

**PRESENT**

**Members:**

Councillor Peta Pinson (Mayor)  
Councillor Lisa Intemann (Deputy Mayor)  
Councillor Rob Turner  
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 Governance (Michael Ferguson)  
Governance and Legal Officer (Kirsty Callander)  
Governance Support Officer (Bronwyn Lyon)

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This meeting was held remotely and electronically through Skype  
and is live streamed on Council's YouTube channel.  
The meeting opened at 5:30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 LOCAL GOVERNMENT PRAYER**

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

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### **03 APOLOGIES**

*RESOLVED: Alley/Dixon*

That the apology received from Councillor Griffiths be accepted.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **04 CONFIRMATION OF MINUTES**

*RESOLVED: Intemann/Hawkins*

That the Minutes of the Ordinary Council Meeting held on 15 April 2020 be confirmed.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **05 DISCLOSURES OF INTEREST**

Councillor Levido declared a Non-Pecuniary, Significant Interest in Item 11.03 - 2019-2020 Round 2 Community Grant Program for Endorsement, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for one of the grant recipients as to the grant program, the subject of the report.

Councillor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 11.03 - 2019-2020 Round 2 Community Grant Program for Endorsement, the reason being that Councillor Intemann is an ordinary member of one or more of the groups being recommended for grant funding.

Mayor Pinson declared a Non-Pecuniary, Less Than Significant Interest in Item 10.05 - Bushfire Disaster Recovery Funding, the reason being that a staff member who works for a company (Stabilcorp) that Mayor Pinson has connection with, is a Pappinbarra resident and sent correspondence on Item 10.05 to Council.

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## **06.01 REGIONAL TOURISM BUSHFIRE RECOVERY GRANT FUNDING - ROUND 2**

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*MOVED: Pinson*

That Council request the General Manager include the Koala Sculpture Park project (incorporating up to 16 Hello Koala Sculptures and a 'Big Koala' at Roto House Historic Site) as part of the Council application under Round 2 of the Regional Tourism Bushfire Recovery Grant program, in conjunction with the Port Macquarie Bicentenary Legacy Project, known as Lumiere.

*LOST: 2/5*

*FOR: Dixon and Pinson*

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

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## **06.02 OPENING OF LAKE CATHIE**

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*RESOLVED: Pinson*

That Council:

1. Note the level of Lake Cathie as reported on 6 May 2020 at 1.573m AHD and the impact of this level for a prolonged period, which is resulting in the inundation of public infrastructure such as footpaths and the potential risks to the community that this poses.
2. Request the General Manager to proceed to open Lake Cathie upon (whichever comes first):
  - a) A rainfall event of 10mm or more in the Lake Cathie catchment;
  - b) Receipt of approval from NSW Crown Lands for a Short Term Licence (for a period of up to 12 months);to reduce the impacts of flood inundation of public infrastructure.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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## **07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Intemann/Dixon*

That Council determine that the attachments to Item Numbers 10.04 and 11.03 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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

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

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

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Due to the current COVID-19 health emergency, Public Forum - Matters On The Agenda were not 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.

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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Dixon/Turner*

That Standing Orders be suspended to allow items 10.01, 10.05, 11.03, 13.02, 13.03 and 13.04 not in the block to be brought forward and considered next.

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

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## **10.01 REVIEW OF THE MID NORTH COAST JOINT ORGANISATION**

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### **MOTION**

*MOVED: Intemann/Alley*

That Council:

1. Note the information contained in this Review of the Mid North Coast Joint Organisation report.
  2. Grant approval to the General Manager to become the Executive Officer of the Mid North Coast Joint Organisation from 7 May 2020 to 30 June 2021.
  3. Provide a financial contribution to the Mid North Coast Joint Organisation of \$25,000 as budgeted for in the current 2019-2020 Operational Plan.
  4. Request the General Manager write to the Minister for Local Government detailing concerns about the lack of ongoing operational funding being provided to Joint Organisations.
  5. Request the General Manager table a report at the November 2020 Council meeting detailing any developments in relation to ongoing funding for the Mid North Coast Joint Organisation and related issues.
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## **FORESHADOW MOTION**

*MOVED: Levido*

That Council:

1. Note the information contained in this review of the Mid North Coast Joint Organisation.
2. Terminate its membership of the Mid North Coast Joint Organisation effective 30 June 2020.

## **THE MOTION WAS PUT**

*RESOLVED: Intemann/Alley*

That Council:

1. Note the information contained in this Review of the Mid North Coast Joint Organisation report.
2. Grant approval to the General Manager to become the Executive Officer of the Mid North Coast Joint Organisation from 7 May 2020 to 30 June 2021.
3. Provide a financial contribution to the Mid North Coast Joint Organisation of \$25,000 as budgeted for in the current 2019-2020 Operational Plan.
4. Request the General Manager write to the Minister for Local Government detailing concerns about the lack of ongoing operational funding being provided to Joint Organisations.
5. Request the General Manager table a report at the November 2020 Council meeting detailing any developments in relation to ongoing funding for the Mid North Coast Joint Organisation and related issues.

*CARRIED: 6/1*

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

*AGAINST: Levido*

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## **10.05 BUSHFIRE DISASTER RECOVERY FUNDING**

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

*RESOLVED: Pinson/Intemann*

That Council:

1. Note the Bushfire Disaster Recovery Funding Report, providing an update on allocation, monitoring and delivery of funded projects.
2. Request the General Manager review the funding allocation to the Pappinbarra community, to better reflect the impacts of the bushfires on this community.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**11.03 2019-2020 ROUND 2 COMMUNITY GRANT PROGRAM FOR  
ENDORSEMENT**

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

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 6:37pm.

*RESOLVED: Intemann/Dixon*

That Council pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2019-2020 Round 2 for the total amount of \$76,464 according to the following:

<u>Organisation Name</u>	<u>Project</u>	<u>Funding</u>
<i>General Community Grants</i>		
Riding for the Disabled (PM and Wauchope)	Water tanks	\$5,000
West Port Macquarie Tennis Club	Online Booking System	\$7,734
Long Flat Crafter and Quilters	Regional Craft Event	\$755
Cerebral Palsy Alliance	Communication Equip	\$7,495
Wauchope Anglicans	Kitchen Upgrade	\$7,059
Marine Rescue Port Macquarie	UHF Radios	\$6,280
Wauchope Patchwork Quilters	Quilting Expo	\$5,968
Wauchope Men's Shed	Fire Safety Equipment	\$3,266
Wauchope Community Arts Council	New Lighting	\$3,047
Port Macquarie Arts and Craft Centre	Pottery Equipment	\$4,895
Comboyne Community Association	Internal Paint	\$10,000
Pappinbarra Progress Association	Post Fire Art Exhibition	\$1,158
Port Macquarie U3a	First Aid Training	\$800
Laurieton Men's Shed	Solar Equipment	\$7,691
Camden Haven Chamber of Commerce	Hub Equipment	\$2,221
Wauchope Poultry Club	Defibrillator	\$3,095
<b>Total</b>		<b>\$76,464</b>

*CARRIED: 6/0*

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

*AGAINST: Nil*

Councillor Levido returned to the meeting, the time being 6:40pm.

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### **13.02 TRANSFER OF COUNCIL LAND - PART LOT 34 DP 856163 AT CASTLE COURT PORT MACQUARIE**

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*RESOLVED: Intemann/Hawkins*

That Council delegate authority to the General Manager to sign and execute the necessary documents associated with the transfer of approximately 655m2 of Council's land at Lot 34 DP 856163 Castle Court, Port Macquarie.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **13.03 PORT MACQUARIE HEALTH AND EDUCATION PRECINCT**

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*RESOLVED: Pinson/Intemann*

That Council:

1. Acknowledge the importance of both private and public sector stakeholders in achieving the vision for the Port Macquarie Health and Education Precinct (HEP) as detailed within the adopted HEP Master Plan.
2. In acknowledgment of the value of the HEP to the wider community, as detailed within this report, commence relevant strategic planning tasks, including the preparation of a Council initiated Planning Proposal, a precinct specific Development Control Plan and undertake development contributions investigations to support the implementation of the vision for the HEP as described within the adopted HEP Master Plan.
3. Endorse the HEP Investigation Area for the Council initiated Planning Proposal as the area identified outlined in red hatching within Figure 2 of this report to assist in achieving the vision for the precinct as detailed within the adopted HEP Master Plan whilst also ensuring value for money and timely delivery of the project.
4. Delegate authority to the General Manager to make amendments to the Planning Proposal boundary referenced in item 3 if required during the course of Planning Proposal investigations to achieve the vision for the precinct.
5. Acknowledge the work being undertaken by Highfields Development Pty Ltd in the preparation of information associated with a planning proposal for 8 Highfields Circuit, 3 and 5 Kulai Place and 9 and 11 Kingfisher Road, Port Macquarie.
6. Give further consideration to the Planning Proposal referred to in Item 5 above once all relevant information, in accordance with Council's adopted Planning Proposal Policy, is available from the proponent.
7. Request the General Manager provide quarterly update reports on the proposed Health and Education Precinct Planning Proposal project commencing in August 2020.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**13.04 DA2019 - 676.1 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 1  
DP 1211682, NO. 5 DREW CLOSE, PORT MACQUARIE  
APPLICANT: WAYNE ELLIS ARCHITECT  
OWNER: DREW CLOSE DEVELOPMENTS PTY LTD**

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*RESOLVED: Alley/Turner*

That DA 2019 - 676.1 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 1, DP 1211682, No. 5 Drew Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Alley/Hawkins*

That Items 10.02, 10.03, 10.04, 11.01, 11.02, 12.01 and 13.01 be considered as a block resolution.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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*RESOLVED: Alley/Turner*

That all recommendations listed in the block resolution be adopted by Council.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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**10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*BLOCK RESOLVED: Alley/Turner*

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

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### **10.03 DISCLOSURE OF INTEREST RETURN**

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*BLOCK RESOLVED: Alley/Turner*

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

1. Group Manager Environment and Regulatory Services.
  2. Group Manager Strategy.
  3. Group Manager Governance.
  4. Group Manager Customer Experience and Communications.
  5. Waste Manager.
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### **10.04 LEGAL FEES**

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*BLOCK RESOLVED: Alley/Turner*

That Council note the information in the Legal Fees report.

Item 10.05 Bushfire Disaster Recovery Funding, has been addressed previously within the meeting.

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### **11.01 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - MARCH 2020**

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*BLOCK RESOLVED: Alley/Turner*

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

1. Phoebe Bentley receive \$350.00 to assist with the expenses she will have incurred travelling to and competing at the NSW State Open Swimming Championships held at Sydney Aquatic Centre, Sydney from 13 March 2020 - 15 March 2020 inclusive.
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### **11.02 COMMUNITY INCLUSION PLAN - POST EXHIBITION**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Note the feedback received from the community on the Draft Community Inclusion Plan during the exhibition period.
  2. Note the resulting changes to the Draft Community Inclusion Plan.
  3. Adopt the Community Inclusion Plan for implementation.
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Item 11.03 2019-2020 Round 2 Community Grant Program for Endorsement, has been addressed previously within the meeting.

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

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*BLOCK RESOLVED: Alley/Turner*

That Council note:

1. The six-monthly progress report on implementation of the 2017-2021 Port Macquarie-Hastings Economic Development Strategy;
2. Consideration of short and medium term economic development priorities will be informed through consultation with the COVID-19 Recovery Working Group and the Economic Development Steering Group, prior to a formal review and update of the Economic Development Strategy in 2021.

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## **13.01 ROADSIDE VEGETATION MANAGEMENT POLICY**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Place the Roadside Vegetation Management Policy on public exhibition commencing from 13 May 2020 for a minimum of 28 days.
2. Note that a further report will be tabled at the 15 July 2020 meeting of Council, detailed the submissions received from the public during this exhibition period.
3. Note the report on the Roadside Vegetation Management Policy and current work practices completed by Australian Road Research Board (ARRB).
4. Give consideration to the recommendations from ARRB in respect to funding and resources for vegetation management during the development of future year Operational Plans.

Item 13.02 Transfer of Council Land - Part Lot 34 DP 856163 at Castle Court Port Macquarie, has been addressed previously within the meeting.

Item 13.03 Port Macquarie Health and Education Precinct, has been addressed previously within the meeting.

Item 13.04 DA2019 - 676.1 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 1 DP 1211682, No. 5 Drew Close, Port Macquarie Applicant: Wayne Ellis , has been addressed previously within the meeting.

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## **15 CONFIDENTIAL SESSION**

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*RESOLVED: Alley/Turner*

1. That pursuant to section 10A subsections 2 and 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 T-19-60 Beach to Beach Detailed Design & EIS - outcome of procurement strategy

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 15.02 T-20-06 Operation of Port Macquarie Vehicular Ferry Services

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

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, Hawkins, Intemann, Levido, Pinson and Turner*

*AGAINST: Nil*

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### **15.01 T-19-60 BEACH TO BEACH DETAILED DESIGN & EIS - OUTCOME OF PROCUREMENT STRATEGY**

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*RESOLVED: Levido/Hawkins*

That Council:

1. Pursuant to Section 55(3)(a) of the Local Government Act 1993, accept the quotation from Kellogg, Brown & Root Pty Ltd for the lump sum of \$248,020 (ex GST) for T-19-60 - Beach to Beach Detailed Design and EIS, obtained through Local Government Procurement Professional Services panel LGP1208-3.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of T-19-60.

*CARRIED: 7/0*

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

*AGAINST: Nil*

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### **15.02 T-20-06 OPERATION OF PORT MACQUARIE VEHICULAR FERRY SERVICES**

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*RESOLVED: Hawkins/Alley*

That Council:

1. Accept the Tender from Ferrymen (Port Macquarie) Pty Ltd for the Lump Sum of \$865,520.76 (exclusive GST) for Operation of Port Macquarie-Hastings Council Vehicular Ferry Services for an initial period of two (2) years commencing 1 July 2020 with one (1) option for extension for a further period of three (3) years. Such options are to be for the benefit of Council and may be exercised only by Council at its sole discretion.
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-20-06.

*CARRIED: 7/0*

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

*AGAINST: Nil*

*RESOLVED: Turner/Dixon*

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

*CARRIED: 7/0*

*FOR: Alley, Dixon, 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.

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The meeting closed at 7:14pm.

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Peta Pinson  
Mayor