

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Michael Cusato
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Justin Levido
Councillor Lee Dixon

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Dan Bylsma)
Director Strategy and Growth (Jeffery Sharp)
Governance Officer (Kirsty Callander)(part of meeting)
Governance Support Officer (Bronwyn Lyon)
Executive Assistant to the Mayor (Linda Kocis)
Communications Manager (Andy Roberts)

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

Pastor Jeff Atherton from the People Builders Church delivered the Local Government Prayer.

03 APOLOGIES

RESOLVED: Dixon/Turner

That the apology received from Councillor Hawkins' owing to approved leave be accepted.

04 CONFIRMATION OF MINUTES

RESOLVED: Alley/Dixon

That the Minutes of the Ordinary Council Meeting held on 21 August 2019 be confirmed.

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

05 DISCLOSURES OF INTEREST

Councillor Alley declared a Pecuniary Interest in Item 11.11 - 2019-2020 Round 1 Community Grant Program for Endorsement, the reason being that Councillor Alley's wife is a member of one of the community organisations that has applied for the grants that are the subject of this report and it was my wife that prepared the grant application on behalf of that organisation.

Councillor Alley declared a Non-Pecuniary, Less Than Significant Interest in Item 13.10 - Bold Street Laurieton Pedestrian Crossing, the reason being that Councillor Alley serves as the Treasurer on the Parish Council of the Anglican Church of the Camden Haven. The Church operates a business in Laurieton – the Anglican Op Shop. However that business is not located in Bold Street and would not receive any benefit or loss as a consequence of any pedestrian crossing in any of the proposed locations and has no competing Op Shop that operates in this area that may be serviced by any of the proposed crossing locations.

Mayor Pinson declared a Pecuniary Interest in Item 15.02 - T-19-29 Dunbogan Flood Access Road - Stage 1A, the reason being that Mayor Pinson owns a company, Stabilcorp, which contracts from time to time with one of the tenderers.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.02 - T-19-29 Dunbogan Flood Access Road - Stage 1A, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for a principal of one of the tenderers, the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.15 - Planning Proposal: 2019 Administrative Review of Port Macquarie - Hastings LEP

2011 (Amendment No 55) - Consideration of Submissions, the reason being that Councillor Levido is the principle of Levido Law and Property. The Firm acts for the owner of one of the properties the subject of the report.

06 MAYORAL MINUTES

Nil.

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Griffiths/Cusato

That Council determine that the attachments to Item Numbers 11.11 and 12.02 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

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

08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

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

1. Mr Peter Matthison, Midcoast Honey, regarding climate science presentation invitation.
2. Dr Sarah Mollard regarding health impacts of climate crisis on our community.
3. Ms Rachel Sheppard regarding climate change solutions for the Hastings.
4. Ms Susan East regarding reticulated water for Lake Cathie / Bonny Hills.

RESOLVED: Dixon/Griffiths

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

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

08.01 CLIMATE SCIENCE PRESENTATION INVITATION

Mr Peter Matthison, Midcoast Honey, addressed Council regarding climate science presentation invitation and answered questions from Councillors.

08.02 HEALTH IMPACTS OF CLIMATE CRISIS ON OUR COMMUNITY

Dr Sarah Mollard addressed Council regarding health impacts of climate crisis on our community and answered questions from Councillors.

08.03 CLIMATE CHANGE SOLUTIONS FOR THE HASTINGS

Ms Rachel Sheppard addressed Council regarding climate change solutions for the Hastings.

08.04 RETICULATED WATER FOR LAKE CATHIE / BONNY HILLS

Ms Susan East addressed Council regarding reticulated water for Lake Cathie / Bonny Hills.

09 PUBLIC FORUM – MATTERS ON THE AGENDA

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

Item 11.02 - Mr Roderick Mallinson in support of the recommendation.

Item 12.01 - Ms Susan Proust, Hastings Birdwatchers, in opposition of the recommendation.

Item 13.01 - Mr Tony Thorne, King and Campbell Pty Ltd, in opposition of the recommendation.

Item 13.02 - Ms June Le Pla, FAWNA (NSW) Inc., in opposition of the recommendation.

Item 13.03 - Mr Ken Monson, Hastings Birdwatchers, in opposition of the recommendation.

Item 13.04 - Mr Philip Lloyd in support of the recommendation.

Item 13.04 - Mr Tony Thorne, King and Campbell Pty Ltd, in support of the recommendation.

Item 13.10 - Mr John Saunders, Camden Haven Chamber of Commerce, in

opposition of the recommendation.

RESOLVED: Alley/Dixon

That the above requests to speak in the Public Forum - Matters On The Agenda be acceded to.

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Griffiths

That Standing Orders be suspended to allow Items 11.02, 12.01, 13.01, 13.02, 13.03, 13.04 and 13.10 to be brought forward and considered next.

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

11.02 PORT MACQUARIE AQUATIC FACILITY - SITE SELECTION

Mr Roderick Mallinson addressed Council in support of the recommendation.

RESOLVED: Turner/Alley

That Council:

1. Note the information contained in the Port Macquarie Aquatic Facility- Site Selection Report.
2. Acknowledge the community engagement that has been undertaken regarding a new Aquatic Facility in Port Macquarie and thank the community for their feedback on their preferred site.
3. Reconfirm Macquarie Park as the preferred site for a new Aquatic Facility in Port Macquarie.
4. Request the General Manager to proceed with the next stage of the project being detailed design and approvals; including development of a Strategic Concept Design.
5. Request the General Manager provide a future report to Council on the progress of detailed design and the Strategic Concept Plan in June 2020.
6. Request the General Manager provide a future report to Council on the outcome of discussions with the displaced user groups of Macquarie Park, being Port Macquarie Football Club & Port Macquarie Army Cadets to identify suitable alternative facilities in June 2020.

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

12.01 HEALTH AND EDUCATION PRECINCT MASTER PLAN

Councillor Cusato left the meeting, the time being 6:22pm.

Councillor Cusato returned to the meeting, the time being 6:23pm.

Ms Susan Proust, Hastings Birdwatchers, addressed Council in opposition of the recommendation.

RESOLVED: Turner/Griffiths

That Council

1. Note the community engagement process and submissions received during the public exhibition period and subsequent workshops.
2. Adopt the Health and Education Precinct Master Plan.
3. Note the plans of stakeholders to establish a Consortium to assist in driving the development and implementation of a Health and Education Precinct.

CARRIED: 8/0

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

AGAINST: Nil

13.01 TRANSPORT NETWORK IMPROVEMENTS (INCLUDING THE PROPOSED ORBITAL ROAD PROJECT) - 19 JUNE 2019 COUNCIL RESOLUTION UPDATE REPORT

Mr Tony Thorne, King and Campbell Pty Ltd, representing J Newton Construction and St Agnes Care & Lifestyle, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Intemann/Turner

That Council note the information included in the Transport Network Improvements (including the proposed Orbital Road Project) - 19 June 2019 Council Resolution Update Report, and confirm that:

1. The Transport Network Improvements - Strategic Business Case Scope of Works will consider all options put forward by the community.
2. Council staff will consider minimising impacts of the various options, for example by considering a two lane option where appropriate.
3. Public transport will be considered as part of the network modelling and initial transport planning.

CARRIED: 7/1

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

AGAINST: Griffiths

13.02 NOTICE OF MOTION - REVOCATION OF PART OF THE LAKE INNES NATURE RESERVE

Ms June Le Pla, FAWNA (NSW) Inc., addressed Council in opposition of the recommendation and answered questions from Councillors.

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Note the correspondence from the NSW Minister for Energy & Environment, The Hon. Matt Kean MP.
2. Request the General Manager write to the NSW Minister for Energy & Environment, The Hon. Matt Kean MP, to seek clarification on whether Ministerial approval is likely to be granted for revocation of part of the Lake Innes Nature Reserve for the purpose of any future proposed Orbital Road link through the Nature Reserve.

AMENDMENT

MOVED: Turner/Alley

That Council:

1. Note correspondence from Council to Minister for the Environment, Local Government and Heritage, the Hon Gabrielle Upton, dated 23 July 2018, with regard to Road Corridor Interfaces with National Parks Land.
2. Note the response from Scot McDonald MLC on behalf of the Hon Gabrielle Upton, dated 10 September 2018.
3. Note correspondence received by the Member for Port Macquarie from the NSW Minister for Energy and Environment, the Hon Matt Kean MP, dated 8 August 2019, which was forwarded to Council on 22 August 2019.
4. Request the General Manager write to the NSW Minister for Energy and Environment, the Hon Matt Kean MP:
 - a) To clarify whether there is any update to the policy for revocation, recategorization and road adjustment in National Parks and Nature Reserves since the Department's correspondence to Council dated 10 September 2018.
 - b) Attach copies of the letter from Council, dated 23 July 2018; and the response received by Council, dated 10 September 2018, for the Minister's reference.

THE AMENDMENT WAS PUT AND CARRIED

MOVED: Turner/Alley

That Council:

1. Note correspondence from Council to Minister for the Environment, Local Government and Heritage, the Hon Gabrielle Upton, dated 23 July 2018, with regard to Road Corridor Interfaces with National Parks Land.

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2. Note the response from Scot McDonald MLC on behalf of the Hon Gabrielle Upton, dated 10 September 2018.
 3. Note correspondence received by the Member for Port Macquarie from the NSW Minister for Energy and Environment, the Hon Matt Kean MP, dated 8 August 2019, which was forwarded to Council on 22 August 2019.
 4. Request the General Manager write to the NSW Minister for Energy and Environment, the Hon Matt Kean MP:
 - a) To clarify whether there is any update to the policy for revocation, recategorization and road adjustment in National Parks and Nature Reserves since the Department's correspondence to Council dated 10 September 2018.
 - b) Attach copies of the letter from Council, dated 23 July 2018; and the response received by Council, dated 10 September 2018, for the Minister's reference.

CARRIED: 5/3

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

THE AMENDMENT BECOMES THE MOTION AND WAS PUT

MOVED: Turner/Alley

That Council:

1. Note correspondence from Council to Minister for the Environment, Local Government and Heritage, the Hon Gabrielle Upton, dated 23 July 2018, with regard to Road Corridor Interfaces with National Parks Land.
2. Note the response from Scot McDonald MLC on behalf of the Hon Gabrielle Upton, dated 10 September 2018.
3. Note correspondence received by the Member for Port Macquarie from the NSW Minister for Energy and Environment, the Hon Matt Kean MP, dated 8 August 2019, which was forwarded to Council on 22 August 2019.
4. Request the General Manager write to the NSW Minister for Energy and Environment, the Hon Matt Kean MP:
 - a) To clarify whether there is any update to the policy for revocation, recategorization and road adjustment in National Parks and Nature Reserves since the Department's correspondence to Council dated 10 September 2018.
 - b) Attach copies of the letter from Council, dated 23 July 2018; and the response received by Council, dated 10 September 2018, for the Minister's reference.

EQUAL: 4/4

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

CASTING VOTE: AGAINST
MOTION LOST

**13.03 NOTICE OF MOTION - SEEKING CLARIFICATION ON LAKE INNES
NATURE RESERVE FROM MEMBER FOR PORT MACQUARIE**

Mr Ken Monson, Hastings Birdwatchers, addressed Council in opposition of the recommendation and answered questions from Councillors.

MOVED: Alley/Turner

That Council:

1. Note the content quoted below from the Port Macquarie News website dated 19 March 2019 that the Member for Port Macquarie “supports Port Macquarie-Hastings Council’s vision for an orbital road”.
2. Note the content quoted below from the Port Macquarie News website dated 4 September 2019 that the Member for Port Macquarie does not support a change in an act of parliament to dissect the Lake Innes Nature Reserve.
3. Note that the Lake Innes Nature Reserve is continuous from Lake Road in Port Macquarie to Lake Cathie, therefore a new east-west road located anywhere between and including Lake Road and Lake Cathie will necessarily involve crossing Lake Innes Nature Reserve.
4. Note that Lake Innes Nature Reserve sits on low lying land and that any traverse of the Reserve will likely be on an elevated roadway, thereby reducing environmental impacts.
5. Note that Council has made no decision on any new road and, in accordance with the procedure for new infrastructure as set out by the NSW government, is presently conducting a Strategic Business Case that will consider all options and potential impacts, including on residents, businesses and the environment.
6. Request the General Manager write to the Member for Port Macquarie seeking clarification on her apparent support for an orbital road in principal but opposed to any crossing of the Lake Innes Nature Reserve.
7. Request the General Manager to table any correspondence received from the Member for Port Macquarie to a future Council Meeting.

EQUAL: 4/4

FOR: Alley, Intemann, Levido and Turner

AGAINST: Cusato, Dixon, Griffiths and Pinson

CASTING VOTE: AGAINST

MOTION LOST

13.04 NOTICE OF MOTION - PROPOSED ORBITAL ROAD INVESTIGATION AREA

Mr Philip Lloyd, representing the Alliance and Action Groups, addressed Council in support of the recommendation.

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

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

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

RESOLVED: Cusato/Pinson

That Council:

1. Request the General Manager investigate the impact on the development of the upcoming Strategic Business Case (and possible future solutions for broader transport network improvements), of removing the current investigation area (with impact on residents, a school and retirement village etc) for the east-west Orbital Road from Ocean Drive to Oxley Highway that was the subject of detailed community engagement from November 2018 to April 2019.
2. Request the General Manager table a report to the November 2019 Council Meeting on the impact of removing this investigation area with the intention for Council to investigate alternative routes for the proposed orbital road project. Within this report also include any impacts on applications for funding and impacts on procedures to cross or encroach any nature reserves eg. revocation of such reserves.

CARRIED: 8/0

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

AGAINST: Nil

13.10 BOLD STREET LAURIETON PEDESTRIAN CROSSING

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

Mr John Saunders, Camden Haven Chamber of Commerce, representing the Community in the Future and the Camden Haven Chamber of Commerce, addressed Council in opposition of the recommendation and answered questions from Councillors.

RESOLVED: Pinson/Dixon

That Council:

1. Note the outcomes of the community engagement undertaken in response to the Council resolution from the Ordinary Council meeting of 17 July 2019.
2. Note the community engagement identified as Option 3 as the preferred location by the majority.
3. Note the earlier petition of over 600 signatures as tabled at 15 May 2019 Ordinary Council meeting.
4. Endorse the Bold Street Laurieton pedestrian crossing to be located at Option 3.
5. Request the General Manager write to the Local Member for Port Macquarie, Leslie Williams MP, providing a status update on the project and the proposed timeframe for delivery.

CARRIED: 8/0

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

AGAINST: Nil

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 8 AUGUST TO 4 SEPTEMBER 2019

RESOLVED: Pinson/Dixon

That Council note the allocations from the Mayoral Discretionary Fund for the period 8 August to 4 September 2019 inclusive.

CARRIED: 8/0

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

AGAINST: Nil

10.02 CREATION OF OFFICE OF DEPUTY MAYOR

RESOLVED: Cusato/Alley

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to be 18 September 2019 up until the 2020 Local Government Ordinary Election.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

CARRIED: 8/0

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

AGAINST: Nil

The General Manager, acting as Returning Officer, called for nominations for the Office of Deputy Mayor.

The Returning Officer, advised that a nomination for the Office of Deputy Mayor had been received for Councillor Lisa Intemann, nominated by two Councillors and accepted by Councillor Lisa Intemann.

The Returning Officer then called for a show of hands in favour of Councillor Intemann for Deputy Mayor.

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

The Returning Officer declared Councillor Intemann elected to the Office of Deputy Mayor for the ensuing period as resolved by Council.

The General Manager congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

The Deputy Mayor thanked Councillors for their support.

10.03 DETERMINATION OF COUNCILLOR NUMBERS

RESOLVED: Griffiths/Cusato

That Council, in accordance with Section 224 of the Local Government Act 1993, resolve that it will comprise of nine councillors, including the Mayor, following the next ordinary Local Government election.

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

10.04 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Griffiths/Alley

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

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

10.05 COUNCIL MEETINGS DATES FOR 2020

RESOLVED: Intemann/Griffiths

That Council set the Ordinary Council Meeting dates for 2020 as the third Wednesday of each month (with the exception being no meeting scheduled in January, alternative dates for August and September due to the September Council election, and an earlier meeting in December due to the proximity of Christmas) being:

- 19 February
- 18 March (Taking the Council to the Community - Wauchope)
- 15 April
- 20 May
- 17 June
- 15 July
- 12 August
- 23 September
- 21 October (Taking the Council to the Community - Laurieton)
- 18 November
- 9 December

CARRIED: 8/0

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

AGAINST: Nil

10.06 NOTICE OF MOTION - PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE MAYOR

Councillor Cusato left the meeting, the time being 8:35pm.

RESOLVED: Pinson/Griffiths

That Council note the professional development undertaken by Mayor Pinson since her election to Council in 2017.

CARRIED: 4/3

FOR: Alley, Dixon, Griffiths and Pinson

AGAINST: Intemann, Levido and Turner

**10.07 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT
COMMITTEE - LEGISLATIVE COMPLIANCE 2018-2019**

RESOLVED: Intemann/Alley

The Council note the information contained in the Recommended Item from Audit, Risk & Improvement Committee - Legislative Compliance 2018-2019 report.

CARRIED: 7/0

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

AGAINST: Nil

**10.08 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT
COMMITTEE - AUDIT, RISK & IMPROVEMENT COMMITTEE ANNUAL
REPORT 2018-2019**

Councillor Cusato returned to the meeting, the time being 8:37pm.

RESOLVED: Intemann/Griffiths

That Council adopt the Audit, Risk & Improvement Committee Annual Report 2018-2019.

CARRIED: 8/0

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

AGAINST: Nil

10.09 FINANCIAL ASSISTANCE GRANTS

RESOLVED: Griffiths/Alley

That Council note the 2019/20 Grant calculations provided by the NSW Local Government Grants Commission for Port Macquarie-Hastings Council in relation to the Financial Assistance Grant calculations.

CARRIED: 8/0

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

AGAINST: Nil

10.10 MONTHLY BUDGET REVIEW - AUGUST 2019

RESOLVED: Alley/Griffiths

That Council:

1. Adopt the adjustments in the "August 2019 Adjustments" section of the Monthly Budget Review – August 2019.
2. Amend the 2019-2020 Operational Plan to include all budget adjustments approved in this report.

CARRIED: 8/0

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

AGAINST: Nil

10.11 INVESTMENTS - AUGUST 2019

RESOLVED: Griffiths/Alley

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

CARRIED: 7/1

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

AGAINST: Griffiths

10.12 DELIVERY PROGRAM (2017-2021) SIX MONTHLY PROGRESS REPORT (JANUARY TO JUNE 2019)

RESOLVED: Turner/Dixon

That the information in the Delivery Program (2017-2021) six monthly progress report (January to June 2019) be noted.

CARRIED: 8/0

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

AGAINST: Nil

10.13 ANNUAL REPORT OF THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2018/2019

RESOLVED: Pinson/Alley

That Council note the information outlined in the Annual Report of the Activities for the Mayor's Sporting Fund 2018/2019.

CARRIED: 8/0

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

AGAINST: Nil

10.14 DRAFT COMMUNITY PARTICIPATION PLAN 2019

RESOLVED: Cusato/Griffiths

That Council:

1. Endorse the Draft Community Participation Plan 2019.
2. Place the Draft Community Participation Plan on public exhibition for 28 days from 23 September to 20 October 2019.
3. Request the General Manager provide a report to the November 2019 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

11.01 FLYNNS BEACH MASTER PLAN COMMUNITY ENGAGEMENT FEEDBACK REPORT

RESOLVED: Intemann/Dixon

That Council:

1. Note the information contained within the Flynns Beach Master Plan Community Engagement Feedback Report.
2. Recognise the community engagement that has been undertaken regarding Flynns Beach Master Plan and thank the community for their feedback.
3. Adopt the Flynns Beach Master Plan (Attachment 1), which includes minor amendments as outlined in this report.
4. Request the General Manager consider funding opportunities for implementation of Flynns Beach Master Plan through development of future Operational Plans and relevant State and Federal government grant programs.

CARRIED: 8/0

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

AGAINST: Nil

Item - 11.02 Port Macquarie Aquatic Facility - Site Selection - has been moved to another part of the document.

11.03 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - AUGUST 2019

RESOLVED: Pinson/Dixon

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

1. That Wauchope High School Girls Rugby Team receive \$350.00 to assist with the expenses incurred travelling to and competing at the NSWCHS Under 18's State Rugby Championships held in Sydney on 31st July 2019.
2. That Bradley Whitton receive \$350.00 to assist with the expenses incurred travelling to, and competing at the All Schools Australian Swimming Championships held in Melbourne from 27 July to 31 July 2019 inclusive.
3. That Morgan Jean receive \$350.00 to assist with the expenses incurred travelling to and competing at the All Schools Australian Swimming Championships held in Melbourne from 27 July to 31 July 2019 inclusive.
4. That Maddison Drewitt receive \$350.00 to assist with the expenses incurred traveling to and competing as a member of the Under 16's NSW Girls Hockey Team at the All Schools National Hockey Championships held in Newcastle from 1st August to 8th August 2019 inclusive.

CARRIED: 8/0

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

AGAINST: Nil

11.04 CULTURAL PLAN - PROGRESS REPORT

RESOLVED: Turner/Griffiths

That Council note the progress made on the 2018-2021 Cultural Plan actions.

CARRIED: 8/0

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

AGAINST: Nil

11.05 ARTWALK 2019 - POST EVENT

RESOLVED: Dixon/Turner

That Council:

1. Note the success of the ArtWalk 2019 event.
2. Support the growth of Artwalk to become one of Council's signature events in 2020 and beyond.

CARRIED: 8/0

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

AGAINST: Nil

11.06 BICENTENARY PRIORITIES, ARTWALK RESOURCING AND TASTINGS ON HASTINGS

RESOLVED: Turner/Dixon

That Council:

1. Endorse the two-year temporary appointment of a Cultural Event Coordinator, to support the 2021 Bicentenary projects and the 2020 and 2021 Artwalk events.
2. Discontinue to run Tastings on Hastings as a Council event, but consider providing future support to an externally-run Tastings on Hastings event.
3. Recognise that Slice of Haven is likely to be the premier food and wine event in the Greater Port Macquarie area in 2020, and increase the budget for support of this event from \$5,000 to \$10,000 for 2020.
4. Continue to support events and activities that showcase local producers and produce, as guided by the 2019-2024 Port Macquarie-Hastings Events Plan.
5. Request the General Manager develop the 2021 Bicentenary event and 2020 and 2021 Artwalk events, to be signature Council-run events in line with the 2019-2024 Port Macquarie-Hastings Events Plan.
6. Endorse the reallocation of the existing 2019/20 Tastings on Hastings net budget \$36,200 to support the delivery of the Bicentenary and Artwalk events.

CARRIED: 8/0

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

AGAINST: Nil

11.07 DISABILITY INCLUSION ACTION PLAN ANNUAL PROGRESS REPORT

RESOLVED: Alley/Turner

That Council:

1. Note the information in the 2nd Year PMHC Annual Disability Inclusion Action Plan Report Card (Easy English).
2. Note the Disability Inclusion Action Plan 2018-2019 Annual Progress report.

CARRIED: 8/0

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

AGAINST: Nil

11.08 SERVICE LEVEL AGREEMENT WITH NSW JUSTICE - COMMUNITY CORRECTIONS

RESOLVED: Intemann/Griffiths

That Council:

1. Note the success of the trial with the NSW Justice - Community Corrections Partnership.
2. Endorse the Service Level Agreement for the formalisation of the NSW Justice - Community Corrections Partnership for a period of 3 years.

CARRIED: 8/0

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

AGAINST: Nil

11.09 RE-ESTABLISHMENT OF ALCOHOL FREE ZONE - PORT MACQUARIE CBD

RESOLVED: Cusato/Intemann

That Council:

1. Re-establish Alcohol Free Zones in the Port Macquarie CBD for a further four years from October 2019 to October 2023.
2. Request the General Manager write to Mid North Coast Local Area Commander, Superintendent Paul Fehon, to inform him of the public consumption of alcohol and antisocial behaviour at the Council managed Kooloonbung Creek Nature Park on Gordon Street, Port Macquarie. Also advising that this is discouraging local residents and families from entering this public space and Port Macquarie-Hastings Council requests that local Police act on this problem.

CARRIED: 8/0

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

AGAINST: Nil

11.10 LIBRARY STRATEGIC PLAN

RESOLVED: Alley/Dixon

That Council endorse the Port Macquarie-Hastings Library Strategic Plan 2019 - 2021, to help drive the library services.

CARRIED: 8/0

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

AGAINST: Nil

11.11 2019-2020 ROUND 1 COMMUNITY GRANT PROGRAM FOR ENDORSEMENT

Councillor Alley declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 9:07pm.

RESOLVED: Griffiths/Dixon

That Council pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2019-2020 Round 1 for the total amount of \$119,748 according to the following:

<u>Organisation Name</u>	<u>Project</u>	<u>Funding</u>
<u>General Community Grants:</u>		
Community Hair Project	Youth Week Activities	\$1150
Wauchope Show Society	Refurbished Floor	\$10000
International Women's Group	International Women's Group	\$2717
Rocking with Dave and Friends	Music Workshops	\$4300
St. Thomas's Soup Kitchen	Kitchen Upgrade	\$9378
Wauchope Chamber of Commerce	Community First Aid	\$4100
Wauchope Little Athletics Centre	Timing System	\$3000
Port Macquarie Astronomical Society	Telescope Mount	\$10,000
Kendall Men's Shed	Wood Sanders	\$3759
	<u>Sub-total</u>	<u>\$48,404</u>
<u>Place Making Grants:</u>		
Pappinbarra Progress Association	Photographic Exhibition	\$3516
Kendall Community Global Food Garden	Community Garden Expansion	\$2865
Liberty Domestic and Family Violence Specialist Service	Domestic Violence Walk	\$2500
	<u>Sub-total</u>	<u>\$8,881</u>
<u>Non-Council Owned Hall Grants:</u>		
Byabarra Hall and Recreational Reserve Trust	Pier Replacement	\$10,000
	<u>Sub-total</u>	<u>\$10,000</u>
<u>Band Grants:</u>		
Port Macquarie Hastings Municipal Band	Community Performances	\$10,000
Camden Haven Community Band	Community Performances	\$7100
Hastings Koalas Orchestra	Community Performances	\$5676
Hastings District Highland Pipe Band	Community Performances	\$7224
	<u>Sub-total</u>	<u>\$30,000</u>

Christmas and New Year's Eve Events:

Telegraph Point Community Assoc.	Christmas Celebration	\$1500
Camden Haven Chamber of Commerce	Christmas Celebration	\$5000
Beechwood Public School P&C	Christmas Celebration	\$3045
Wauchope Chamber of Commerce	Christmas Celebration	\$5000
Lake Cathie-Bonny Hills Lions Club	Christmas Celebration	\$2653
Long Flat Public School P&C	Christmas Celebration	\$450
Big Red Bus	Christmas Celebration	\$4815
	Sub-total	\$22,463

A further distribution of \$16,891 is recommended for Environmental grants as follows:

Environmental Grants:

Port Macquarie Landcare Group	Environmental Activities	\$10,000
Friends of Kooloonbung Creek	Environmental Activities	\$5,000
Hastings Landcare	Environmental Activities	\$1,891
	Sub-total	\$16,891

CARRIED: 7/0

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

AGAINST: Nil

Item - 12.01 Health and Education Precinct Master Plan - has been moved to another part of the document.

Councillor Alley returned to the meeting, the time being 9:09pm.

12.02 EVENT SPONSORSHIP PROGRAM ROUND 1, 2020

RESOLVED: Griffiths/Intemann

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 1, 2020 in the total amount of \$20,000 to:

Event Name & Ranking	Sponsorship \$ Recommended
1. Howling Moon Blues Festival	\$5,000
2. Fox Superflow MTB Event	\$5,000
3. Twilight Tastings Wauchope	\$2,500
4. Port Macquarie Bodyboarding Association Bodyboard Teams Event	\$2,500
5. Cycling NSW Junior Tour	\$2,500
6. Laurieton Multisport Challenge	\$2,500
Total allocated this round	\$20,000

CARRIED: 8/0

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

AGAINST: Nil

Item - 13.01 Transport Network Improvements (Including the Proposed Orbital Road Project) - 19 June 2019 Council Resolution Update Report - has been moved to another part of the document.

Item - 13.02 Notice of Motion - Revocation of Part of the Lake Innes Nature Reserve - has been moved to another part of the document.

Item - 13.03 Notice of Motion - Seeking Clarification on Lake Innes Nature Reserve from Member for Port Macquarie - has been moved to another part of the document.

Item - 13.04 Notice of Motion - Proposed Orbital Road Investigation Area - has been moved to another part of the document.

13.05 NOTICE OF MOTION - REQUEST FOR FUNDING TO SUPPLEMENT COUNCIL'S FERRY SERVICES

RESOLVED: Pinson/Griffiths

That Council request the General Manager write to State Member for Port Macquarie Leslie Williams to request her representation for a recurrent funding contribution to Council for the operation of the Settlement Point and Hibbard Ferry Services.

CARRIED: 8/0

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

AGAINST: Nil

13.06 NOTICE OF MOTION - WATER SECURITY

RESOLVED: Cusato/Pinson

That Council:

1. Request the General Manager Report to the December 2019 Council Meeting on water security and water availability for the Local Government Area. Within this report request the General Manager include:
 - a) Updates on investigations into water filtration systems.
 - b) Current plans (if any) to raise the dam walls.
 - c) Outline any investigations into building new water infrastructure.
2. Request the General Manager:
 - (a) Write to the NSW Minister for Water, Hon. Melinda Pavey MP, asking for information on any new funding opportunities for local government to upgrade water infrastructure.
 - (b) Write to the NSW Leader of the National Party, Hon. Member John Barilaro MP, and the NSW Member for Port Macquarie, Hon. Leslie Williams MP, to advise of Council's correspondence to the Minister attaching this report and the letter to the Minister.

CARRIED: 8/0

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

AGAINST: Nil

13.07 NOTICE OF MOTION - CLIMATE CHANGE POLICY / ACTION PLAN

MOTION

MOVED: Alley/Turner

That Council Request the General Manager:

1. Draft a scope for the development of a Climate Change Policy / Action Plan.
2. Consult with the Planning, Environment and Sustainability portfolio in the preparation of this draft scope for a Climate Change Policy / Action Plan.
3. Hold a Councillor briefing by February 2020 on the draft Climate Change Policy / Action Plan, once the policy / plan scope has been developed.

AMENDMENT

MOVED: Cusato/Griffiths

That Council defer the following motion:

“That Council Request the General Manager:

1. *Draft a scope for the development of a Climate Change Policy / Action Plan.*
2. *Consult with the Planning, Environment and Sustainability portfolio in the preparation of this draft scope for a Climate Change Policy / Action Plan.*
3. *Hold a Councillor briefing on the draft Climate Change Policy / Action Plan, once the policy/plan scope has been developed.”*

Until it is a legislative requirement that Council is to have such strategies and action plans in place.

THE AMENDMENT WAS PUT AND CARRIED

MOVED: Cusato/Griffiths

That Council defer the following motion:

“That Council Request the General Manager:

1. *Draft a scope for the development of a Climate Change Policy / Action Plan.*
2. *Consult with the Planning, Environment and Sustainability portfolio in the preparation of this draft scope for a Climate Change Policy / Action Plan.*
3. *Hold a Councillor briefing on the draft Climate Change Policy / Action Plan, once the policy/plan scope has been developed.”*

Until it is a legislative requirement that Council is to have such strategies and action plans in place.

EQUAL: 4/4
FOR: Cusato, Griffiths, Levido and Pinson
AGAINST: Alley, Dixon, Intemann and Turner
CASTING VOTE: FOR
MOTION CARRIED

THE AMENDMENT BECOMES THE MOTION:

RESOLVED: Cusato/Griffiths

That Council defer the following motion:

“That Council Request the General Manager:

- 1. Draft a scope for the development of a Climate Change Policy / Action Plan.*
- 2. Consult with the Planning, Environment and Sustainability portfolio in the preparation of this draft scope for a Climate Change Policy / Action Plan.*
- 3. Hold a Councillor briefing on the draft Climate Change Policy / Action Plan, once the policy/plan scope has been developed.”*

Until it is a legislative requirement that Council is to have such strategies and action plans in place.

EQUAL: 4/4
FOR: Cusato, Griffiths, Levido and Pinson
AGAINST: Alley, Dixon, Intemann and Turner
CASTING VOTE: FOR
MOTION CARRIED

13.08 NOTICE OF MOTION - PROTECTION OF PUBLIC INFRASTRUCTURE BONDS FEE

RESOLVED: Pinson/Griffiths

That Council:

1. Request the General Manager review the Protection of Public Infrastructure Bonds fee as listed in the 2019-2020 Published Fees and Charges, including benchmarking of similar fees with neighbouring and other Group 5 Councils.
2. Request the General Manager table a report on the results of this review to the November 2019 Council meeting, noting that any subsequent change to this fee would require public exhibition.

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

13.09 OCEAN DRIVE DUPLICATION PROJECT

Mayor Pinson left the meeting, the time being 9:40pm.

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

RESOLVED: Levido/Cusato

That Council:

1. Note that the Roads & Maritime Services (RMS) - Regional Maintenance Delivery (RMD) is currently undertaking a review of the detailed designs and delivery methodology of the Ocean Drive Duplication with a view to delivering the project within the current confirmed available project funding of \$65.5M.
2. Withhold giving consideration to additional project funding sources until such time as the RMS/RMD have finalised their review of the Ocean Drive Duplication detailed design and delivery methodology, thereby providing Council with information around any funding gap.
3. Request the General Manager table a report to a future Council meeting as soon as practicable, detailing the outcomes of the RMD review for the Ocean Drive Duplication project and any likely funding impacts for Council.
4. That the General Manager forward a copy of this report and Council's recommendation to the Office of the State Member for Port Macquarie, Hon. Leslie Williams MP.

CARRIED: 7/0

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

AGAINST: Nil

Item - 13.10 Bold Street Laurieton Pedestrian Crossing - has been moved to another part of the document.

13.11 BIODIVERSITY STRATEGY: REPORT FOLLOWING CLOSE OF PUBLIC EXHIBITION PHASE

RESOLVED: Intemann/Turner

That Council:

1. Adopt the revised Biodiversity Management Strategy and mapping (Attachment 1).
2. Advise those people who made a submission during the development of the Biodiversity Management Strategy of the outcome.

CARRIED: 7/0

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

AGAINST: Nil

13.12 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN

RESOLVED: Cusato/Dixon

That Council note the information presented in the Kooloonbung Creek Flying Fox Camp Management Plan quarterly update report.

CARRIED: 7/0

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

AGAINST: Nil

13.13 THE BAGO TAVERN, 235 HIGH STREET, WAUCHOPE - INSPECTION REPORT RECEIVED FROM NSW FIRE & RESCUE

RESOLVED: Alley/Dixon

That Council:

1. Note the Fire Safety Inspection report, dated 5 August 2019, from NSW Fire and Rescue, as provided in Attachment 1 to this report.
2. Exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (Division 9.3 and Schedule 5), to issue a Fire Safety Order to address the outstanding fire safety concerns at the premises 235 High Street, Wauchope.

CARRIED: 7/0

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

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 09:44pm.

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

13.14 BONNY HILLS BEACH HOTEL, 1045 OCEAN DRIVE, BONNY HILLS - INSPECTION REPORT RECEIVED FROM NSW FIRE & RESCUE

RESOLVED: Cusato/Alley

That Council:

1. Note the Fire Safety Inspection report, dated 6 August 2019, from NSW Fire and Rescue, as provided in Attachment 1 to this report.
2. Exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (Division 9.3 and Schedule 5), to issue a Fire Safety Order to address the outstanding fire safety concerns at the premises 1045 Ocean Drive, Bonny Hills.

CARRIED: 8/0

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

AGAINST: Nil

**13.15 PLANNING PROPOSAL: 2019 ADMINISTRATIVE REVIEW OF PORT
MACQUARIE - HASTINGS LEP 2011 (AMENDMENT NO 55) -
CONSIDERATION OF SUBMISSIONS**

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 9:45pm.

RESOLVED: Intemann/Griffiths

That Council:

1. Take the necessary steps under sections 3.35 and 3.36 of the Environmental Planning and Assessment Act 1979 (the Act) to finalise Port Macquarie-Hastings Council Local Environmental Plan 2011 (Amendment 55) as attached.
2. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal in finalising the Local Environmental Plan.
3. Notify all persons who lodged submissions of the meeting outcome.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 9:45pm.

13.16 QUESTION WITH NOTICE - TREE LOPPING AND REMOVAL PROGRAM

RESOLVED: Cusato/Griffiths

That the General Manager be requested to provide a report to the October 2019 meeting of Council providing an update on the current program for public tree management in urban areas.

CARRIED: 8/0

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

AGAINST: Nil

13.17 QUESTION WITH NOTICE - FERAL DEER

RESOLVED: Cusato/Griffiths

That the response to the Question With Notice regarding Feral Deer be noted.

CARRIED: 8/0

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

AGAINST: Nil

14 ITEMS TO BE DEALT WITH BY EXCEPTION

Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Dixon/Alley

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Confidential Committee of the Whole (Closed Session) on the basis that items to be considered are of a confidential nature.
2. That Council move into Confidential Committee of the Whole (Closed Session) to receive and consider the following items

Item 15.01 T-19-31 Supply and Delivery of Two (2) x 20 Tonne Track Mounted Excavators

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 15.02 T-19-29 Dunbogan Flood Access Road - Stage 1A

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

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

Item 15.04 General Manager's Contract, 2018-2019 Performance Review & 2019-2020 Performance Agreement

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).

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, Cusato, Dixon, Griffiths, Intemann, Levido, Pinson and Turner

AGAINST: Nil

ADJOURN MEETING

RESOLVED: Dixon/Alley:

That the Ordinary Council Meeting adjourn at 9:48pm.

RESUME MEETING

RESOLVED: Dixon/Alley:

That the Ordinary Council Meeting resume at 10:23pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Alley/Griffiths

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

CARRIED: 8/0

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

AGAINST: Nil

Item 15.01 T-19-31 Supply and Delivery of Two (2) x 20 Tonne Track Mounted Excavators

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

RECOMMENDATION

That Council:

1. Accept the quotation, through Local Government Procurement, from Komatsu Australia Pty Ltd, for the purchase of two (2) 20 tonne track mounted excavators for \$577,181.00 (excl GST).
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-31.

CARRIED: 8/0

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

AGAINST: Nil

Item 15.02 T-19-29 Dunbogan Flood Access Road - Stage 1A

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

RECOMMENDATION

That Council:

1. Accept the tender from Eire Constructions Pty Ltd for \$1,114,057.80 (exclusive of GST) for the Construction of Dunbogan Flood Access Upgrade - Stage 1A project.
2. Accept the Schedule of Rates from Eire Constructions Pty Ltd for the Construction of Dunbogan Flood Access Upgrade - Stage 1A project.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-29.

CARRIED: 6/0

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

AGAINST: Ni

Item 15.03 John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council

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

RECOMMENDATION

That Council:

1. Note the legal advice provided in relation to the John Henry Taylor and Mildred Joy Taylor v. Port Macquarie-Hastings Council matter.
2. Delegate to the General Manager to negotiate settlement on Council's behalf based on the legal advice and accompanying objections following the costs assessment.
3. Request the General Manager to report back to Council when the matter is finalised.

CARRIED: 8/0

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

AGAINST: Nil

Item 15.04 General Manager's Contract, 2018-2019 Performance Review & 2019-2020 Performance Agreement

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).

RECOMMENDATION

That Council:

1. Note the report from the General Manager's Performance Review Panel on the General Manager's performance in 2018-2019, which details better than satisfactory performance for the period under review.
2. Endorse the 2019-2020 Performance Agreement for the General Manager as presented by the General Manager's Performance Review Panel.
3. Accept General Manager's application for re-appointment in his letter of 3 June 2019:
 - a) That noting the high level of satisfaction with the performance of the General Manager as reflected in his 2018/19 performance review, and prior reviews, in accordance with clause 5.2 of the General Managers contract Council agrees to a new contract of employment for the General Manager, under the same terms and conditions as his current 4 year contract, for the term of 25 March 2020 to 24 March 2024, noting his current Total Remuneration Package of \$350,487.
 - b) That the Mayor be delegated authority to sign the new contract.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

The meeting closed at 10:24pm.

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Peta Pinson
Mayor