

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 Governance (Michael Ferguson)
Governance and Legal Officer (Kirsty Callander)
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 online.

02 LOCAL GOVERNMENT PRAYER

The Mayor delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Alley/Turner

That the Minutes of the Ordinary Council Meeting held on 20 May 2020 be confirmed with the following amendment:

Item 13.04 - PLANNING PROPOSAL PP2017 - 4.1: LOT 516 DP1261705, CRESTWOOD DRIVE, PORT MACQUARIE

Amend resolution 2 (a)(i) to read:

Lot 516 from RU1 Primary Production to RE2 Private Recreation to facilitate recreation and tourism uses;

CARRIED: 8/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Levido declared a Non-Pecuniary, Less Than Significant Interest in Item 12.02 - Town Centre Master Plan Sub-Committee Charter Review, the reason being that Councillor Levido is the beneficiary of The Levido Family Trust which owns units in the Richmond Place Property Trust which owns commercial real estate at Lots 5, 8, 9 and 10/11 William Street, Port Macquarie and Lots 5 and 6 rear 15 Short Street, Port Macquarie. These properties lie within the area covered by the Port Macquarie Town Centre Master Plan.

Councillor Levido declared a Non-Pecuniary, Less Than Significant Interest in Item 13.03 - Disaster Recovery Procurement, the reason being that Councillor Levido is the principal of Levido Law and Property. The Firm acts for a principal of the engaged contractor.

Councillor Turner declared a Non-Pecuniary, Less Than Significant Interest in Item 12.02 - Town Centre Master Plan Sub-Committee Charter Review, the reason being that Councillor Turner is a director of Hort Property Unit Trust which owns property in the Port Macquarie CBD within the area covered by the Port Macquarie Town Centre Master Plan.

06.01 LOCAL GOVERNMENT ELECTIONS

MOTION

MOVED: Pinson

That Council:

1. Note that in March 2020 amendments were made to the Local Government Act by the NSW Government, postponing the September 2020 Local Government elections for 12 months, to September 2021.
2. Note that the decision by the NSW Government to make the amendments referred to in 1. above were as a result of the COVID-19 pandemic and in the interests of the health of voters and to provide communities with stability and continuity by their elected representatives.
3. Request the General Manager write to the Minister for Local Government, The Hon. Shelley Hancock MP seeking urgent consideration of granting permission for Port Macquarie-Hastings Council to hold their election at the earliest possible date due to the seriousness of the dysfunction of Council and the growing community dissatisfaction with the elected representatives of Council.

The Mayor tabled an email she sent to Councillors on 18 July 2019 titled "Request to Meet With The Minister for Local Government".

AMENDMENT

MOVED: Turner/Griffiths

That Council:

1. Note that in March 2020, amendments were made to the Local Government Act by the NSW Government, postponing the September 2020 Local Government elections for 12 months, to September 2021.
2. Note that the decision by the NSW Government to make the amendments referred to in 1. above were as a result of the COVID-19 pandemic and in the interests of the health of voters and to provide communities with stability and continuity by their elected representatives.
3. Request the General Manager provide access to appropriate external professional advice and support for Council's elected representatives, to ensure optimum performance in these extenuating and unexpected circumstances.

Councillor Turner tabled an email sent by the Mayor to Councillors on 6 May 2020 titled "Meeting Tonight".

CARRIED: 6/2
FOR: Alley, Dixon, Hawkins, Intemann, Levido and Turner
AGAINST: Griffiths and Pinson

THE AMENDMENT BECOMES THE MOTION

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Note that in March 2020, amendments were made to the Local Government Act by the NSW Government, postponing the September 2020 Local Government elections for 12 months, to September 2021.
2. Note that the decision by the NSW Government to make the amendments referred to in 1. above were as a result of the COVID-19 pandemic and in the interests of the health of voters and to provide communities with stability and continuity by their elected representatives.
3. Request the General Manager write to the Minister of Local Government, The Hon. Shelley Hancock MP, to provide advice to the Mayor and external professional advice and support to the Mayor and Councillors, to ensure optimum performance in these extenuating and unexpected circumstances.

THE AMENDMENT WAS PUT AND LOST

LOST: 3/5

FOR: Dixon, Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann, Levido and Turner

THE MOTION WAS PUT AND CARRIED

RESOLVED: Turner/Griffiths

That Council:

1. Note that in March 2020, amendments were made to the Local Government Act by the NSW Government, postponing the September 2020 Local Government elections for 12 months, to September 2021.
2. Note that the decision by the NSW Government to make the amendments referred to in 1. above were as a result of the COVID-19 pandemic and in the interests of the health of voters and to provide communities with stability and continuity by their elected representatives.
3. Request the General Manager provide access to appropriate external professional advice and support for Council's elected representatives, to ensure optimum performance in these extenuating and unexpected circumstances.

CARRIED: 6/2

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

AGAINST: Griffiths and Pinson

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Hawkins/Griffiths

That Council determine that the attachments to Item Numbers 13.03 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

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

SUSPENSION OF STANDING ORDERS

RESOLVED: ALLEY/HAWKINS

That Standing Orders be suspended to allow Items 10.02, 10.03, 12.01, 12.02, 13.01, 13.03, 13.04 and 13.05 not in the block to be brought forward and considered next in this order.

CARRIED: 8/0

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

AGAINST: Nil

10.02 PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2018-2019

RESOLVED: Hawkins/Turner

That Council:

1. Note and congratulate staff on the achievement of substantial compliance with each of the best practice guidelines (NSW Best Practice Management Guidelines for Water Supply and Sewerage, August 2007) of:
 - (a) Strategic Business Planning
 - (b) Pricing
 - (c) Water Conservation
 - (d) Drought Management
 - (e) Performance Reporting
 - (f) Integrated Water Cycle Management
2. Authorise the application to the NSW Government for approval to pay a dividend of \$924,507 to the General Fund from the surplus in Water Supply operations for the 2018-2019 financial year.
3. Authorise the payment of \$102,723 for tax equivalents to the general fund from the Water Supply operations for the 2018-2019 financial year.
4. Authorise the application to the NSW Government for approval to pay a dividend of \$869,076 to the General Fund from the surplus in the Sewerage Fund for the 2018-2019 financial year.
5. Authorise the payment of \$96,564 for tax equivalents to the general fund from the Sewerage Fund for the 2018-2019 financial year.
6. Determine that if successful in its application, the dividend will be allocated as follows:
 - a) \$500,000 to fund the financial impacts arising from the COVID-19 pandemic in the 2020-2021 Operational Plan.
 - b) \$1,492,870 to a COVID-19 Relief reserve.

CARRIED: 5/3

FOR: Alley, Dixon, Hawkins, Levido and Turner

AGAINST: Griffiths, Intemann and Pinson

10.03 2017-2021 DELIVERY PROGRAM AND 2019-2020 OPERATIONAL PLAN - QUARTERLY PROGRESS REPORT AS AT 31 MARCH 2020

RESOLVED: Pinson/Intemann

That Council note the 2017-2021 Delivery Program and 2019-2020 Operational Plan Quarterly Progress Report as at 31 March 2020.

CARRIED: 8/0

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

AGAINST: Nil

12.01 ARTWALK 2020 - NEW EVENT FORMAT

RESOLVED: Griffiths/Dixon

That Council:

1. Note the proposed new event format for the delivery of the 2020 Artwalk Event.
2. Consider including parking locations and work with local business to assist with shuttle services.

CARRIED: 8/0

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

AGAINST: Nil

12.02 TOWN CENTRE MASTER PLAN SUB-COMMITTEE CHARTER REVIEW

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

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

RESOLVED: Hawkins/Griffiths

That Council:

1. Adopt the Town Centre Master Plan Sub-Committee Charter attached to this report.
2. Request the General Manager undertake an Expression of Interest process for members of the Town Centre Master Plan Sub-Committee.

CARRIED: 8/0

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

AGAINST: Nil

13.01 DEVELOPMENTS, PUBLIC PLACE & EVENTS WASTE MINIMISATION AND MANAGEMENT POLICY - POST EXHIBITION REVIEW

RESOLVED: Turner/Hawkins

That Council:

1. Adopt the Developments, Public Place & Events Waste Minimisation and Management Policy.
 2. Thank the community for the feedback received during the recent consultation period regarding the draft Waste Minimisation and Management Policy.
 3. Request the General Manager bring a report back to the May 2021 Ordinary Council Meeting that provides:
 - a) An analysis of the policy's impact on developments, public place and events waste minimisation and management;
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- b) Potential adjustments to Council's fees and charges for the 2021/2022 financial year that could incentivise positive waste minimisation and management outcomes;
 - c) Feedback from event promoters on the ease of complying with the Developments, Public Place & Events Waste Minimisation and Management Policy.

CARRIED: 8/0

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

AGAINST: Nil

13.03 DISASTER RECOVERY PROCUREMENT

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

RESOLVED: Intemann/Griffiths

That Council:

1. Note that pursuant to section 170A of the Local Government (General) Regulations 2005, and for the purpose of section 55(3)(n)(i) of the Local Government Act 1993, an amount of \$500,000 is prescribed but only in the case of a contract that:
 - a) Is entered into between 17 January 2020 and 1 July 2020; and
 - b) Is primarily for the purpose of bush fire-related response and recovery and applied to assist Council with the procurement activity to reconstruct Kapearrow Bridge on Doyles River Road, Debenham.
2. Note that pursuant to section 170A of the Local Government (General) Regulations 2005, the Request for Quotation process for the bush-fire related project to reconstruct Kapearrow Bridge and the subsequent engagement of Eire Constructions Pty Ltd for the lump sum of \$332,438 (ex GST).
3. Maintain the confidentiality of the documents and considerations in regards to the engagement of Eire Constructions Pty Ltd to undertake the bush fire-related response to Kapearrow Bridge.

CARRIED: 8/0

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

AGAINST: Nil

13.04 QUESTION WITH NOTICE - OPENING OF LAKE CATHIE - MAY 2020

RESOLVED: Alley/Intemann

That Council note the Question With Notice from Councillor Alley regarding the recent opening of Lake Cathie as included in this report and that a written report be tabled at the 17 June 2020 Council Meeting.

CARRIED: 8/0

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

AGAINST: Nil

13.05 NOTICE OF MOTION - KENWOOD DRIVE BRIDGE, LAKE CATHIE - CONCEPT DESIGNS

RESOLVED: Pinson/Turner

That Council:

1. Acknowledge community sentiment following the opening of Lake Cathie.
2. Request that the General Manager give consideration to commencing the development of concept designs for the Kenwood Drive Bridge, Lake Cathie as part of the 2020-2021 Operational Plan.
3. In light of Recommendation No. 2 above, request that the General Manager table a report at the Ordinary Council Meeting on 15 July 2020 detailing any impacts undertaking the concept designs for the Kenwood Drive Bridge will have on
 - a) existing priorities listed in the draft 2020-2021 Operational Plan,
 - b) priorities that arise from the COVID-19 Working Group's proposed infrastructure prioritisation matrix,as well as identifying a potential funding source for the concept design work to be undertaken during 2020-2021.
4. Request that the General Manager write to the Hon. Leslie Williams MP (Member for Port Macquarie) and Dr David Gillespie MP (Federal Member for Lyne), advising of these actions being taken by Council.

CARRIED: 8/0

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

AGAINST: Nil

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Intemann/Turner

That Items 10.01 and 13.02 be considered as a block resolution.

CARRIED: 8/0

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

AGAINST: Nil

RESOLVED: Intemann/Alley

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

CARRIED: 8/0

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

AGAINST: Nil

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Intemann/Alley

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

13.02 POST EXHIBITION REPORT - STAGE 1 REVIEW OF PORT MACQUARIE-HASTINGS DEVELOPMENT CONTROL PLAN 2013 - HOUSEKEEPING AMENDMENTS

BLOCK RESOLVED: Intemann/Alley

That Council:

1. Approve the exhibited draft Development Control Plan 2013 (Amendment No. 13) incorporating the changes referred to in the report and contained in Attachment 3, with the amendment to commence on 17 June 2020.
2. Within 28 days, publish a public notice of Council's decision to approve the Development Control Plan 2013 (Amendment No. 13) on Council's website, including the repeal of Development Control Plan 2011 (Part 5 – Area Based Provisions), in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
3. Delegate authority to the Director Development and Environment to make any minor amendments to any numerical, typographical, interpretation and formatting errors, if required, in preparation for the commencement of Development Control Plan 2013 (Amendment No. 13).
4. Notify all persons who lodged a submission of Council's decision.
5. Advise the local planning and development industry of the commencement of Development Control Plan 2013 (Amendment No. 13).

CONFIDENTIAL SESSION

RESOLVED: Alley/Intemann

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

This item is considered confidential under Section 10A(2)(e) of the Local Government Act 1993, as it contains information that would, if disclosed, prejudice the maintenance of law.

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: 8/0

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

AGAINST: Nil

**15.01 JOHN HENRY TAYLOR AND MILDRED JOY TAYLOR V. PORT
MACQUARIE-HASTINGS COUNCIL**

RESOLVED: Hawkins/Turner

That Council:

1. Note the John Henry Taylor And Mildred Joy Taylor V. Port Macquarie-Hastings Council Report.
2. Report back to the 15 July 2020 Ordinary Council Meeting with the full costs incurred by Council in the matter of John Henry Taylor And Mildred Joy Taylor V. Port Macquarie-Hastings Council.
3. Refer this matter to the Audit, Risk & Improvement Committee for information, and for the Committee to consider the mechanisms in place to monitor the status of material ongoing matters which have potential future obligations to be provided by Council or to Council.

CARRIED: 8/0

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

AGAINST: Nil

RESOLVED: Alley/Griffiths

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

CARRIED: 8/0

FOR: Alley, Dixon, 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 8:14pm.

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Peta Pinson
Mayor