

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

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 Governance (Michael Ferguson)
Governance Support Officer (Bronwyn Lyon)

This meeting was held remotely and electronically through Skype
and is live streamed on Council's YouTube channel.
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

Due to the current COVID-19 health emergency, the Local Government Prayer will not be delivered as part of this meeting.

03 APOLOGIES

RESOLVED: Griffiths/Intemann

That the apology received from Councillor Dixon be accepted.

CARRIED: 7/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Levido/Griffiths

That the Minutes of the Ordinary Council Meeting held on 18 March 2020 be confirmed.

CARRIED: 7/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 15.01 - RFQ-19-22 Kenny Walk Construction Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for one of the tenderers, the subject of the report.

Councillor Pinson declared a Pecuniary Interest in Item 15.01 - RFQ-19-22 Kenny Walk Construction Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade, the reason being that Councillor Pinson holds interests in a company, Stabilcorp, that has provided quotations for one of the tenderers.

06.01 COVID-19 - FINANCIAL SUPPORT

RESOLVED: Pinson

That Council:

1. Call on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. Call for the stimulus and financial packages to include the following measures:
 - (a) Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19, the drought

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- and bushfire disaster, as well as giving councils capacity to provide hardship assistance to businesses and residents.
- (b) Providing untied stimulus funding to councils for projects that will help sustain Council operations and boost local economies. This could also be achieved through increasing or bringing forward funding under existing funding programs or introducing new funding programs without the requirement for co-contribution from councils.
 - (c) Increased access to TAFE, VET and other apprenticeship opportunities that Council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. Commend the NSW and Federal Governments on their stewardship during this crisis and commit to working in partnership to protect community health and sustain local economies through this crisis.
 4. Request the General Manager to write to the following:
 - (a) Local Federal and State Members - Hon Melinda Pavey MP, Dr David Gillespie MP, Hon Leslie Williams MP and Mr Pat Conaghan MP;
 - (b) Prime Minister - Hon Scott Morrison MP;
 - (c) NSW Premier - Hon Gladys Berejiklian MP;
 - (d) Federal Treasurer - Hon Josh Frydenberg MP;
 - (e) NSW Treasurer - Hon Dominic Perrottet MP;
 - (f) NSW Local Government Minister - Hon Shelley Hancock MP;
 - (g) Federal Minister for Local Government - Hon Mark Coultan MP;
 - (h) Federal Opposition Leader - Hon Anthony Albanese MP;
 - (i) NSW Opposition Leader - Ms Jodi McKay MP;
 - (j) Federal Shadow Minister for Local Government - Mr Jason Clare MP;
 - (k) NSW Shadow Minister for Local Government - Mr Greg Warren MPto confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
 5. Endorse Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
 6. Advise the LGNSW President, Ms Linda Scott, of the passage of this Mayoral Minute.

CARRIED: 7/0

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

AGAINST: Nil

06.02 ADDITIONAL COUNCIL MEETING DATES

RESOLVED: Pinson

That Council:

1. Set additional Ordinary Council Meeting dates for 2020 on 6 May, 3 June and 1 July 2020.
2. Note that the meetings detailed in 1. above, are in addition to the currently scheduled and adopted meeting dates of 20 May, 17 June and 15 July 2020.

CARRIED: 7/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

There is no confidential correspondence to the Ordinary Council Meeting.

08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

Due to the current COVID-19 health emergency, Public Forum - Matters Not On The Agenda will not be held as part of this meeting.

09 PUBLIC FORUM – MATTERS ON THE AGENDA

Due to the current COVID-19 health emergency, Public Forum - Matters On The Agenda will not be held as part of this meeting.

Council invited the public to submit comments in relation to matters on the agenda in writing which were provided to Councillors prior to the meeting for the consideration of the Councillors.

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Griffiths

That Standing Orders be suspended to allow Items 10.03, 10.04 and 13.01 to be brought forward and considered next.

CARRIED: 7/0

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

AGAINST: Nil

10.03 RELIEF MEASURES FOR THE IMPACTS OF COVID-19

MOTION

MOVED: Intemann/Levido

That Council:

1. Waive or defer the payment of fees and charges as detailed below in relation to community members and local businesses impacted by the COVID-19 virus. These fees and charges include:

	Fee / Charge	Timeline of waiver / deferral	Conditions of waiver / deferral
a)	Waive Interest on rates and charges	Up to 6 months commencing 16/04/2020	For applicants who enter into payment arrangements on outstanding accounts as per recommendation 2 below.
b)	Waive Direct debit dishonour fees	Up to 6 months commencing 16/04/2020	N/A
c)	Rent for Council owned cafes and facilities	Up to 6 months commencing 16/04/2020	Assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity. Any reduction applied will be proportionate to the turnover reduction of the tenant.
d)	Waive Interest on outstanding rental fees	Up to 6 months commencing 16/04/2020	For applicants where rent is deferred in accordance with c) above.
e)	Waive Fees for outdoor dining and footpath displays	Up to 6 months commencing 16/04/2020	N/A
f)	Glasshouse venue hire and associated fees, including provisions for tickets to patrons	Up to 6 months commencing 16/04/2020	Venue hire and associated fees waived, and deposits refunded or transferred, where events have been cancelled as a result of a government directive to restrict or cease operations. Tickets to patrons credited, transferred or refunded where the event has been cancelled or rescheduled by the event organiser / promoter.
g)	Waive Fees for mobile food vending vehicles	Up to 6 months commencing 16/04/2020	N/A
h)	Waive Fees for food shop inspections	Up to 6 months commencing 16/04/20	N/A

i)	Waive Fees for public health inspections	Up to 6 months commencing 16/04/20	N/A
j)	Waive Impound and maintenance fees (in relation to animals)	Up to 6 months commencing 16/04/20	Registration requirements, including registration fees, will still be required before release if an animal is not already registered. Customers will need to sign a financial hardship form to be eligible.
k)	Waive Ferry fees for delivery of food and other items to the North Shore	Already commenced	N/A
l)	Licence fees / application fees for activities on Council managed land	Up to 6 months commencing 16/04/20	Assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity.
m)	Fees for applications for activities on public / community land under the Local Government Act (Section 68) and applications under the Roads Act 1993 (Section 138)	Up to 6 months commencing 16/04/20	Assessed on a case by case basis, where a government directive to restrict or cease operations has resulted in a period of inactivity or reduced activity.
n)	Waive Bin reinstatement fee for businesses (Waste Management)	On resumption of normal operations	Waived on resumption of normal operations, where businesses have requested a suspension of bin services due to COVID-19.
o)	Waive Fees for A-Frame signs	Up to 6 months commencing 16/04/20	N/A
p)	Waive Credit card surcharge fees	Up to 6 months commencing 16/04/20	N/A
q)	Payment Plan for Connection to Telegraph Point Sewerage Scheme	Up to 12 months from date invoice provided to Council, prior to 31/12/2020.	For applicants who are approved to enter into a payment arrangement in line with provisions for connection to the Telegraph Point Sewerage Scheme payments
r)	New Levy for Stormwater on 800 properties	Until 1/7/2021	N/A
s)	Bus Shelter	Up to 6 months	Maintenance charge to Council also

	Advertising Space rental	from negotiated date	waived for up to 6 months, with risk based maintenance taking place only
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2. Delegate authority to the General Manager to enter into a formal agreement with an eligible applicant to repay outstanding rates and charges by periodical payments on a payment arrangement, where the applicant is suffering financial hardship due to the impacts of COVID-19. Note that application for such payment arrangements will be subject to similar criteria and documentation requirements as the current Council adopted Rates & Charges Hardship Assistance policy.
3. Amend the Rates and Charges Hardship Assistance Policy to include provisions for non-residential property owners.
4. Continue to issue reminder notices on outstanding accounts, with details of assistance options provided, however suspend formal debt recovery actions for outstanding accounts for a period of up to 6 months.
5. Note the additional range of non-financial support programs and initiatives to be offered to our community, local businesses and events during this difficult period, as detailed in this Relief Measures for the Impacts of COVID-19 report.
6. Request that the General Manager:
 - a) Establish a COVID-19 Recovery Working Group with the General Manager as the Chair, with the purpose of the working group being to bring together community leaders from across the Port Macquarie-Hastings Local Government Area to discuss how we can successfully recover from the COVID-19 health crisis, economically, socially and culturally.
 - b) Adopt the COVID-19 Recovery Working Group Charter as tabled at this 15 April 2020 Council meeting.
7. Amend the Tendering Local Preference Policy to increase the notional price offset from 5% to 20%, and the cap from \$25,000 to \$50,000, for a period of 6 months for all Request for Tenders advertised on and from 16 April 2020.
8. Request the General Manager provide a report to the 20 May 2020 Ordinary Meeting of Council on initiatives that could be undertaken by Council to assist local business in securing opportunities to do business with Council including for contracts that fall under the procurement tendering threshold.

AMENDMENT

MOVED: Griffiths/Pinson

That Council:

1.
 - a) Defer on request from the ratepayer, domestic or commercial rates for 6 months effective 16th April 2020.
 - b) The 6 month deferral period to start at the discretion of the ratepayer but to start no later than 16 October 2020.
 - c) Deferred payments to be paid at a rate of 10% of outstanding balances each quarter after the initial 6 month period until repaid.
2. Waive, for a period of 6 months (16 April 2020 to 16 October 2020) the payment of fees and charges as detailed in the table in relation to community members and local businesses impacted by the COVID-19 virus.
3. No interest is to be charged on outstanding balances from 16 April 2020 to 16 October 2020 inclusive.

4. Waive license/application fees for activities on council managed land for 6 months from 16 April 2020 to 16 October 2020 inclusive.
5. Waive fees for applications for activities on public/community land under the Local Government Act (Section 68) and applications under the Roads Act 1993 (Section 138) from 16 April 2020 to 16 October 2020 inclusive.
6. Implement a running account balance on all rates or outstanding amounts notices to allow ratepayers to know their account balance during the deferral period.
7. Request the General Manager provide an update report on the status of the relief measures to each council meeting.
8. Waive or defer the payment of fees and charges as detailed below in relation to community members and local businesses impacted by the COVID-19 virus. These fees and charges include:

	Fee / Charge	Timeline of waiver / deferral	Conditions of waiver / deferral
a)	Payment Plan for Connection to Telegraph Point Sewerage Scheme	Up to 12 months from date invoice provided to Council, prior to 31/12/2020.	For applicants who are approved to enter into a payment arrangement in line with provisions for connection to the Telegraph Point Sewerage Scheme payments
b)	New Levy for Stormwater on 800 properties	Until 1/7/2021	N/A
c)	Bus Shelter Advertising Space rental	Up to 6 months from negotiated date	Maintenance charge to Council also waived for up to 6 months, with risk based maintenance taking place only

9. Request that the General Manager:
 - a) Establish a COVID-19 Recovery Working Group with the General Manager as the Chair, with the purpose of the working group being to bring together community leaders from across the Port Macquarie-Hastings Local Government Area to discuss how we can successfully recover from the COVID-19 health crisis, economically, socially and culturally.
 - b) Adopt the COVID-19 Recovery Working Group Charter as tabled at this 15 April 2020 Council meeting.
10. Amend the Tendering Local Preference Policy to increase the notional price offset from 5% to 20%, and the cap from \$25,000 to \$50,000, for a period of 6 months for all Request for Tenders advertised on and from 16 April 2020.
11. Request the General Manager provide a report to the 20 May 2020 Ordinary Meeting of Council on initiatives that could be undertaken by Council to assist local business in securing opportunities to do business with Council including for contracts that fall under the procurement tendering threshold.

THE AMENDMENT WAS PUT AND LOST

MOVED: Griffiths/Pinson

That Council:

1.
 - a) Defer on request from the ratepayer, domestic or commercial rates for 6 months effective 16th April 2020.

- b) The 6 month deferral period to start at the discretion of the ratepayer but to start no later than 16 October 2020.
- c) Deferred payments to be paid at a rate of 10% of outstanding balances each quarter after the initial 6 month period until repaid.
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LOST: 2/5

FOR: Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann, Levido and Turner

THE MOTION WAS PUT AND CARRIED

RESOLVED: Intemann/Levido

That Council:

1. Waive or defer the payment of fees and charges as detailed below in relation to community members and local businesses impacted by the COVID-19 virus. These fees and charges include:

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3. Amend the Rates and Charges Hardship Assistance Policy to include provisions for non-residential property owners.
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 - a) Establish a COVID-19 Recovery Working Group with the General Manager as the Chair, with the purpose of the working group being to bring together community leaders from across the Port Macquarie-Hastings Local Government Area to discuss how we can successfully recover from the COVID-19 health crisis, economically, socially and culturally.
 - b) Adopt the COVID-19 Recovery Working Group Charter as tabled at this 15 April 2020 Council meeting.
7. Amend the Tendering Local Preference Policy to increase the notional price offset from 5% to 20%, and the cap from \$25,000 to \$50,000, for a period of 6 months for all Request for Tenders advertised on and from 16 April 2020.
8. Request the General Manager provide a report to the 20 May 2020 Ordinary Meeting of Council on initiatives that could be undertaken by Council to assist local business in securing opportunities to do business with Council including for contracts that fall under the procurement tendering threshold.

CARRIED: 7/0

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

AGAINST: Nil

10.04 INVESTMENTS - MARCH 2020

RESOLVED: Intemann/Hawkins

That Council:

1. Note the Investment Report for the month of March 2020.
2. Request Imperium Markets, in their April report, to include their assessment of the likely impact of Covid-19 on the investment markets as relate to Council in the short, medium and long term.

CARRIED: 6/1

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

AGAINST: Griffiths

MATTER OF URGENCY - LAKE CATHIE

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

RESOLVED: Alley/Levido

That the matter of urgency in relation to Lake Cathie be dealt with at this meeting.

CARRIED: 6/1

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

AGAINST: Griffiths

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

RESOLVED: Alley/Levido

That Council, with regards to Lake Cathie:

1. Notes the Lake Cathie Opening Strategy states that "the lake system can be opened during optimal conditions when lake levels reach 1.6m AHD" and that optimal conditions would include reference to tides and long term weather forecasts which predicts rain on the horizon. The opening strategy requires notification to DPIE-Fisheries, DPIE-Environment and Heritage & public notification before an artificial opening is enacted.
2. Notes that Manly Hydraulics Laboratory reported that the water level in the lake was 1.494m as at 10am April 15, 2020.
3. Notes that Council is able to open the lake relying on section 191A of the NSW Local Government Act 1993 if required to enact maintenance of water supply, sewerage and drainage works.
4. Notes that orders made under the NSW Public Health Act 2010 in relation to COVID-19 does not inhibit the ability of Council to respond to our requirement under the NSW Local Government Act 1993 section 191A to open the Lake in order to enact maintenance of water supply, sewerage and drainage works.
5. Request that the General Manager email Councillors as soon as practicable, details of the plans to implement the lake opening should the trigger level and optimal conditions be met.

CARRIED: 7/0

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

AGAINST: Nil

**13.01 DA2019 - 649.1 TORRENS TITLE SUBDIVISION AND CONSTRUCTION OF A DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 (MINIMUM LOT SIZE) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 144, DP 1230897, NO. 4 SHORE BREAK CRESCENT, LAKE CATHIE
APPLICANT: MATTO LUKE CORP PTY LTD
OWNER: W M OWEN AND S A LIEVORE**

RESOLVED: Griffiths/Intemann

That DA 2019 - 649.1 for a Torrens title subdivision and construction of a dwelling including clause 4.6 objection to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 144, DP 1230897, No. 4 Shore Break Crescent, Lake Cathie, be determined by granting consent subject to the recommended conditions.

CARRIED: 5/2

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Levido, Pinson

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Alley/Levido

That Council adopt items 10.01, 10.02, 10.05 in the block.

CARRIED: 7/0

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

AGAINST: Nil

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Alley/Levido

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

10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 5 MARCH TO 1 APRIL 2020

BLOCK RESOLVED: Alley/Levido

That Council note there were no allocations made from the Mayoral Discretionary

Fund for the period 5 March to 1 April 2020 inclusive.

Item 10.03 Relief Measures for the Impacts of COVID-19, has been addressed previously within the meeting.

Item 10.04 Investments - March 2020, has been addressed previously within the meeting.

**10.05 PORT MACQUARIE TRANSPORT NETWORK COMMUNITY
CONSULTATIVE COMMITTEE CHARTER UPDATE**

BLOCK RESOLVED: Alley/Levido

That the Port Macquarie Transport Network Community Consultative Committee Charter be amended to reflect the Director of Infrastructure as the relevant Council Officer for the purposes of making recommendations to Council.

11 Nil

12 Nil

Item 13.01 DA2019 - 649.1 Torrens Title Subdivision and Construction of a Dwelling including clause 4.6 objection to clause 4.1 (minimum lot size) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 144, DP 1230897, No. 4 Shore Break Crescent, Lake, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Hawkins/Turner

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 RFQ-19-22 Kenny Walk Construction Upgrade and RFQ-19-24
Kenny Walk Civil Works Upgrade

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

-
- prejudice the commercial position of the person who supplied it.
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, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

15.01 RFQ-19-22 KENNY WALK CONSTRUCTION UPGRADE AND RFQ-19-24 KENNY WALK CIVIL WORKS UPGRADE

Councillor Levido declared a Non-Pecuniary, Significant Interest in this matter and left the meeting and did not participate in the meeting during the Council's consideration, the time being 7:28pm.

Councillor Pinson declared a Pecuniary Interest in this matter and left the meeting and did not participate in the meeting during the Council's consideration, the time being 7:28pm.

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

RESOLVED: Hawkins/Griffiths

That Council:

1. Pursuant to Section 377(1) of the Local Government Act 1993 note the acceptance of the offer from Coffs Harbour City Council, T/as Coastal Works, for the lump sum of \$244,760 (ex GST) for RFQ-19-22 Kenny Walk Constructions Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade.
2. Maintain the confidentiality of the documents and considerations in respect of RFQ-19-22 Kenny Walk Constructions Upgrade and RFQ-19-24 Kenny Walk Civil Works Upgrade.

CARRIED: 5/0

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Nil

Councillor Levido returned to the meeting, the time being 7:33pm.

Mayor Pinson returned to the meeting, the time being 7:33pm.

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

RESOLVED: Griffiths/Hawkins

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

CARRIED: 7/0
FOR: Alley, Griffiths, Hawkins, 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 7:36pm.

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Peta Pinson
Mayor