

PRESENT

Members:

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

Other Attendees:

General Manager (Craig Swift-McNair)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Dan Bylsma)
Director Strategy and Growth (Jeffery Sharp)
Group Manager Financial Services (Nicole Spencer)
Acting Group Manager Governance (Kirsty Callander)
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

Major Kevin Unicomb from the Salvation Army delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Dixon/Alley

That the Minutes of the Ordinary Council Meeting held on 16 October 2019 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Alley declared a Non-Pecuniary Significant Interest in Item 13.07 - Planning Proposal: Mission Terrace, Lakewood - Consideration of Submissions, as the report includes property immediately adjacent to property that is owned by the Trustees of Church Property, Diocese of Newcastle, which holds that property for the benefit of the Anglican Church Parish of the Camden Haven, of which Councillor Alley serves as Treasurer on the Parish Council.

Councillor Levido declared a Non-Pecuniary - Significant Interest in Item 11.01 - Local Heritage Assistance Fund (2019/2020), as he is the principal of the Port Macquarie Law Firm, Levido Law + Property. The firm acts for the Lessee of one of the properties to benefit from the assistance, the subject of the report.

Councillor Levido declared a Non-Pecuniary Interest in Item 15.03 - T-19-26 - Environmental Assessment and Development Application for Planned Works at the Port Macquarie Airport, as he is the principal of the Port Macquarie Law Firm, Levido Law + Property. The Firm acts for one of the tenderers, the subject of the report.

Councillor Levido declared a Non-Pecuniary - Significant Interest in Item 15.06 - Port Macquarie Transport Network Community Consultative Committee, as he is the principal of Port Macquarie Law Firm, Levido Law + Property. The Firm acts for one of the EOI applicants and he is personally a former business partner with another of the EOI applicants.

Mayor Peta Pinson declared a Pecuniary Interest in Item 13.14 - Notice of Motion - Sancrox Quarry Project, as she has interests in a company, Stabilcorp, who is a commercial customer of Hanson Construction Materials Pty Ltd.

Mayor Peta Pinson declared a Pecuniary Interest in Item 15.01 - Supply & Delivery of Bulk Bitumen Emulsion, as she has interests in a company, Stabilcorp, who is a commercial customer of Bitupave Ltd trading as Boral Asphalt.

Councillor Griffiths declared a Non-Pecuniary - Significant Interest in Item 13.14 - Notice of Motion - Sancrox Quarry Project, as she has family members who live within the Sancrox area and it could be perceived that an impact may be likely.

Councillor Intemann declared a Non-Pecuniary - Less Than Significant Interest in Item 10.17 - Property Investment Report, as she is a Director of a firm that holds an Airport Licence and airport licences in general are mentioned in the report.

Councillor Intemann declared Non-Pecuniary - Less Than Significant Interest in Item 15.03 - T.19.26 - Environmental Assessment and Development Application for Planned Works at the Port Macquarie Airport, as she is a Director of a firm that has an Airport Licence. The licence is unaffected by the matters under consideration.

06.01 MAYORAL MINUTE - LAKE CATHIE OPENING

RESOLVED: Pinson/Intemann

That Council:

1. Note the current Lake Cathie Opening Strategy.
2. Note the Opening Strategy conditions have been met with salinity in the Lake being greater than 40ppt and the water level currently recorded at 11.00 am on 19 November 2019 as -0.443m AHD with water quality being reported as poor.
3. Request the General Manager immediately prepare, lodge and apply for a Short Term Licence (STL) with Crown Lands for the purpose of opening Lake Cathie.
4. Request the General Manager write to the State Member for Oxley, the Hon Melinda Pavey MP and State Member for Port Macquarie, the Hon Leslie Williams MP, seeking their support to fast track Council's Short Term License application due to the abovementioned extreme environmental factors.
5. Request the General Manager, upon approval of the Licence by Crown Lands, engage a contractor to undertake the process of opening the entrance to the lagoon at the appropriate tides.
6. Request the General Manager to prepare a Communications Strategy to inform the community of the decision of Council and any possible consequences due to the opening.

CARRIED: 6/2

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

AGAINST: Alley and Levido

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Intemann/Dixon

That Council determine that the attachments to Item Numbers 10.06 and 10.13 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

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

AGAINST: Nil

08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

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

1. Ms Krissa Wilkinson - Acknowledge & Celebrate Early Conservationist - Grace Easterbrook
2. Mr Jamie Harrison - Procurement
3. Ms Rachel Sheppard - Port Macquarie-Hastings Climate Emergency
4. Ms Rhiannon Beeton - Addressing Effects of Climate Change on Children
5. Deterioration of Lake Cathie/Lake Innes Ecosystem.

RESOLVED: Griffiths/Hawkins

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

CARRIED: 8/0

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

AGAINST: Nil

08.01 ACKNOWLEDGE AND CELEBRATE EARLY CONSERVATIONISTS - GRACE EASTERBROOK

Ms Krissa Wilkinson addressed Council requesting acknowledgement and celebration of early conservationists, in particular, Grace Easterbrook. Requesting Council consider a Public Art Project to recognise the early conservationists. Ms Wilkinson answered questions from Councillors.

08.02 PROCUREMENT

Mr Jamie Harrison, Harelec, addressed Council on procurement matters and tabled an extract from a Business Paper from Richmond Valley Council for Council's interest. Mr Harrison answered questions from Councillors.

08.03 PORT MACQUARIE-HASTINGS CLIMATE EMERGENCY

Ms Rachel Sheppard, on behalf of Hastings Parents for the Environment, addressed Council on the recent Climate Emergency Campaign Launch held on the Town Green on 8 November 2019 and tabled some information on climate change. Ms Sheppard answered questions from Councillors.

08.04 ADDRESSING THE EFFECTS OF CLIMATE CHANGE ON CHILDREN

Ms Rhiannon Beeton, on behalf of Hastings Parents for the Environment, addressed Council on the effects of climate change on children and tabled a letter from the group to Council dated 20 November 2019. Ms Beeton answered questions from Councillors.

08.05 DETERIORATION OF THE LAKE CATHIE/LAKE INNES ECOSYSTEM

Mr Stewart Cooper addressed Council on the deterioration of the Lake Cathie/Lake Innes Ecosystem. Mr Cooper tabled his speech notes so that Council can respond to a number of statements made in his address. Mr Cooper answered questions from Councillors.

09 PUBLIC FORUM – MATTERS ON THE AGENDA

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

Item 10.02 - Ms Rachel Sheppard, Hastings Parents for the Environment, opposing the recommendation.

Item 10.10 - Mr David Smith supporting the recommendation.

Item 10.12 - Mr Michael Lyons supporting the recommendation.

Item 13.03 - Mr Jake Wadsworth supporting the recommendation.

Item 13.04 - Mr Tony Thorne, King & Campbell Pty Ltd on behalf of interested parties, opposing the recommendation.

Item 13.05 - Mr Tom Whelan opposing the recommendation.

Item 13.08 - Mr Stephen Healy supporting the recommendation.

Item 13.14 - Mr Jeff Gillespie supporting the recommendation.

Item 13.14 - Mr Jim Wade, on behalf of Clos Verdun Developments Ltd and others, supporting the recommendation.

Item 13.16 - Ms Sarah Mollard supporting the recommendation.

RESOLVED: Hawkins/Griffiths

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

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Hawkins/Dixon

That Standing Orders be suspended to allow Items 10.02, 10.10, 10.12, 13.03, 13.04, 13.05, 13.08, 13.14 and 13.16 to be brought forward and considered next.

CARRIED: 8/0

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

AGAINST: Nil

10.02 30TH ANNIVERSARY OF SISTER CITY RELATIONSHIP BETWEEN PORT MACQUARIE-HASTINGS COUNCIL AND HANDA CITY - VISIT TO JAPAN APRIL 2020

Ms Rachel Sheppard, on behalf of Hastings Parents for the Environment, addressed Council opposing the recommendation, specifically in relation to Point 4. Ms Sheppard answered questions from Councillors.

RESOLVED: Griffiths/Alley

That Council:

1. Note that the 30th Anniversary of the Handa, Japan Sister City relationship with Port Macquarie-Hastings Council will take place in Handa, Japan from 17 - 21 April 2020.
2. Note that up to six Council delegates have been invited to attend the 30th Anniversary celebrations by Handa City, Japan.
3. Note that two Port Macquarie-Hastings Council Handa Working Group members have confirmed they will be attending the celebrations in Handa.
4. Request the General Manager provide a report to the December Council Meeting outlining the potential costs, community benefits and budget allocation to enable Council to determine Mayoral and Councillor involvement in attending the celebration.

CARRIED: 8/0

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

AGAINST: Nil

10.10 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT

Mr David Smith addressed Council in support of the recommendation.

RESOLVED: Hawkins/Turner

That Council:

1. Note the information in the Report "Financial Impact of Cost Shifting from Other Levels of Government".

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2. In particular, note that the ongoing accelerating transfer of responsibilities from the NSW State and Federal Governments to local councils without appropriate offset funding (also known as cost shifting) presently costs Port Macquarie-Hastings Council and our community a minimum of \$16.279 million per annum - an average of \$1,357,000 per month.
 3. Request the General Manager write to our four Local Members enclosing a full copy of the above report.
 4. Request that the General Manager and the Mayor raise the issue at their next regular meeting with all our Local Members and seek their active assistance in removing this financial burden from our local community.
 5. Request both the General Manager and the Mayor raise this matter as an agenda item at the next meeting of the Mid North Coast Joint Organisation, with a view to seeking a joint strategy to persuade higher levels of government to seriously address this matter.

CARRIED: 8/0

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

AGAINST: Nil

10.12 INVESTMENTS - OCTOBER 2019

Mr Michael Lyons addressed Council in support of the recommendation. Mr Lyons answered questions from Councillors.

RESOLVED: Hawkins/Alley

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

CARRIED: 8/0

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

AGAINST: Nil

13.03 WATER RESTRICTIONS

Mr Jake Wadsworth addressed Council in support of the recommendation.

RESOLVED: Intemann/Dixon

That Council:

1. Note that the Port Macquarie-Hastings Council LGA is currently recognised as being in "Intense Drought" by the NSW Department of Primary Industry.
2. Note the recent increase in water usage associated with the recent fire activity across the LGA which is likely to continue over the summer period.
3. In response to being in "Intense Drought" and with the likely ongoing fire activity, implement a temporary variation to the current adopted water restriction trigger levels by early implementation of Level 3 water restrictions on 25 November 2019 as follows:

For Residential Use

What days can I water? If your house is an even number you can water on even dates (2nd, 4th, 6th etc.) and if your house in an odd number, you can water on odd dates (1st, 3rd, 5th etc). There is to be no residential outside water use on the 31st of the month.

- Handheld hoses, fitted with a water cut-off trigger or control nozzle can be used for up to 10 minutes before 9am OR after 4pm.
- Watering cans, buckets and tank water can be used at any time.
- Car or boat washing: on a lawn area by bucket only at any time.
- Boat motor flushing: on a lawn area for 5 minutes only at any time.
- Topping up of pools and spas handheld hoses only before 9am OR after 4pm.
- Cleaning windows, walls, roofs and gutters: BANNED.
- Cleaning driveways, paths and hardstand areas: for health and safety reasons only.
- No exemptions for establishing new turf are available from Council.

For Public Areas

- Sporting fields: only recycled water can be used.
- Community gardens: only recycled or tank water can be used.
- Fountains and garden ponds: handheld hose can be used for up to 10 minutes before 9am OR after 4pm.

For Commercial and Industrial Use

- Plant nurseries, bowling greens and market gardens: sprinkler systems can be used for a maximum of 1 hour before 9am.
 - There are no restrictions on water required for commercial/industrial production.
 - All other businesses can use a handheld hose with cut-off trigger or control nozzle for up to 10 minutes before 9am OR after 4pm.
 - Dust suppression is permitted with recycled water only.
4. Request the General Manager to report back to the February 2020 Ordinary Council Meeting with an updated water security situation, including whether there is any improvement in water storage levels, and further recommendations relating to any proposed extension, relaxation or escalation of water restrictions.

CARRIED: 8/0

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

AGAINST: Nil

13.04 PROPOSED ORBITAL ROAD INVESTIGATION AREA

Mr Tony Thorne, King & Campbell Pty Ltd on behalf of J Newton Constructions Pty Ltd, Mr & Mrs J and G Newton and St Agnes Care & Lifestyle Ltd (Catholic Care of the Aged), addressed Council in opposition to the recommendation. Mr Thorne answered questions from Councillors.

MOTION

MOVED: Intemann/Turner

That Council note the information included in the Proposed Orbital Road Investigation Area report.

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Note the information included in the Proposed Orbital Road Investigation Area report.
2. Note 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 (Greenmeadows to Oxley Highway and Fernhill Road to Boundary Street).
3. Discontinue and abandon the current and any future investigations within the currently defined investigation area for the East / West link (Ocean Drive to Oxley Highway).
4. Discontinue and abandon any realignment of Fernhill Road to a new intersection on the Oxley Highway as part of any future Port Macquarie Airport Access Road.
5. Request the General Manager utilise previous Orbital Road concept plans, consultant reports and community engagement and survey reports as a learning tool for future investigation zones.
6. Request the General Manager continue with the development of a Strategic Business Case using the framework of 'Gates' which are identified in the NSW Infrastructure Investment Assurance Framework.
7. 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.
8. 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.
9. Request the General Manager write to the Member for Port Macquarie, Hon Leslie Williams MP and the Member for Cowper, Mr Pat Conaghan MP seeking a meeting or meetings to discuss potential future funding opportunities for any future proposed road network improvements.
10. Request the General Manager to develop a detailed 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.

THE AMENDMENT WAS PUT AND LOST

MOVED: Pinson/Griffiths

That Council:

1. Note the information included in the Proposed Orbital Road Investigation Area report.
2. Note 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 (Greenmeadows to Oxley Highway and Fernhill Road to Boundary Street).
3. Discontinue and abandon the current and any future investigations within the currently defined investigation area for the East / West link (Ocean Drive to Oxley Highway).
4. Discontinue and abandon any realignment of Fernhill Road to a new intersection on the Oxley Highway as part of any future Port Macquarie Airport Access Road.
5. Request the General Manager utilise previous Orbital Road concept plans, consultant reports and community engagement and survey reports as a learning tool for future investigation zones.
6. Request the General Manager continue with the development of a Strategic Business Case using the framework of 'Gates' which are identified in the NSW Infrastructure Investment Assurance Framework.
7. 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.
8. 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.
9. Request the General Manager write to the Member for Port Macquarie, Hon Leslie Williams MP and the Member for Cowper, Mr Pat Conaghan MP seeking a meeting or meetings to discuss potential future funding opportunities for any future proposed road network improvements.
10. Request the General Manager to develop a detailed 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.

LOST: 3/5

FOR: Dixon, Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann, Levido and Turner

THE MOTION WAS PUT

RESOLVED: Intemann/Turner

That Council note the information included in the Proposed Orbital Road Investigation Area report.

CARRIED: 5/3

FOR: Alley, Hawkins, Intemann, Levido and Turner

AGAINST: Dixon, Griffiths and Pinson

13.05 LONG TERM ENERGY STRATEGY - SIX MONTHLY UPDATE

Mayor Pinson left the meeting, the time being 8.28pm.

The Deputy Mayor assumed the Chair.

Mr Tom Whelan addressed Council in opposition to the recommendation. Mr Whelan tabled his address to Council.

Mayor Pinson returned to the meeting, the time being 8.38pm.

Councillor Turner left the meeting, the time being 8.46pm.

Councillor Turner returned to the meeting, the time being 8.48pm.

RESOLVED: Alley/Intemann

That Council:

1. Note the update on the Long Term Energy Strategy implementation as provided in this report.
2. Consider the inclusion of suitably sized solar PV systems, potentially with battery storage, for both the Port Macquarie STP and Wauchope WTP system, in the 2020-2021 Operational Plan, as identified in previous investigations undertaken by NSW Public Works on a number of Council sites.
3. Request the General Manager provide a report in July 2020 on suitable sites within the Port Macquarie-Hastings LGA, including indicative costings and benefits of a 25GWh per annum solar PV project to meet 100% of Council's current, and short term projected, electricity usage.
4. Request the General Manager to continue to provide six-monthly update reports on the Long Term Energy Strategy, with the May 2020 report to include an update on implementing points 2 and 3 above, and the annual November reports to collate programs completed in the year, and electricity consumption and costs for that year and the previous year.
5. Request the General Manager to identify appropriate funding sources to urgently seek strategic advice on renewable energy technology to suit Council's needs, and develop a solar procurement and project management plan.
6. Request the General to provide a briefing to Councillors on the Long Term Energy Strategy and the impact on our community.

CARRIED: 8/0

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

AGAINST: Nil

13.08 FLOODPLAIN MANAGEMENT

Mr Stephen Healy addressed Council in support of the recommendation. Mr Healy answered questions from Councillors.

RESOLVED: Intemann/Alley

That Council:

1. Reconsider the adoption of Climate Change 'Scenario 3' (400mm SLR plus 10% increase in rainfall) as the basis of the Flood Planning Area (FPA) and adopt 'Scenario 1' (900mm SLR plus 10% increase in rainfall).

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2. Note that the Floodplain Risk Management Study phase of the Wrights Creek and Hibbard Precinct projects will not be undertaken at this time.
 3. Note that the next phase of both projects will be subject to a future Operational Plan budget process.
 4. Write to people who made a submission on both projects and advise them that the Floodplain Risk Management Study phase will not be undertaken at this time.

CARRIED: 5/3

FOR: Alley, Dixon, Intemann, Levido and Turner

AGAINST: Griffiths, Hawkins and Pinson

13.14 NOTICE OF MOTION - SANCROX QUARRY PROJECT

Mayor Pinson declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 9.08pm.

Councillor Griffiths 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 9.08pm.

The Deputy Mayor assumed the Chair.

Mr Jeff Gillespie addressed Council in support of the recommendation. Mr Gillespie answered questions from Councillors.

Mr Jim Wade, on behalf of Clos Verdun Developments Ltd and others, addressed Council in support of the recommendation.

MOTION

MOVED: Hawkins/Turner

That Council:

1. Notes that Hanson Construction Materials Pty Ltd have made an application to the NSW Department of Planning, Industry and Environment to significantly expand the size and extraction limits of the Sancrox Quarry.
2. Notes also the potential strong economic development benefits likely to flow to the community and local economy as a consequence of a reasonable expansion of the above quarry.
3. Notwithstanding Point 2 above, Council also notes community concerns with the current plan to significantly expand the size, operating hours and extraction limits of the existing quarry and, as a consequence, requests the General Manager to lodge a submission with the Department of Planning, Industry and Environment objecting to the proposal due to the lack of community consultation and lack of detailed investigation into the following issues:
 - (a) Dust
 - (b) Noise and vibration
 - (c) Traffic
 - (d) Justification of increase in output to 750,000 tonnes p.a.
 - (e) Amenity of residents generally
 - (f) Potential residual impact on the region's water security, including the potential for pollution and contamination of Council's water supply, as well as groundwater

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- (g) Potential/likely other environmental impacts, including significant koala habitat.
4. Request the General Manager to write to both the local State Members and the NSW Minister of Planning informing them of the above objection and advising of community concerns with multiple aspects of the proposed project and requesting their support in persuading the Department of Planning to put the project on hold pending further detailed analysis and public scrutiny.
 5. Request the General Manager to provide a further report to the December 2019 Ordinary Meeting of Council providing the following:
 - (a) A copy of the submission made in accordance with Point 2 above for information.
 - (b) Advice regarding the legislated role of Council in the assessment and determination of "State Significant Development" and details of what role Council will be required to play ensuring compliance with the State imposed conditions of consent including whether Council's costs are reimbursed by the State and, if so, via what mechanism.

AMENDMENT

MOVED: Levido/Alley

That Council:

1. Notes that Hanson Construction Materials Pty Ltd have made an application to the NSW Department of Planning, Industry and Environment to significantly expand the size and extraction limits of the Sancrox Quarry.
2. Notes also the potential strong economic development benefits likely to flow to the community and local economy as a consequence of a reasonable expansion of the above quarry.
3. Notwithstanding Point 2 above, Council also notes community concerns with the processing of the application for the current plan to significantly expand the size, operating hours and extraction limits of the existing quarry with respect to:
 - lack of interaction and consultation with the Project Consultative Committee;
 - lack of transparent consultation with the broader community;
 - the adequacy and integrity of the EIS forming part of the applicationand, as a consequence, requests the General Manager to lodge a submission of concerns with the Department of Planning, Industry and Environment as to the proposal.
4. Request the General Manager to write to both the local State Members and the NSW Minister of Planning informing them of the above submission and advising of community concerns with multiple aspects of the proposed project and requesting their support in persuading the Department of Planning to put the project on hold pending further detailed analysis and public scrutiny.
5. Request the General Manager to provide a further report to the December 2019 Ordinary Meeting of Council providing the following:
 - (a) A copy of the submission made in accordance with Point 2 above for information.
 - (b) Advice regarding the legislated role of Council in the assessment and determination of "State Significant Development" and details of what role Council will be required to play ensuring compliance with the State imposed conditions of consent including whether Council's costs are reimbursed by the State and, if so, via what mechanism.

THE AMENDMENT WAS PUT AND CARRIED

MOVED: Levido/Alley

That Council:

1. Notes that Hanson Construction Materials Pty Ltd have made an application to the NSW Department of Planning, Industry and Environment to significantly expand the size and extraction limits of the Sancrox Quarry.
2. Notes also the potential strong economic development benefits likely to flow to the community and local economy as a consequence of a reasonable expansion of the above quarry.
3. Notwithstanding Point 2 above, Council also notes community concerns with the processing of the application for the current plan to significantly expand the size, operating hours and extraction limits of the existing quarry with respect to:
 - lack of interaction and consultation with the Project Consultative Committee;
 - lack of transparent consultation with the broader community;
 - the adequacy and integrity of the EIS forming part of the applicationand, as a consequence, requests the General Manager to lodge a submission of concerns with the Department of Planning, Industry and Environment as to the proposal.
4. Request the General Manager to write to both the local State Members and the NSW Minister of Planning informing them of the above submission and advising of community concerns with multiple aspects of the proposed project and requesting their support in persuading the Department of Planning to put the project on hold pending further detailed analysis and public scrutiny.
5. Request the General Manager to provide a further report to the December 2019 Ordinary Meeting of Council providing the following:
 - (a) A copy of the submission made in accordance with Point 2 above for information.
 - (b) Advice regarding the legislated role of Council in the assessment and determination of "State Significant Development" and details of what role Council will be required to play ensuring compliance with the State imposed conditions of consent including whether Council's costs are reimbursed by the State and, if so, via what mechanism.

CARRIED: 6/0

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

AGAINST: Nil

THE AMENDMENT BECAME THE MOTION AND WAS PUT

RESOLVED: Levido/Alley

That Council:

1. Notes that Hanson Construction Materials Pty Ltd have made an application to the NSW Department of Planning, Industry and Environment to significantly expand the size and extraction limits of the Sancrox Quarry.
2. Notes also the potential strong economic development benefits likely to flow to the community and local economy as a consequence of a reasonable expansion of the above quarry.
3. Notwithstanding Point 2 above, Council also notes community concerns with the processing of the application for the current plan to significantly expand the size, operating hours and extraction limits of the existing quarry with respect to:

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- lack of interaction and consultation with the Project Consultative Committee;
 - lack of transparent consultation with the broader community;
 - the adequacy and integrity of the EIS forming part of the application
- and, as a consequence, requests the General Manager to lodge a submission of concerns with the Department of Planning, Industry and Environment as to the proposal.
4. Request the General Manager to write to both the local State Members and the NSW Minister of Planning informing them of the above submission and advising of community concerns with multiple aspects of the proposed project and requesting their support in persuading the Department of Planning to put the project on hold pending further detailed analysis and public scrutiny.
 5. Request the General Manager to provide a further report to the December 2019 Ordinary Meeting of Council providing the following:
 - (a) A copy of the submission made in accordance with Point 2 above for information.
 - (b) Advice regarding the legislated role of Council in the assessment and determination of “State Significant Development” and details of what role Council will be required to play ensuring compliance with the State imposed conditions of consent including whether Council’s costs are reimbursed by the State and, if so, via what mechanism.

CARRIED: 6/0

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

AGAINST: Nil

EXTENSION OF TIME

RESOLVED: Alley/Dixon

That, as per Clause 18.2 of the adopted Code of Meeting Practice, Council extend the time of this meeting to 11.00pm.

CARRIED: 6/0

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

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 10.09pm.

Councillor Griffiths returned to the meeting, the time being 10.09pm.

Councillor Hawkins left the meeting, the time being 10.09pm.

Councillor Alley left the meeting, the time being 10.11pm.

The Mayor resumed the Chair.

13.16 NOTICE OF MOTION - HEAT PLAN

Ms Sarah Mollard addressed Council in support of the recommendation. Ms Mollard answered questions from Councillors.

Councillor Hawkins returned to the meeting, the time being 10.11pm.

Councillor Alley returned to the meeting, the time being 10.14pm.

RESOLVED: Intemann/Alley

That the General Manager be requested to undertake a community education program to educate community awareness of heat effects and ways and means to minimise heat stress.

CARRIED: 7/1

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

AGAINST: Griffiths

Councillor Dixon left the meeting, the time being 10:19pm.

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 3 OCTOBER TO 6 NOVEMBER 2019

RESOLVED: Pinson/Griffiths

That Council note the allocations from the Mayoral Discretionary Fund for the period 3 October to 6 November 2019 inclusive.

CARRIED: 7/0

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

AGAINST: Nil

Item 10.02 - 30th Anniversary of Sister City Relationship Between Port Macquarie-Hastings Council and Handa City - Visit to Japan April 2020 - has been moved to another part of the document.

10.03 NOTICE OF MOTION - MIKE CUSATO

RESOLVED: Hawkins/Alley

That Council places on record, its deep gratitude to Mike Cusato for his service to the Port Macquarie-Hastings Community as a Councillor for the period 8 September 2012 to 23 September 2019.

CARRIED: 7/0

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

AGAINST: Nil

10.04 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Turner/Alley

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

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

Councillor Dixon returned to the meeting, the time being 10.21pm.

10.05 2020 ORDINARY LOCAL GOVERNMENT ELECTION

RESOLVED: Griffiths/Intemann

That Council note the information in the 2020 Ordinary Local Government Election report.

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

10.06 LEGAL FEES

RESOLVED: Intemann/Turner

That Council note the information in the Legal Fees report.

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

10.07 RECOMMENDED ITEM FROM AUDIT, RISK AND IMPROVEMENT COMMITTEE - RISK REGISTER QUARTERLY REPORT - SEPTEMBER 2019 REVIEW

RESOLVED: Hawkins/Intemann

That the Audit, Risk and Improvement Committee recommends that Council:

1. Notes the effect of the decision of the Supreme Court in the matter of *Cornish v Secretary* which appears to dilute the effectiveness of a Code of Conduct as a control.
2. Request the General Manager make representation to the Minister of Local Government and/or Office of Local Government in relation to strengthening the enforceability of the Code of Conduct.

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

Councillor Levido left the meeting, the time being 10.23pm.

10.08 DISCLOSURE OF INTEREST RETURN

RESOLVED: Dixon/Turner

That Council note the Disclosure of Interest return for the following position:

1. Senior Strategic Planner.

CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

10.09 DESIGNATED PERSONS

RESOLVED: Intemann/Alley

That Council determine that the following position become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:

1. Environmental Planner.

CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

Item 10.10 - Financial Impact of Cost Shifting from Other Levels of Government - has been moved to another part of the document.

10.11 MONTHLY BUDGET REVIEW - OCTOBER 2019

RESOLVED: Hawkins/Turner

That Council:

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

CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

Item 10.12 - Investments - October 2019 - has been moved to another part of the document.

10.13 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2019

Councillor Levido returned to the meeting, the time being 10.25pm.

RESOLVED: Turner/Hawkins

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

CARRIED: 8/0

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

AGAINST: Nil

10.14 2017-2021 DELIVERY PROGRAM AND 2019-2020 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 30 SEPTEMBER 2019

RESOLVED: Griffiths/Dixon

That Council note the 2019-2020 Operational Plan Quarterly Progress Report as at 30 September 2019.

CARRIED: 8/0

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

AGAINST: Nil

10.15 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019

RESOLVED: Hawkins/Alley

That Council adopt the annual financial statements for the year ended 30 June 2019, as submitted, together with the Auditor's report.

CARRIED: 8/0

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

AGAINST: Nil

10.16 2018-2019 ANNUAL REPORT

RESOLVED: Intemann/Griffiths

That Council:

1. Adopt the 2018-2019 Annual Report, comprising Parts A and B.
2. Submit the adopted 2018-2019 Annual Report to the Minister for Local Government by the 30 November 2019.
3. Publish the adopted 2018-2019 Annual Report on Council's website and make

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- copies of the report available at all Council Offices and Libraries.
4. Note the distribution proposal for Part A Community Report Card 2018-2019.

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

10.17 PROPERTY INVESTMENT PORTFOLIO - SIX MONTHLY REPORT

RESOLVED: Hawkins/Intemann

That Council:

1. Note the update provided on the Property Investment Portfolio as provided in this report.
2. Request the General Manager provide annual update reports on the Property Investment portfolio in November each year rather than the current six monthly updates.

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

10.18 PORT MACQUARIE AQUATIC FACILITY STEERING GROUP AND CHARTER

RESOLVED: Griffiths/Intemann

That Council:

1. Note the information contained within the Port Macquarie Aquatic Facility Steering Group and Charter report.
2. Appoint members to the Port Macquarie Aquatic Facility Project Steering Group as recommended within this report.
3. Endorse the Port Macquarie Aquatic Facility Steering Group Charter and amend Charter at Clause 3.3 to add to the end of the first sentence the words ".....on behalf of Council,".

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

10.19 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Alley/Dixon

That Council:

1. Note the Development Activity and Assessment System Performance report for the first quarter of 2019-2020.
2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.

CARRIED: 8/0

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

AGAINST: Nil

11.01 LOCAL HERITAGE ASSISTANCE FUND (2019/2020)

Councillor Levido left the meeting, the time being 10.29pm.

RESOLVED: Intemann/Alley

That Council endorse the allocation of 2019/20 Local Heritage Assistance Fund Grants to the value of \$3,000 each to:

1. P. Davies for conservation works on 46 Comboyne Street - Kendall - All Saints Anglican Church
2. The Royal Kew Hotel for internal repairs and restoration works.
3. W. Lang for conservation works on 5 Laurie Street Laurieton - The Former Post Office and cottages.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 10.30pm.

11.02 COMMUNITY PARTICIPATION PLAN - POST EXHIBITION

RESOLVED: Griffiths/Dixon

That Council:

1. Note the feedback received from the community on the Draft Community Participation Plan during the exhibition period.
2. Note the changes to the Draft Community Participation Plan.
3. Adopt the Community Participation Plan and place on the Department of Planning Portal by 1 December 2019.

CARRIED: 8/0

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

AGAINST: Nil

11.03 DRAFT COMMUNITY INCLUSION PLAN

RESOLVED: Intemann/Dixon

That Council:

1. Place the Draft Community Inclusion Plan 2019-2021 on public exhibition from 25 November 2019 to 31 January 2020.
2. Request the General Manager table a further report following the completion of the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

11.04 LOCAL STRATEGIC PLANNING STATEMENT

RESOLVED: Intemann/Turner

That Council:

1. Endorse the recommended approach for development of the first Local Strategic Planning Statement for the Port Macquarie-Hastings Local Government Area as detailed in this report.
2. Request the General Manager write to the Minister for Planning and Public Spaces, seeking a 12 month extension to the statutory timeline for making of a Local Strategic Planning Statement by Port Macquarie-Hastings Council.

CARRIED: 8/0

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

AGAINST: Nil

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

RESOLVED: Turner/Hawkins

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

CARRIED: 8/0

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

AGAINST: Nil

13.01 DRAFT WASTE MINIMISATION AND MANAGEMENT POLICY

RESOLVED: Intemann/Turner

That Council:

1. Note the draft Waste Minimisation and Management Policy.
2. Place the draft Waste Minimisation and Management Policy on public exhibition for a minimum period of 28 days, from 27 November 2019 to 31 January 2020.
3. Note that a further report will be tabled at the March 2020 meeting of Council, detailing the submissions received during the exhibition period.

CARRIED: 8/0

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

AGAINST: Nil

13.02 PROTECTION OF PUBLIC INFRASTRUCTURE BONDS FEE

RESOLVED: Alley/Dixon

That Council request the General Manager to reduce the Protection of Public Infrastructure Bonds fee for the Port Macquarie CBD in the draft 2020/21 Fees and Charges to \$2,500.00.

CARRIED: 8/0

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

AGAINST: Nil

Item 13.03 - Water Restrictions - has been moved to another part of the document.

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

Item 13.05 - Long Term Energy Strategy - Six Monthly Update - has been moved to another part of the document.

13.06 STAGE 1 REVIEW OF PORT MACQUARIE-HASTINGS DEVELOPMENT CONTROL PLAN 2013 - HOUSEKEEPING AMENDMENTS

RESOLVED: Turner/Hawkins

That Council:

1. Endorse the proposed amendments to Port Macquarie-Hastings Development Control Plan (DCP) 2013 as contained in Attachments 1 - 4 of this report.
 2. Publically exhibit the Draft DCP in accordance with clauses 18 and 19 of the Environmental Planning and Assessment Regulation 2000 from 27 November 2019 to 31 January 2020.
 3. Delegate authority to the Director Strategy and Growth to correct any formatting, typographical, numbering or cross-reference errors to the Draft Development
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- Control Plan in preparation for public exhibition.
4. Receive a further report following the completion of public exhibition period outlining the community feedback received.

CARRIED: 8/0

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

AGAINST: Nil

13.07 PLANNING PROPOSAL: MISSION TERRACE, LAKEWOOD - CONSIDERATION OF SUBMISSIONS

Councillor Alley declared a Non-Pecuniary - Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 10.36pm.

RESOLVED: Griffiths/Turner

That Council:

1. As a result of the consideration of submissions, amend the Planning Proposal to adjust the eastern boundary of the proposed R1 General Residential zone and make corresponding amendments to the Height of Buildings, Lot Size and Floor Space Ratio LEP maps, as described in this report.
2. Subject to approval under Point 1 above, and following certification of building upgrade works to the four buildings on the eastern interface of the proposed R1 General Residential zone, as described in this report, 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 49).
3. Delegate authority to the Director Strategy and Growth to make any minor amendments to the Planning Proposal in finalising the matter.
4. Notify all persons who lodged a submission of Council's decision.

CARRIED: 7/0

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

AGAINST: Nil

Councillor Alley returned to the meeting, the time being 10:38pm.

Item 13.08 - Floodplain Management - has been moved to another part of the document.

13.09 COASTAL KOALA PLAN OF MANAGEMENT - STATUS UPDATE REPORT

RESOLVED: Intemann/Hawkins

That Council note the information presented in the Coastal Koala Plan of Management update report.

CARRIED: 8/0

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

AGAINST: Nil

13.10 DEVELOPMENT ASSESSMENT PANEL CHARTER REVIEW

RESOLVED: Griffiths/Intemann

That Council:

1. Request the General Manager to review the operation and membership of the Development Assessment Panel (DAP).
2. Place the amended DAP sub-committee Charter (Attachment 1) on public exhibition for a period of 28 days commencing in February 2020.
3. Request the General Manager provide a report to the April 2020 Ordinary Council Meeting outlining the review and feedback received during the exhibition period and any recommended changes to the DAP Charter following this exhibition.

CARRIED: 8/0

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

AGAINST: Nil

13.11 CLASSIFICATION OF LAND TO BE ACQUIRED BY COUNCIL

RESOLVED: Intemann/Griffiths

That Council proceed to classify Lot 50 Deposited Plan 1248785, land at 921 Hastings River Drive, Pembroke as Operational Land in accordance with Section 34 of the Local Government Act upon transfer of land ownership to Council.

CARRIED: 8/0

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

AGAINST: Nil

13.12 LAND ACQUISITION - HOUSTON MITCHELL DRIVE, BONNY HILLS

RESOLVED: Intemann/Dixon

That Council

1. Pay compensation in the amount of \$3,000 (GST Exclusive) to the owner of Lot 1 Deposited Plan 1117908, S J Mifsud, for the acquisition of that part of Lot 1 Deposited Plan 1117908 more particularly described as Lot 1 in plan of acquisition Deposited Plan 1210904 (Attachment 1).
2. Pursuant to Section 59 of the Land acquisition (Just Terms Compensation) Act 1991 pay the landowner's property conveyancing (legal) costs.
3. Delegate authority to the General Manager to sign, electronically or otherwise, all documents including but not limited to any authorisation form as required, associated with the acquisition in accordance with the Electronic Transactions Act 2000.

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4. On acquisition of Lot 1 Deposited Plan 1210904, dedicate the land as public road pursuant to Section 10 of the Roads Act 1993.

CARRIED: 8/0

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

AGAINST: Nil

13.13 LAND ACQUISITION REQUIRED AS PART OF THE LONG FLAT SEWER SCHEME

RESOLVED: Intemann/Griffiths

That Council:

1. Pursuant to Section 186 of the Local Government Act 1993 make application to the Minister for Local Government and Her Excellency the Governor for the compulsory acquisition of Lot 11 DP1258663 for sewer purposes.
2. Exclude all mines and minerals and the easement for underground powerlines depicted in DP1256147 from the compulsory acquisition of Lot 11 DP1258663 (Attachment 1).
3. In its capacity as the appointed Crown Land Manager of the land to be acquired, note the acquisition does not impact on the uses of Crown Reserve 95766 for its reserved purpose.
4. Upon acquisition of Lot 11 DP1258663 and pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 11 DP1258663 as 'operational land', by placing on public exhibition for a minimum period of 28 days, the proposal to classify the land as follows:
 - "It is intended to classify Lot 11 DP1258663 (land at 31 Henry Street, Long Flat) as operational land"
5. Note a further report will be tabled at a future Council meeting detailing any submissions received during the exhibition period.
6. Delegate authority to the General Manager to request the Registrar General of Land Registry Services to note the compulsory acquisition, record Port Macquarie-Hastings Council as the registered proprietor of Lot 11 DP1258663 and issue a Certificate of Title for Lot 11 DP1258663.

CARRIED: 8/0

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

AGAINST: Nil

Item 13.14 - Notice of Motion - Sancrox Quarry Project - has been moved to another part of the document.

13.15 NOTICE OF MOTION - BIODIVERSITY INVESTIGATIONS

RESOLVED: Intemann/Hawkins

That Council:

1. Request the General Manager to undertake investigations into possible land acquisition(s) for the purpose of biodiversity opportunities for long term stewardship.
2. Request the General Manager to table a report to the March 2020 Council meeting with the results of the investigations referred to in Point 1.

CARRIED: 8/0

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

AGAINST: Nil

Item - 13.16 Notice of Motion - Heat Plan - has been moved to another part of the document.

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-19-51 Supply and Delivery of Bulk Bitumen Emulsion

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

Item 15.02 T-19-63 Technology Infrastructure Management Agreement

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

Item 15.03 T-19-26 Environmental Assessment and Development
Application for Planned Works at Port Macquarie Airport

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

Item 15.04 T-19-49 Port Macquarie Road Network Planning Project -
Strategic Business Case

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 15.05 T-19-50 Port Macquarie Town Centre Pavement Cleaning

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 15.06 Port Macquarie Transport Network Community Consultative
Committee

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

ADJOURN MEETING

The Ordinary Council Meeting adjourned at 10.41 pm.

RESUME MEETING

The Ordinary Council Meeting resumed at 11.03 pm.

ADOPTION OF RECOMMENDATIONS FROM THE CONFIDENTIAL COMMITTEE OF THE WHOLE

RESOLVED: Intemann/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 T-19-51 Supply and Delivery of Bulk Bitumen Emulsion

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.

Mayor Pinson declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 10.43pm.

The Deputy Mayor assumed the Chair.

RESOLVED: Turner/Griffiths

That Council:

1. Pursuant to Section 55 (3)(a) of the Local Government Act 1993, resolve to not invite tenders for the Supply and Delivery of Bulk Bitumen Emulsion.
2. Accept the quotation obtained through Local Government Procurement's LGP213-2 arrangement from Bitupave Ltd t/as Boral Asphalt for the Supply and Delivery of Bulk Bitumen Emulsion.
3. Accept the Schedule of Rates from Bitupave Ltd t/as Boral Asphalt for the Supply and Delivery of Bulk Bitumen Emulsion.
4. Affix the seal of Council to the necessary documents.
5. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-51.

CARRIED: 7/0

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

AGAINST: Nil

Item 15.02 T-19-63 Technology Infrastructure Management Agreement

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: Hawkins/Intemann

That Council:

1. Pursuant to Section 55 (3)(a) of the Local Government Act 1993, note

the engagement of S5 Technology Group Pty for the provision of the Technology Infrastructure Management Agreement for the period ending 3 September 2020 with an extension option of a further 12 month term, to be renewed in accordance with Service Level Agreement.

2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect of request for quotation T-19-63.

CARRIED: 8/0

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

AGAINST: Nil

Item 15.03 T-19-26 Environmental Assessment and Development
Application for Planned Works at Port Macquarie Airport

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

Councillor Levido declared a Non-Pecuniary - Significant Interest in this item and left the room and was out of sight during the Council's consideration, the time being 10.44pm.

RESOLVED: Intemann/Hawkins

That Council:

1. Accept the tender from King & Campbell Pty Ltd for \$190,945.50 (exclusive of GST) for the Environmental Assessment and Development Application for planned works at Port Macquarie Airport, including:
 - runway strip (RWS) and obstacle limitation surface (OLS) clearing;
 - relocation of the aerodrome weather information service; and
 - staged construction of a new parallel taxiway and run up bays.
2. Accept the Schedule of Rates from King & Campbell Pty Ltd for the Environmental Assessment and Development Application for the planned works at Port Macquarie Airport.
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and consideration in respect of Tender T-19-26.

CARRIED: 7/0

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

AGAINST: Nil

Item 15.04 T-19-49 Port Macquarie Road Network Planning Project -
Strategic Business Case

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: Hawkins/Griffiths

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b), decline to accept any of the tenders submitted for RFT T-19-49 for Port Macquarie Road Network Planning Project - Strategic Business Case due to contractual clause departures resulting in no conforming Tenders being received.
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 SMEC who submitted a Tender in response to RFT T-19-49, with a view to entering into a contract for Port Macquarie Road Network Planning Project - Strategic Business Case for the reason that the Tender Evaluation Panel considers that the tenderer has demonstrated the experience, capacity and capability to meet the requirements of the RFT.
3. Request the General Manager present a further report to a future meeting of Council on completion of the negotiation process, for Council's further consideration of RFT T-19-49.
4. Maintain the confidentiality of the documents and considerations in respect of RFT T-19-49.

Item 15.05 T-19-50 Port Macquarie Town Centre Pavement Cleaning

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: Intemann/Dixon

That Council:

1. Accept the tender from Waspindustries Pty Ltd for the provision of pavement cleaning and sealing services for the Port Macquarie Town Centre (PMTC), for a two-year period commencing 1 December 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 Waspindustries Pty Ltd for the provision of pavement cleaning and sealing services for the Port Macquarie Town Centre
3. Affix the seal of Council to the necessary documents.
4. Maintain the confidentiality of the documents and considerations in respect of Tender T-19-50.

CARRIED: 8/0

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

AGAINST: Nil

Item 15.06 Port Macquarie Transport Network Community Consultative Committee

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: Griffiths/Pinson

That Council:

1. Appoint Denise Wilson as the Independent Chair of the Port Macquarie Transport Network Community Consultative Committee, as assessed by an independent third party.
2. Appoint the following people as independent members of the Port Macquarie Transport Network Community Consultative Committee, for a 12 month term, as recommended by an independent third party assessment:
 - a) Adele Graham
 - b) Michael Mowle
 - c) Craig Nethery
 - d) Brad Thomas
 - e) Anthony Thorne
 - f) Philip Lloyd
3. That Councillors Intemann and Alley be the Councillor representatives as members of the Port Macquarie Transport Network Community Consultative Committee.
4. Maintain the confidentiality of the documents and consideration of the Expression of Interest.
5. Amend the Charter as follows:
 - at Clause 3.3, add to the end of the first sentence the words "...on behalf of Council,"
 - at Clause 5.3, change the second sentence to read "The secretariat will ensure that the business paper and supporting papers are circulated as early as possible but at least 3 days prior to each meeting."
 - at Clause 3.0 - Membership - allow an additional community member on the Consultative Committee.

CARRIED: 7/0

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

AGAINST: Nil

The meeting closed at 11.03pm.

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Peta Pinson
Mayor