

PRESENT

Members:

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

Other Attendees:

Acting General Manager (Jeffery Sharp)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Dan Bylsma)
Acting Director Strategy and Growth (Liesa Davies)
Group Manager Governance (Michael Ferguson)
Governance Support Officer (Bronwyn Lyon)
Communications Manager (Andy Roberts)

The meeting opened at 5:30pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 LOCAL GOVERNMENT PRAYER

The Minister from the Wauchope Presbyterian Church was not in attendance to deliver the Local Government Prayer.

03 APOLOGIES

RESOLVED: Dixon/Griffiths

That the apology received from Councillor Geoff Hawkins be accepted.

CARRIED: 7/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Alley/Intemann

That the Minutes of the Ordinary Council Meeting held on 19 February 2020 be confirmed.

CARRIED: 7/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 13.08 - Fernbank Creek and Sancrox Planning Investigation, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for the owner of a property within the investigation areas dealt with in the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.03 - T-19-67 Construction of Thrumster Recycled Water Interim Supply Main Stages 3-8, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for the a principal of one of the tenderers, the subject of the report.

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.04 - T-19-65 Sancrox Reservoir to Wauchope Water Trunk Main - Main Works, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for the a principal of one of the tenderers, the subject of the report.

Councillor Turner declared a Pecuniary Interest in Item 12.01 - Event Sponsorship Program Round 2, 2020, the reason being that Councillor Turner is one of the organisers of an event that has made an application under the Event Sponsorship Program and which is named in the Council report.

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) & (5) of the Local Government Act 1993 in relation to Item 13.08 - Fernbank Creek and Sancrox Planning Investigation.

Mayor Pinson declared a Pecuniary Interest in Item 15.03 - T-19-67 Construction of Thrumster Recycled Water Interim Supply Main Stages 3-8, the reason being that Mayor Pinson has interests in a company known as Stabilcorp who provide quotations from time to time to one of the tenders.

Mayor Pinson declared a Pecuniary Interest in Item 15.04 - T-19-65 Sancrox Reservoir to Wauchope Water Trunk Main - Main Works, the reason being that Mayor Pinson has interests in a company known as Stabilcorp who provide quotations from time to time to one of the tenders.

At the time for consideration of Item 15.01, Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 15.01 - Wauchope RSL Club and Bransdon Street Car Park, Wauchope (Lots 4, 5 and 6 Deposited Plan 236079), the reason being that Councillor Intemann is a Director of Hastings Co-operative Limited which uses the car park mentioned in the report, but that use is unaffected by the action the subject of the item.

06 MAYORAL MINUTES

Nil.

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

There is no confidential correspondence to the Ordinary Council Meeting.

MATTER OF URGENCY - COVID-19

In accordance with clause 9.3 of Council's Code of Meeting Practice, Councillor Levido moved a matter of great urgency.

RESOLVED: Levido/Intemann

That the Matter of Urgency in relation to COVID-19 be dealt with at this meeting.

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

Mayor Pinson ruled that the matter was of great urgency and permitted the business to be transacted at the meeting.

RESOLVED: Levido/Intemann

That the General Manager, or Directors as directed by the General Manager, now provide Council with verbal advice as to the following:

1. Impact of COVID-19 crisis upon the operations of Council and its associated entities generally.
2. The impact of the COVID-19 crisis with respect to future monthly meetings of Council.
3. Details of any Emergency Management plans or protocols in place or being considered by Council as to the public generally and the Port Macquarie-Hastings Local Government Area with respect to the ongoing COVID-19 crisis.
4. Details of any plans or consideration being given to economic / financial assistance to the local economy as a result of the COVID-19 crisis.

CARRIED: 7/0

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

AGAINST: Nil

The Acting General Manager provided verbal advice in relation to COVID-19.

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 Milton Job regarding recent sewerage overflows.
2. Mr Stewart Cooper regarding Lake Cathie / Lake Innes.
3. Mr David Waite, Timbertown, regarding tourism.
4. Mr Raymond Griffiths, Rollands Plains Community Group, regarding positive action in Rollands Plains.
5. Mrs Jenny Hurrell regarding rural roadside vegetation maintenance, rubbish collection and Comboyne Road drainage.

RESOLVED: Griffiths/Dixon

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

CARRIED: 7/0

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

AGAINST: Nil

08.01 RECENT SEWERAGE OVERFLOWS

Mr Milton Job addressed Council in regard to recent sewerage overflows and answered questions from Councillors.

08.02 LAKE CATHIE / LAKE INNES

Mr Stewart Cooper addressed Council regarding Lake Cathie / Lake Innes and answered questions from Councillors.

At this juncture the Mayor raised a point of order against Councillor Levido following his questions and comments to Mr Cooper.

Councillor Levido moved a motion of dissent against the Mayor's point of order in accordance with clause 15.8 of Council's Code of Meeting Practice.

RESOLVED: Levido/Intemann

That Council dissent from the ruling of the Chairperson on a point of order.

CARRIED: 4/3

FOR: Alley, Intemann, Levido and Turner

AGAINST: Dixon, Griffiths and Pinson

Councillor Levido continued the questions that he had posed to Mr Cooper.

08.03 TOURISM

Mr Waite, Timbertown Heritage Park, commenced his address to Council, however the Mayor advised that the subject of his address was not permitted in the Public Forum.

The Mayor invited Mr David Waite to meet with her at a later date to discuss this issue.

08.04 POSITIVE ACTION IN ROLLANDS PLAINS

Mr Raymond Griffiths, Rollands Plains Community Group, addressed Council regarding positive action in Rollands Plains and answered questions from Councillors.

08.05 RURAL ROADSIDE VEGETATION MAINTENANCE, RUBBISH COLLECTION, COMBOYNE ROAD DRAINAGE

Mrs Jenny Hurrell addressed Council regarding rural roadside vegetation maintenance, rubbish collection, sealing of Lorne Road and Comboyne Road drainage and 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 10.01 - Mr Philip Lloyd in support of the recommendation.

Item 11.03 - Mr Stewart Cooper in support of the recommendation.

Item 11.03 - Ms Susan Pike, Telegraph Point Council Community Action Team, in support of the recommendation.

Item 13.06 - Ms Rachel Sheppard in support of the recommendation. Advice was received just prior to the meeting from Rachel Sheppard that she could not attend.

Item 13.08 - Mr Graham Burns, Land Dynamics Australia, in opposition of the recommendation.

Item 13.08 - Mr Tony Thorne, King and Campbell Pty Ltd, in support of the recommendation.

RESOLVED: Dixon/Turner

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

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Dixon

That Standing Orders be suspended to allow Items 10.01, 11.03, 13.06 and 13.08 to be brought forward and considered next.

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

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

Mr Philip Lloyd addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Dixon

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

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

11.03 LAKE CATHIE AND TELEGRAPH POINT AND SURROUNDS COMMUNITY PLAN

Deputy Mayor Intemann left the meeting, the time being 7:07pm.

Deputy Mayor Intemann returned to the meeting, the time being 7:07pm.

Mr Stewart Cooper addressed Council in support of the recommendation.

Ms Susan Pike, Telegraph Point Council Community Action Team, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Dixon/Alley

That Council:

1. Endorse the Community Plans for the following two communities:
 - a) Lake Cathie.
 - b) Telegraph Point and Surrounds.
2. Note the goals and actions identified for each of the communities as outlined in the Community Plans, for consideration in future Operational Plans.

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

13.06 CLIMATE CHANGE INFORMATION

The Mayor advised that advice was received prior to the meeting from Rachel Sheppard that she could not attend.

Councillor Dixon left the meeting, the time being 7:21pm.

Councillor Dixon returned to the meeting, the time being 7:22pm.

RESOLVED: Intemann/Alley

That Council:

1. Note the information provided in the Climate Change Information Report.
2. Note that the General Manager will undertake a Climate Change Risk Assessment to identify the risks specific to Council and develop appropriate mitigation and / or adaptation responses to the identified risks specific to the Port Macquarie-Hastings Local Government Area.
3. Request the General Manager provide a report to the July 2020 Council Meeting on progress in this matter.

CARRIED: 6/1

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

AGAINST: Griffiths

13.08 FERNBANK CREEK AND SANCROX PLANNING INVESTIGATION

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 7:31pm.

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) & (5) of the Local Government Act 1993, left the room and was out of sight during the Council's consideration, the time being 7:31pm.

Mr Graham Burns, Land Dynamics Australia, addressed Council in opposition of the recommendation and answered questions from Councillors.

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

RESOLVED: Turner/Intemann

That Council:

1. Note the submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper and associated Fact Sheet.

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2. In consideration of submissions received in relation to the public exhibition of the Fernbank Creek and Sancrox Planning Investigation Area Discussion Paper, associated Fact Sheet and the information contained within this report, prepare a Fernbank Creek and Sancrox Planning Investigation Area Structure Plan.
 3. Note the lodgement of a Planning Proposal for 'Le Clos Sancrox' and continue to review this information in accordance with Council's resolution of 20 February 2019, to assist in informing the planning process for the wider Sancrox and Fernbank Creek area, noting that these investigations are in the early stages.
 4. Advise the Proponent that the Le Clos Sancrox Planning Proposal will not be progressed to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination until such time as further preliminary work has been undertaken by Council staff on the Draft Sancrox and Fernbank Creek Planning Investigation Area Structure Plan.
 5. Exhibit both the Le Clos Sancrox Planning Proposal and Draft Fernbank Creek/Sancrox draft structure plan together, once:
 - a) the Gateway determination for Le Clos Sancrox Planning Proposal has been advised and any additional work completed.
 - b) the necessary preliminary planning work for the structure plan is completed by Council staff.
 6. Request the General Manager bring a progress report to the July 2020 Ordinary Council Meeting.

CARRIED: 5/0
FOR: Alley, Dixon, Intemann, Pinson and Turner
AGAINST: Nil

Councillor Griffiths returned to the meeting, the time being 7:52pm.

Councillor Levido returned to the meeting, the time being 7:52pm.

10.02 STRENGTHENING THE ENFORCEABILITY OF THE CODE OF CONDUCT

RESOLVED: Intemann/Griffiths

That Council note the information in the Strengthening the Enforceability of the Code of Conduct report.

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

10.03 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 6 FEBRUARY TO 4 MARCH 2020

RESOLVED: Pinson/Griffiths

That Council note the allocations from the Mayoral Discretionary Fund for the period 6 February to 4 March 2020 inclusive.

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

10.04 DISCLOSURE OF INTEREST RETURN

RESOLVED: Intemann/Dixon

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

- Group Manager Digital Technology.

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

10.05 DESIGNATED PERSONS

RESOLVED: Dixon/Griffiths

That Council:

1. Determine that the following positions become a Designated Person pursuant to the provisions of section 441 of the Local Government Act 1993:
 - a) Waste Manager.
2. Endorse the following positions be removed from the Designated Positions within Council:
 - a) Waste and Environmental Engineer.

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

10.06 MONTHLY BUDGET REVIEW - FEBRUARY 2020

RESOLVED: Griffiths/Alley

That Council:

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

CARRIED: 7/0

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

AGAINST: Nil

10.07 INVESTMENTS - FEBRUARY 2020

RESOLVED: Alley/Intemann

That Council note the Investment Report for the month of February 2020.

CARRIED: 6/1

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

AGAINST: Griffiths

10.08 DRAFT DELIVERY PROGRAM 2017-2021 (REVISED 2020), DRAFT OPERATIONAL PLAN 2020-2021, FEES AND CHARGES, REVENUE POLICY, AND RATING MAPS DOCUMENTS FOR PUBLIC EXHIBITION

RESOLVED: Turner/Alley

That Council:

1. Place the Draft Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of 28 days from 19 March to 17 April 2020:
 - a) Draft Delivery Program 2017-2021 (Revised 2020) and Draft Operational Plan 2020-2021.
 - b) Draft Fees and Charges 2020-2021.
 - c) Draft Revenue Policy 2020-2021.
 - d) Draft Rating Maps 2020-2021.
2. Note that a further report will be tabled at the June 2020 meeting of Council for the adoption of the 2020-21 IP&R documents, detailing the submissions received from the public during the exhibition period.

CARRIED: 7/0

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

AGAINST: Nil

10.09 POLICY REVIEW - INVESTMENT POLICY

RESOLVED: Turner/Alley

That Council:

1. Place on public exhibition from 25 March 2020 until 21 April 2020 (28 days), the revised Investment Policy.
2. Note that a further report will be tabled at the May 2020 meeting of Council, detailing the submissions received from the public during the exhibition period.

CARRIED: 6/1

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

AGAINST: Griffiths

11.01 NOTICE OF MOTION - ADULT CHANGE TABLE FACILITIES ALONG NSW HIGHWAYS

RESOLVED: Alley/Griffiths

That Council request the General Manager write to:

1. The NSW Minister for Families, Communities and Disability Services – the Hon. Gareth Ward, MP;
2. The NSW Minister for Transport and Roads – the Hon. Andrew Constance, MP;
3. The NSW Shadow Minister for Disability Inclusion – the Hon. Penny Sharpe, MP;
4. The Member for Port Macquarie - Hon. Leslie Williams, MP;
5. The Member for Oxley - Hon. Melinda Pavey, MP;

to call upon the NSW Government to provide adult change table facilities along NSW highways.

CARRIED: 7/0

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

AGAINST: Nil

11.02 POLICY REVIEW - DRAFT PUBLIC ART POLICY - POST PUBLIC EXHIBITION

RESOLVED: Turner/Intemann

That Council:

1. Adopt the Public Art Policy as attached to the report.
2. Advise those people who made a submission during the development of the Public Art Policy of the outcome.
3. Rescind the Art in Public Places Policy - 2010.

CARRIED: 7/0

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

AGAINST: Nil

Item 11.03 Lake Cathie and Telegraph Point and Surrounds Community Plan, has been addressed previously within the meeting.

12.01 EVENT SPONSORSHIP PROGRAM ROUND 2, 2020

Councillor Turner declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:26pm.

RESOLVED: Intemann/Dixon

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 2, 2020 in the total amount of \$20,000 to:

| Event Name, Organiser & Ranking | Sponsorship \$ Recommended |
|---|----------------------------|
| 1. Moto Fest Wauchope (Motorcycle Friendly Town Wauchope) | \$4,000 |
| 2. Surf 'n' Country (Rob Turner & Simon Luke) | \$4,000 |
| 3. Elephant Trail Race (Matthew Williams) | \$4,000 |
| 4. Gardenista (Creative Comboyne) | \$4,000 |
| 5. King of the Mountain (Camden Haven Surf Lifesaving Club) | \$2,000 |
| 6. David 'Goose' Gosby Memorial (Port Macquarie Bodyboarding Association) | \$2,000 |
| Total allocated this round | \$20,000 |

CARRIED: 6/0
FOR: Alley, Dixon, Griffiths, Intemann, Levido and Pinson
AGAINST: Nil

Councillor Turner returned to the meeting, the time being 8:34pm.

12.02 PROPOSED POSTPONEMENT OF VISIT TO HANDA, JAPAN

RESOLVED: Pinson/Alley

That Council postpone the planned April 2020 visit to Handa, Japan, for the 30th Anniversary of the Sister City relationship, due to the international spread of the Covid-19 (Coronavirus).

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

12.03 PROPOSED POLL ON FLUORIDATION OF COUNCIL'S WATER SUPPLY

RESOLVED: Alley/Turner

In accordance with the Code of Meeting Practice, clause 9.13A, that Council split the motions and hence have separate resolutions on a community poll on "fluoridation of Council's water supply" and on "a new East-West link road between Ocean Drive and the Oxley Highway".

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

MOTION

MOVED: Pinson/Intemann

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:
"Would you prefer Council to stop adding fluoride (hydrofluorosilicic acid) to the public water supply?"

AMENDMENT

MOVED: Alley/Levido

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:
"Should Council apply to the Secretary of the Department of Health to revoke the approval to add fluoride (hydrofluorosilicic acid) to Council's drinking water supply?"

THE AMENDMENT WAS PUT AND CARRIED

MOVED: Alley/Levido

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:
"Should Council apply to the Secretary of the Department of health to revoke the approval to add fluoride (hydrofluorosilicic acid) to Council's drinking water supply?"

CARRIED: 4/3
FOR: Alley, Griffiths, Levido and Turner
AGAINST: Dixon, Intemann and Pinson

THE AMENDMENT BECOMES THE MOTION

MOVED: Alley/Levido

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:
"Should Council apply to the Secretary of the Department of Health to revoke the approval to add fluoride (hydrofluorosilicic acid) to Council's drinking water supply?"

AMENDMENT

MOVED: Intemann/Pinson

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:
“Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”

THE AMENDMENT WAS PUT AND CARRIED

MOVED: Intemann/Pinson

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:
“Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”

CARRIED: 4/3
FOR: Dixon, Griffiths, Intemann and Pinson
AGAINST: Alley, Levido and Turner

THE AMENDMENT BECOMES THE MOTION

RESOLVED: Intemann/Pinson

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:
“Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”

CARRIED: 4/3
FOR: Dixon, Griffiths, Intemann and Pinson
AGAINST: Alley, Levido and Turner

MOVED: Alley/Levido

That Council conduct a community poll with the following wording in conjunction with the September 2020 Local Government elections, which will read:
“Should Council continue to consider all options for a new East-West link (orbital) road between Ocean Drive and the Oxley Highway, Port Macquarie?”

LOST: 3/4
FOR: Alley, Intemann and Levido
AGAINST: Dixon, Griffiths, Pinson and Turner

13.01 NOTICE OF MOTION - OXLEY HIGHWAY GATEWAY SCULPTURE

RESOLVED: Pinson/Griffiths

That Council request the General Manager table a report at the April 2020 Ordinary Council Meeting advising on the history of the Oxley Highway Gateway Sculpture.

CARRIED: 6/1

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

AGAINST: Levido

13.02 RESPONSE TO NOTICE OF MOTION - OCEAN TIDAL POOL IN PORT MACQUARIE

RESOLVED: Alley/Turner

That Council note the information contained in the Response to Notice of Motion - Ocean Tidal Pool in Port Macquarie Report.

CARRIED: 7/0

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

AGAINST: Nil

13.03 DA2019 - 215.1 - RESIDENTIAL FLAT BUILDING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) UNDER THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 22 DP38266, NO. 5 GRAY STREET, PORT MACQUARIE APPLICANT: D & R ENTERPRISES PTY LTD OWNER: P ROSE

RESOLVED: Intemann/Alley

That determination of DA2019-215.1 for a Residential Flat Building Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 22, DP 38266, No. 5 Gray Street Port Macquarie, be deferred to enable the applicant to:

1. Reconsider building design and address areas of non-compliance with Council's Development Control Plan; and
2. Provide a more comprehensive Clause 4.6 exception to development standard report.

CARRIED: 7/0

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

AGAINST: Nil

**13.04 DA2019 - 506.1 2 LOT SUBDIVISION INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.1 (LOT SIZE) AND CLAUSE 4.4 (FLOOR
SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL
ENVIRONMENTAL PLAN 2011 AND ALTERATIONS AND ADDITIONS TO
EXISTING DWELLING AT LOT 113, DP 754405, NO. 2 ARNOTT STREET,
LAURIETON
APPLICANT: ALL ABOUT PLANNING
OWNER: SECURE HOME PARKS PTY LTD**

RESOLVED: Intemann/Alley

That DA2019 - 506.1 for a 2 Lot Subdivision including Clause 4.6 Objection to Clause 4.1 (Lot Size) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 and Alterations and Additions to Existing Dwelling at Lot 113, DP 754405, No. 2 Arnott Street, Laurieton, be determined by granting consent subject to the recommended conditions (Attachment 1).

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

**13.05 DA2019 - 796.1 BOUNDARY ADJUSTMENT INCLUDING CLAUSE 4.6
VARIATION TO CLAUSE 4.1 (MINIMUM SUBDIVISION LOT SIZE) OF THE
PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT
LOT 1 DP 331765, 5071 OXLEY HIGHWAY AND LOT 1 DP 434372, 39
HENRY STREET, LONG FLAT.
APPLICANT: HOPKINS CONSULTANTS PTY LTD
OWNER: M W AND L M NEWMAN**

RESOLVED: Intemann/Griffiths

That DA 2019 - 796.1 for a boundary adjustment including clause 4.6 variation to clause 4.1 (minimum subdivision lot size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 331765, No 5071 Oxley Highway and Lot 1 DP 434372, No. 39 Henry Street, Long Flat, be determined by granting consent subject to the recommended conditions (Attachment 1).

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

Item 13.06 Climate Change Information, has been addressed previously within the meeting.

13.07 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT

RESOLVED: Pinson/Intemann

That Council:

1. Note the information presented in the Kooloonbung Creek Flying Fox Camp Management Plan quarterly update report.
2. Agree to change the frequency of these reports to twice yearly to coincide with the community information sessions held in June and December of each year.

CARRIED: 7/0

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

AGAINST: Nil

Item 13.08 Fernbank Creek and Sancrox Planning Investigation, has been addressed previously within the meeting.

14 ITEMS TO BE DEALT WITH BY EXCEPTION

Nil.

CONFIDENTIAL SESSION

RESOLVED: Alley/Dixon

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

Item 15.01 Wauchope RSL Club and Bransdon Street Car Park, Wauchope (Lots 4, 5 and 6 Deposited Plan 236079)
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-19-33 - LGP EL0519 Supply of Electricity - Update
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-19-67 Construction of Thrumster Recycled Water Interim Supply Main Stages 3-8

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- 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 15.04 T-19-65 Sancrox Reservoir to Wauchope Water Trunk Main - Main Works
- 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.
3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.
- CARRIED: 7/0*
FOR: Alley, Dixon, Griffiths, Intemann, Levido, Pinson 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 finish time until all business has been dealt with.

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

15.01 WAUCHOPE RSL CLUB AND BRANSDON STREET CAR PARK, WAUCHOPE (LOTS 4, 5 AND 6 DEPOSITED PLAN 236079)

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

RESOLVED: Levido/Griffiths

That Council:

1. Note the "without prejudice" offer dated 27 February 2020 made to the Wauchope RSL Club Ltd in the amount of \$182,044.78 (inclusive of GST) for the release of the Wauchope RSL Club Ltd's purported First Right of Refusal in the Bransdon Street Car Park Wauchope (Lots 4, 5 and 6 Deposited Plan 236079).
2. Note the Wauchope RSL Club Ltd's formal acceptance on 2 March 2020 of Council's "without prejudice" offer dated 27 February 2020.
3. Delegate authority to the General Manager to negotiate and enter into a Deed of Release with the Wauchope RSL Club Ltd for the release of the Wauchope

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- RSL Club Ltd's purported First Right of Refusal in the Bransdon Street Car Park Wauchope (Lots 4, 5 and 6 Deposited Plan 236079).
4. Affix the seal of Council to the necessary documents.
 5. Maintain the confidentiality of the documents and considerations in respect of this Confidential Report.

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

15.02 T-19-33 - LGP EL0519 SUPPLY OF ELECTRICITY - UPDATE

RESOLVED: Alley/Griffiths

That Council:

1. Note the rates accepted by Local Government Procurement under Request for Tender LGP EL0519 for Stage 1 - Supply of Electricity for Large Buildings and Facilities and Unmetered Public Lighting tendered by Origin Energy.
2. Note the rates accepted by Local Government Procurement under Request for Tender LGP EL0519 for Stage 2 - Supply of Electricity for Small (SME) Sites tendered by AGL.
3. Maintain the confidentiality of the documents and considerations in respect of Local Government Procurement Request for Tender EL0519 for Stage 1 - Supply of Electricity.

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

15.03 T-19-67 CONSTRUCTION OF THRUMSTER RECYCLED WATER INTERIM SUPPLY MAIN STAGES 3-8

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 9:56pm.

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 9:56pm.

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

RESOLVED: Griffiths/Turner

That Council:

1. Accept the Tender from Eire Constructions Pty Ltd for the Lump Sum of \$3,683,952.83 (exclusive GST) for Construction of Thrumster Recycled Water Interim Supply Main Stages 3-8.

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2. Affix the seal of Council to the necessary document.
 3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-19-67.

CARRIED: 5/0
FOR: Alley, Dixon, Griffiths, Intemann and Turner
AGAINST: Nil

15.04 T-19-65 SANCROX RESERVOIR TO WAUCHOPE WATER TRUNK MAIN - MAIN WORKS

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

Mayor Pinson declared a Pecuniary Interest in this matter and remained out of the room and was out of sight during the Council's consideration.

RESOLVED: Turner/Dixon

That Council:

1. Accept the Tender from Eire Constructions Pty Ltd for the Lump Sum of \$1,216,855.29 (exclusive GST) for construction of Sancrox Reservoir to Wauchope Water Trunk Main.
2. Affix the seal of Council to the necessary document.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-19-65.

CARRIED: 5/0
FOR: Alley, Dixon, Griffiths, Intemann and Turner
AGAINST: Nil

Councillor Levido returned to the meeting, the time being 9:58pm.

Mayor Pinson returned to the meeting, the time being 9:58pm.

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

RESOLVED: Dixon/Alley

That the Council Meeting be re-opened to the public.

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

The outcomes of the Confidential Session of the Ordinary Council were read to the meeting by the Group Manager Governance.

The meeting closed at 10:04pm.

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Peta Pinson
Mayor