the community regarding Council's current consideration of the crematorium, lawn cemetery and memorialisation services provided at Innes Gardens Memorial Park Crematorium and Lawn Cemetery, such information to include a range of frequently asked questions, and be made available via Council's "Have Your Say" online community engagement hub for a minimum period of 28 days commencing 1 July 2019.
6. Request the General Manager present a further report to the August 2019 Council Meeting, providing details of the negotiations undertaken and community feedback received for Council's further consideration of Innes Gardens Memorial Park Crematorium and Lawn Cemetery.
7. Acknowledge the recent interest from Tender Funerals Working Party (after the closing date for RFP No: T-19-19) and the advice received by Council in relation to the integrity of the process and further note that whilst the Tender Funerals Working Party are not one of the organisations referred to in 3 above, this does not preclude the Tender Funerals Working Party from establishing a low cost funeral service in the local government area.

*CARRIED: 4/3*

*FOR: Dixon, Hawkins, Intemann and Turner*

*AGAINST: Alley, Griffiths and Pinson*

- Item 15.10 T-14-06 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.

RESOLVED

That Council:

- 1. Note the negotiated rates/fees and contract conditions for the contract variation/extension for T-14-06 for the Operation and Routine Maintenance of PMHC Vehicular Ferries - Settlement Point & Hibbard Crossings with Ferrymen (Port Macquarie) Pty

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Limited.

2. Maintain the confidentiality of the documents and consideration in respect to Contract Number T-14-06.

*CARRIED: 8/0*

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

Item 15.11 T-19-20 Provision of Line Marking 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.

RESOLVED

That Council:

1. Accept the tenders from the following suppliers to be appointed to a panel of suppliers for T-19-20 Provision of Line Marking Services for the period 1 July 2019 to 30 June 2022.
  - Complete Line Marking Services Pty Ltd.
  - Jenalad Pty Ltd t/as Whiteline Road Services.
  - Oz Linemarking NSW Pty Ltd.
  - Work-force Road Services Pty Ltd.with the option of one 12-month extension period, such option to be for the benefit of Council and may be exercised only by the Council in its sole discretion.
2. Accept the Schedule of Rates from the following suppliers for Line Marking Services:
  - Complete Line Marking Services Pty Ltd.
  - Jenalad Pty Ltd t/as Whiteline Road Services.
  - Oz Linemarking NSW Pty Ltd.
  - Work-force Road Services Pty Ltd.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-20 (T531920MNC).

*CARRIED: 8/0*

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

Item 15.12 T-19-39 Dunbogan Bridge Rehabilitation - Construction Stage Support

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.

RESOLVED

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, resolve not to call public tenders for the Dunbogan Bridge

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2. Accept the Schedule of Rates from Focus Bridge Engineering Pty Ltd for the Dunbogan Bridge Rehabilitation Construction Stage Support.
  3. Affix the seal of Council to the necessary documents.
  4. Maintain the confidentiality of the documents and considerations in respect of the Dunbogan Bridge Rehabilitation Construction Stage Support and Focus Bridge Engineering Pty Ltd engagement.

*CARRIED: 8/0*

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

Item 15.13 Legal Advice on Water Fluoridation

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.

**RESOLVED**

That Council:

1. Note the report and the attached legal advice on water fluoridation dated 17 April 2019.
2. Request the General Manager instruct Lindsay Taylor Lawyers to write to the Therapeutic Goods Administration (TGA) outlining Council's situation, attaching the recently received and above-mentioned legal advice and requesting:
  - a) Full details of what is involved in securing a license/registration for the manufacture, presentation and supply of an orally-consumed therapeutic good, including issues such as toxicological studies etc.
  - b) That if different to the request made in 2 a) above, details of what would be involved for licensing/registration of reticulated fluoridated drinking water for manufacture, presentation and supply,  
requesting a substantive reply from TGA by 31 July 2019.
3. Request the General Manager write to NSW Health, outlining Council's situation, attaching the above-mentioned legal advice and letter to the TGA and requesting NSW Health's opinion on the issues raised, by 31 July 2019.
4. Request the General Manager provide a copy of the above-mentioned letters and legal advice to the relevant State and Federal Health Ministers, and the local State and Federal members of Parliament.
5. Request the General Manager write to the Presidents of Local Government NSW (LGNSW) and the Australian Local Government Association (ALGA) (attaching the legal advice and the above-mentioned letters to NSW Health and the TGA), requesting that they raise this issue of significant public interest promptly with their respective Boards and subsequently their members, with a view to their associations forming a position on

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this issue so that they can advocate for and on behalf of Council with regard to the constitutionality or otherwise of reticulated water fluoridation.

6. Make public the above-mentioned legal advice, including on Council's website.
7. Authorise the General Manager to obtain further legal advice as necessary and to keep Councillors informed of such advice.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Item 15.14 Land Acquisition - Hastings Regional Sport Complex, Wauchope

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.

**RESOLVED**

That Council:

1. Pay compensation in the amount of \$800,000 (GST Exclusive) to the owners of Lot 42 DP1016237 and Lot 3 DP221932, W G and S S Norman, for the acquisition of Lot 42 DP1016237 and Lot 3 DP221932, 42 Randall Street, Wauchope.
2. 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 forms as required associated with the acquisition and land sale in accordance with the Electronic Transactions Act 2000.
3. Request the General Manager or his delegate to engage with Randall Street residents regarding potential impacts that may arise from Council's acquisition of Lot 42 DP1016237 and Lot 3 DP221932 and subsequent development of community facilities on these sites.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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The meeting closed at 11:00pm.

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Peta Pinson  
Mayor