

PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Sharon Griffiths
Councillor Peter Alley
Councillor Geoff Hawkins
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 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 on line.

02 LOCAL GOVERNMENT PRAYER

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

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Alley/Dixon

That the Minutes of the Ordinary Council Meeting held on 12 August 2020 be confirmed.

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

05 DISCLOSURES OF INTEREST

Councillor Dixon declared a Pecuniary Interest in Item 13.06 - Yippin Creek Planning Proposal - Status Update, the reason being that Councillor Dixon has a family member representing one of the landowners.

Councillor Hawkins declared a Non-Pecuniary, Less Than Significant Interest in Item 13.11 - DA2020 - 252.1 Multi Dwelling Housing with Torrens and Strata Title Subdivision at Lot 7 DP 758603, No. 53 Norman Street, Laurieton the reason being that Councillor Hawkins and his wife know the applicant, Mr Bob Beukers, of Beukers and Ritter, having received advice from the firm in the past with respect to planning matters within the Port Macquarie-Hastings local government area.

Councillor Intemann declared a Non-Pecuniary, Significant Interest in Item 11.02 - Classification of Land Acquired by Council, the reason being that Councillor Intemann is a Director of Hastings Co-operative Limited which leases land adjoining the acquired site and now intends to negotiate with Council for access through the acquired site.

Councillor Alley declared a Non-Pecuniary, Less Than Significant Interest in Item 12.01 - Event Sponsorship Program Grant - Round 1 2021, the reason being that Councillor Alley advises the subject matter of this item includes an event called "the Dark Alley Sessions" which is associated by a business called "Dark Alley Collectables". I am the sole shareholder and a director of "Dark Alley Pty Ltd" that has no relationship whatsoever with this similarly named business.

Councillor Alley declared a Non-Pecuniary, Significant Interest in Item 13.03 - North Brother Local Catchments Flood Study - Results of Exhibition of Draft Options Assessment Report, the reason being that Councillor Alley advises the subject matter of this item includes property that is owned by the Trustees of Church Property, Diocese of Newcastle which holds that property for the benefit of the Anglican Parish

of the Camden Haven, of which Councillor Alley serves as the Treasurer on the Parish Council. These changes may result in a financial loss or gain to the Trustees of Church Property, Diocese of Newcastle, and hence a beneficial financial loss or gain to the Anglican Parish of the Camden Haven.

Mayor Pinson declared a Pecuniary Interest in Item 13.03 - North Brother Local Catchments Flood Study - Results of Exhibition of Draft Options Assessment Report, the reason being that Mayor Pinson has a relative who owns a property in the flood study area.

Mayor Pinson declared a Pecuniary Interest in Item 15.04 - T-20-01 Construction Scrubby Creek Bridge, the reason being that Mayor Pinson has an interest in a business that contracts with one of the tenderers on occasion.

06 MAYORAL MINUTES

Nil.

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Hawkins/Alley

That Council determine that the attachments to Item Numbers 12.01 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 7/0
FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, 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: Dixon/Hawkins

That Standing Orders be suspended to allow Items 10.01, 10.04, 10.09, 10.10, 10.11, 10.14, 10.16, 10.18, 11.02, 11.03, 12.01, 13.01, 13.02, 13.03, 13.04, 13.05, 13.06, 13.07, 13.09, 13.11 not in the block to be brought forward and considered next.

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

10.01 CREATION OF OFFICE OF DEPUTY MAYOR

RESOLVED: Turner/Hawkins

That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to expire 4 September 2021 being the day of the 2021 Local Government elections.
3. Elect the Deputy Mayor by way of open voting, if more than one nomination for Deputy Mayor is received.

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

At this juncture, the Acting General Manager as Returning Officer invited nominations for the election of the office of Deputy Mayor for the ensuing period with the following written nomination received:

Councillor L Intemann nominated by Councillor G Hawkins and Councillor R Turner.

Councillor L Intemann formally accepted her nomination.

The General Manager as Returning Officer declared that as only one nomination was received for the position of the Deputy Mayor, Councillor L Intemann is duly elected

to the office of Deputy Mayor of Port Macquarie-Hastings Council for the ensuing period.

The General Manager congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

The Mayor also congratulated Councillor Intemann on her election to the Office of Deputy Mayor.

The Deputy Mayor thanked Councillors for their support.

10.04 COUNCIL MEETINGS DATES FOR 2021

RESOLVED: Alley/Intemann

That Council

1. Set the Ordinary Council Meeting dates for 2021 as the third Wednesday of each month (with the exception being no meeting scheduled in January, alternative date in August and September due to the September Council election, and an earlier meeting in December due to the proximity of Christmas) being:
 - 17 February
 - 17 March (Taking the Council to the Community - Wauchope)
 - 21 April
 - 19 May
 - 16 June
 - 21 July
 - 4 August
 - 29 September
 - 20 October (Taking the Council to the Community - Laurieton)
 - 17 November
 - 8 December
2. Note that the NSW Government has extended the period of COVID-19 Special Provisions as detailed in section 747A of the Local Government Act 1993 until 25 March 2021 that:
 - a) allows Councillors to attend Council meeting by audio visual links, rather than in person, where reasonably practicable to do so
 - b) satisfies the requirement of meetings being opened to members of the public where a live webcast of the meeting is made public.

CARRIED: 7/0

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

AGAINST: Nil

10.09 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT COMMITTEE - LOCAL GOVERNMENT KEY RISK REPORT 2019

RESOLVED: Intemann/Hawkins

That Council:

1. Note the information contained in the recommended item from the Audit, Risk and Improvement Committee, concerning the Jardine Lloyd Thompson Local Government Key Risk Report for 2019, which specifically identifies the top four risks as:
 - a) Financial sustainability
 - b) Cyber instances and IT infrastructure
 - c) Reputation Risk
 - d) Natural catastrophe / climate change
2. Note that the outcomes of the Key Risk Report for 2019 will be considered during the next quarterly review of Council's risk registers for relevance to Council's environment.
3. Request the General Manager to ensure consideration of both individual risks and their inter-relationships, as well as benefits arising from risk management.
4. Note that in March 2020 it was resolved by the Audit, Risk and Improvement Committee that the General Manager would undertake a Climate Change Risk Assessment.
5. Note that Council has resolved to develop a Sustainability and Climate Change Strategy, and request the General Manager to ensure that such Strategy:
 - a) Considers both risk mitigation and the benefits arising from taking precautionary action on climate change; and
 - b) Is accompanied by an internal and community communications strategy.

CARRIED: 6/1

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

AGAINST: Griffiths

10.10 DRAFT PETITIONS POLICY

RESOLVED: Pinson/Griffiths

That Council:

1. Place on public exhibition the draft Petitions Policy for a period not less than 28 days commencing 1 October 2020.
2. Note that a further report be considered by Council, detailing the submissions received from the public during the exhibition period and presenting a final draft for adoption.

CARRIED: 7/0

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

AGAINST: Nil

10.11 CODE OF MEETING PRACTICE

RESOLVED: Intemann/Griffiths

That Council:

1. Add the following clauses to the draft Code of Meeting Practice for the purpose of public exhibition:

Adjournment of Meeting:

- 5.27 Council or a Committee of the Council may resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.*
- 5.28 Where a meeting is adjourned under clause 5.27 to another date, the General Manager must:*
 - (a) individually notify each Councillor of the time, date and place at which the meeting will reconvene, and*
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.*
2. Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice for a period of not less than of 28 days commencing 1 October 2020.
3. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the Code of Meeting Practice, for a period of not less than 42 days commencing 1 October 2020.
4. Note that a further report will be tabled at the December 2020 meeting of Council, detailing the submissions received from the public and further consideration of Council during the exhibition period.

CARRIED: 7/0

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

AGAINST: Nil

10.14 RELIEF MEASURES FOR THE IMPACTS OF COVID-19

RESOLVED: Hawkins/Pinson

That Council:

1. Note the information contained in the report Relief Measures for the impacts of COVID-19.
2. Waive or defer the payment of fees and charges as detailed in resolution 1 (points a) to s)) of item 10.03 from 15 April 2020 Ordinary Meeting of Council, in relation to community members and local businesses impacted by the COVID-19 virus, for a further period up to 28 February 2021 and in accordance with the conditions of waiver / deferral as detailed in that resolution.
3. Extend the provisions of point 1 q) in the above resolution in relation to Payment Plans for Connection to Telegraph Point Sewerage Scheme to Comboyne and Long Flat.

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4. Waive all hiring fees for Community Halls up to 28 February 2021.
 5. Extend to 28 February 2021 the delegated 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.
 6. Extend to 28 February 2021 the provisions of the amended Rates and Charges Hardship Assistance Policy to include non-residential property owners.
 7. Continue to issue reminder notices on outstanding accounts, with details of assistance options provided, however extend the suspension of formal debt recovery actions for outstanding accounts up to 28 February 2021.
 8. Extend the Tendering Local Preference Policy increased notional price offset from 5% to 20%, and the increased cap from \$25,000 to \$50,000 for all Request for Tenders advertised up to 28 February 2021.
 9. Request that the General Manager provide a report to the February 2021 Ordinary Meeting of Council with an update on the endorsed relief measures.

CARRIED: 7/0

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

AGAINST: Nil

10.16 2017-2021 DELIVERY PROGRAM AND 2019-2020 OPERATIONAL PLAN - SIX MONTHLY PROGRESS REPORT AS AT 30 JUNE 2020

RESOLVED: Pinson/Dixon

That Council note the 2017-2021 Delivery Program and 2019-2020 Operational Plan - Six Monthly Progress Report as at 30 June 2020.

CARRIED: 7/0

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

AGAINST: Nil

10.18 MAJOR PROJECTS GOVERNANCE - PROGRAM STEERING GROUPS CHARTERS & MEMBERSHIPS

RESOLVED: Intemann/Griffiths

That Council:

1. Adopt the Charters for the following Program Level Steering groups:
 - a) Transport and Stormwater Program Steering Group.
 - b) Water and Sewer Program Steering Group.
 - c) Recreation, Buildings and other Assets Program Steering Group.
2. Rescind the:
 - a) Villages Sewerage Scheme Steering Group Charter, and the
 - b) Port Macquarie Aquatic Facility Steering Group Charter.
3. Request the General Manager undertake a review of the Regional Transport Infrastructure Steering group (RTISG) charter and functions in consideration of

the new Transport and Stormwater Program Steering Group and report back to the November 2020 Ordinary meeting the outcomes of this review.

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

11.02 CLASSIFICATION OF LAND ACQUIRED BY COUNCIL

Councillor Intemann 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 6:39pm.

RESOLVED: Griffiths/Alley

That Lot 42 Deposited Plan 1016237 and Lot 3 Deposited Plan 221932 (land at 42 Randall Street, Wauchope) be classified as operational land.

CARRIED: 6/0
FOR: Alley, Dixon, Griffiths, Hawkins, Pinson and Turner
AGAINST: Nil

Deputy Mayor Intemann returned to the meeting, the time being 6:40pm.

11.03 LAND DONATION - BEACH TO BEACH PROJECT, DUNBOGAN

RESOLVED: Alley/Griffiths

That Council:

1. Accept the donation of land being Lot 1 Deposited Plan 1267234.
2. Pay the land conveyancing costs incurred by the land donor.
3. Write to the land donor expressing appreciation for the land donation.
4. On registration of the transfer of Lot 1 Deposited Plan 1267234 and pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 1 Deposited Plan 1267234 as 'operational land' by placing on public exhibition for a minimum period of 28 days the proposed resolution: "It is intended to classify Lot 1 Deposited Plan 1267234 (land near The Boulevard at Dunbogan) as operational land."
5. Note a further report will be tabled to a future Council meeting detailing any submissions received during the exhibition period.

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

12.01 EVENT SPONSORSHIP PROGRAM GRANT - ROUND 1 2021

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

RESOLVED: Griffiths/Dixon

That Council pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the Event Sponsorship Program Round 1, 2021 in the total amount of \$20,000 to:

Event Name, Organiser & Ranking	Sponsorship \$ Recommended
1. Port Macquarie Folk Festival (RAWR Music)	\$5,000
2. Flamin' Dragons 2021 Annual Regatta (Flamin' Dragons Port Macquarie Boat Club)	\$5,000
3. Ride the Wave; Sun, Surf and Skate (Make A Difference, Port Macquarie)	\$5,000
4. The Dark Alley Sessions (Brad Collins)	\$5,000
Total allocated this round	\$20,000

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

13.01 NOTICE OF MOTION - SIGNIFICANT ROAD SAFETY UPGRADE TO PACIFIC HIGHWAY/HOUSTON MITCHELL DRIVE INTERSECTION

MOTION

MOVED: Pinson/Alley

That Council:

1. Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.
2. Note the planned growth in the Lake Cathie / Bonny Hills area that is likely increase the use of this intersection into the future.
3. Request the Acting General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to the Minister for Regional Transport and Roads, the Hon Paul Toole MP, for road safety upgrades to the intersection.

AMENDMENT

MOVED: Alley/Turner

That Council:

1. Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.
2. Note that Council, based on information contained in the November 2018 Bitzios report, resolved to write to the Minister for Roads and the Member for Port Macquarie in December 2018 (resolution 12.01 12/12/2018) regarding traffic congestion at the Oxley Highway intersections with the Pacific Highway, Wrights Road and Lake Road and that these intersections remain of significant concern to traffic congestion in the Port Macquarie-Hastings LGA.
3. Note that Port Macquarie-Hastings is designated as a Regional Growth Area and much of this planned growth is in the Lake Cathie / Bonny Hills area and is likely to increase the use of the Pacific Highway and Houston Mitchell Drive intersection into the future.
4. Request the General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to Minister for Roads and Transport, the Hon Andrew Constance MP and the Minister for Regional Transport and Roads, the Hon Paul Toole MP requesting immediate road safety improvements and an eventual fly-over upgrade to the Pacific Highway / Houston Mitchell Drive intersection to address urgent road safety issues.
5. Request the General Manager report back to Council in December 2020 on responses received from the Member for Port Macquarie, Hon Leslie Williams MP.

THE AMENDMENT WAS PUT AND CARRIED

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

THE AMENDMENT BECAME THE MOTION

MOVED: Alley/Turner

That Council:

1. Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.
2. Note that Council, based on information contained in the November 2018 Bitzios report, resolved to write to the Minister for Roads and the Member for Port Macquarie in December 2018 (resolution 12.01 12/12/2018) regarding traffic congestion at the Oxley Highway intersections with the Pacific Highway, Wrights Road and Lake Road and that these intersections remain of significant concern to traffic congestion in the Port Macquarie-Hastings LGA.
3. Note that Port Macquarie-Hastings is designated as a Regional Growth Area and much of this planned growth is in the Lake Cathie / Bonny Hills area and is likely to increase the use of the Pacific Highway and Houston Mitchell Drive intersection into the future.
4. Request the General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to Minister for Roads and Transport, the Hon Andrew Constance MP and the Minister for Regional Transport and Roads, the Hon Paul Toole MP requesting immediate road safety improvements and an eventual fly-over upgrade to the Pacific Highway / Houston Mitchell Drive intersection to address urgent road safety issues.
5. Request the General Manager report back to Council in December 2020 on

responses received from the Member for Port Macquarie, Hon Leslie Williams MP.

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.
2. Note that Port Macquarie-Hastings is designated as a Regional Growth Area and much of this planned growth is in the Lake Cathie / Bonny Hills area and is likely to increase the use of the Pacific Highway and Houston Mitchell Drive intersection into the future.
3. Request the General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to Minister for Roads and Transport, the Hon Andrew Constance MP and the Minister for Regional Transport and Roads, the Hon Paul Toole MP requesting immediate road safety improvements and an eventual fly-over upgrade to the Pacific Highway / Houston Mitchell Drive intersection to address urgent road safety issues.
4. Request the General Manager report back to Council in December 2020 on responses received from the Member for Port Macquarie, Hon Leslie Williams MP.

THE AMENDMENT WAS PUT AND CARRIED

CARRIED: 5/2
FOR: Alley, Dixon, Griffiths, Intemann and Pinson
AGAINST: Hawkins and Turner

THE AMENDMENT BECOMES THE MOTION AND WAS PUT

RESOLVED: Pinson/Griffiths

That Council:

1. Note the current dangerous configuration and speed limit of Pacific Highway and Houston Mitchell Drive intersection.
2. Note that Port Macquarie-Hastings is designated as a Regional Growth Area and much of this planned growth is in the Lake Cathie / Bonny Hills area and is likely to increase the use of the Pacific Highway and Houston Mitchell Drive intersection into the future.
3. Request the General Manager write to the Hon Leslie Williams MP, Member for Port Macquarie, to seek urgent representation to Minister for Roads and Transport, the Hon Andrew Constance MP and the Minister for Regional Transport and Roads, the Hon Paul Toole MP requesting immediate road safety improvements and an eventual fly-over upgrade to the Pacific Highway / Houston Mitchell Drive intersection to address urgent road safety issues.
4. Request the General Manager report back to Council in December 2020 on responses received from the Member for Port Macquarie, Hon Leslie Williams MP.

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

13.02 NOTICE OF MOTION - GOVERNMENT FUNDING FOR MANAGEMENT OF CROWN LAND

RESOLVED: Pinson/Griffiths

That Council:

1. Acknowledge the important and valuable role that environmental volunteer groups, including but not limited to Landcare and Bushcare, play in the management of public lands.
2. Request the Acting General Manager write to both the Local Member for Port Macquarie, Hon Leslie Williams MP and Local Member for Oxley and Minister for Water, Property and Housing, Hon Melinda Pavey MP, seeking their support, on behalf of Council and the Port Macquarie-Hastings volunteer groups, for increased funding to support the management of Crown Land within the Port Macquarie-Hastings Local Government Area that is not managed by or devolved to Council, to assist in ecological restoration, biosecurity obligations and bushfire management.

CARRIED: 7/0

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

AGAINST: Nil

13.03 NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - RESULTS OF EXHIBITION OF DRAFT OPTIONS ASSESSMENT REPORT

Councillor Alley declared a Non-Pecuniary, Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:04pm.

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 8:05pm.

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

RESOLVED: Intemann/Griffiths

That Council:

1. Acknowledge the submissions made during the exhibition period and thank those landowners for this input into this ongoing project.
2. Advise those landowners who made submissions of the outcome of Council's consideration of this matter,
3. Endorse the North Brother Local Catchments Flood Study Draft Options Assessment Report, and
4. Incorporate the community feedback obtained via the abovementioned exhibition process into the Floodplain Risk Management Study and Plan phase of the project.

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

Councillor Alley returned to the meeting, the time being 8:07pm.

Mayor Pinson returned to the meeting, the time being 8:07pm.

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

13.04 SETTLEMENT SHORES CANALS - MAINTENANCE AND DREDGING

The Mayor tabled and displayed photos of the canals.

RESOLVED: Griffiths/Pinson

That Council:

1. Note the information contained in the Settlement Shores Canal - Maintenance and Dredging report.
2. Include works to replenish the beaches of the Ballina and Newport Canals that are greater than 150mm below the top of the revetment wall in the draft 2021/2022 Operational Plan.
3. Investigate and work with property owners along the Ballina and Newport Canals to determine and implement an effective way to stabilise and replenish beaches to reduce the long term maintenance of the canals as works in the draft 2021/2022 Operational Plan.
4. Note the 2017 Canal Maintenance Plan outlines further works to be completed.
5. Consult with property owners in the Settlement Shores Canal Estate to determine an equitable fee/charge to be added to the draft 2021/2022 Fees and Charges to fund maintenance activities as outlined in the 2017 Canal Maintenance Plan.

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

13.05 ROADSIDE VEGETATION MANAGEMENT POLICY - OUTCOME OF PUBLIC EXHIBITION

RESOLVED: Griffiths/Hawkins

That Council defer adoption of the Roadside Vegetation Management Policy pending further advice via a briefing from the Acting General Manager and a report presented to the November 2020 Council meeting.

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

13.06 YIPPIN CREEK PLANNING PROPOSAL - STATUS UPDATE

Councillor Dixon declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:42pm.

RESOLVED: Turner/Griffiths

That Council note the information contained in the Yippin Creek Planning Proposal - Status Update report.

CARRIED: 6/0
FOR: Alley, Griffiths, Hawkins, Intemann, Pinson and Turner
AGAINST: Nil

Councillor Dixon returned to the meeting, the time being 8:46pm.

13.07 KENWOOD DRIVE BRIDGE LAKE CATHIE - REVIEW OF 2011 HYDRODYNAMIC REPORT FINDINGS - STATUS UPDATE

RESOLVED: Pinson/Griffiths

That Council:

1. Note the information provided in this report.
2. Note that a further report will be prepared for the October 2020 Council Meeting outlining the process, timeframe and costs associated with reviewing the 2011 Lake Cathie/Lake Innes Estuary Hydrodynamic Model Development and Investigation Report.
3. Note that a review of the findings of the 2011 Lake Cathie/Lake Innes Estuary Hydrodynamic Model Development and Investigation Report cannot be undertaken until the Model has been reviewed and tested.

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

13.09 MEMBERSHIP OF THE COAST, ESTUARY & FLOODPLAIN ADVISORY SUB-COMMITTEE

Mayor Pinson left the meeting, the time being 9:09pm.

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

RESOLVED: Intemann/Alley

That Council:

1. Note the information provided in this report.
2. Accept the five nominees as noted in Table 1 as members of the Coast, Estuary and Floodplain Sub-Committee noting that should any of these five

nominees not accept a position, an alternate will be nominated from Table 2 in the order listed.

3. Request the General Manager to develop, in collaboration, with the Coast, Estuary and Floodplain Sub-Committee a revised strategy to target suitable applicants from the Fishing Industry and Development Industry.
4. Request that a revised charter for the Sub-Committee be presented to Council at the October 2020 meeting for further consideration.

CARRIED: 6/0

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

AGAINST: Nil

13.11 DA2020 - 252.1 MULTI DWELLING HOUSING WITH TORRENS AND STRATA TITLE SUBDIVISION AT LOT 7 DP 758603, NO. 53 NORMAN STREET, LAURIETON

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

Mayor Pinson returned to the meeting, the time being 9:12pm.

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

RESOLVED: Griffiths/Hawkins

That DA2020 - 252.1 for a Multi Dwelling Housing with Torrens and Strata Title Subdivision at Lot 7, DP 14, No. 53 Norman Street, Laurieton, be determined by granting consent subject to the recommended conditions.

CARRIED: 7/0

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

AGAINST: Nil

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Dixon/Griffiths

That items 10.02, 10.03, 10.05, 10.06, 10.07, 10.08, 10.12, 10.13, 10.15, 10.17, 11.01, 13.08, 13.10 be consider as a block resolution.

CARRIED: 7/0

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

AGAINST: Nil

RESOLVED: Dixon/Griffiths

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

CARRIED: 7/0

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

AGAINST: Nil

10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Dixon/Griffiths

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

10.03 OCTOBER 2020 ORDINARY COUNCIL MEETING - LAURIETON

BLOCK RESOLVED: Dixon/Griffiths

That Council:

1. Conduct the October 2020 Ordinary Council meeting in the Port Macquarie Administration Building Council Chamber, whether hosted face to face or virtually in accordance with Section 747A of the Local Government Act 1993 and COVID-19 health orders.
2. Advise the public through appropriate communications that the venue for the October 2020 Ordinary Council meeting will not be held in Laurieton.

Item 10.04 Council Meetings Dates for 2021, has been addressed previously within the meeting.

10.05 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 30 JULY TO 9 SEPTEMBER 2020

BLOCK RESOLVED: Dixon/Griffiths

That Council note the Mayoral Discretionary Fund allocations for the period 30 July to 9 September inclusive.

10.06 2020 LOCAL GOVERNMENT NSW WATER MANAGEMENT CONFERENCE

BLOCK RESOLVED: Dixon/Griffiths

That Council approve the attendance of Councillor Sharon Griffiths at the 2020 Local Government NSW Water Management Conference to be held on-line from 7 to 8 October 2020 inclusive.

10.07 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT COMMITTEE - AUDIT, RISK & IMPROVEMENT COMMITTEE ANNUAL REPORT 2019-2020

BLOCK RESOLVED: Dixon/Griffiths

That Council adopt the Audit, Risk & Improvement Committee Annual Report 2019-2020.

10.08 RECOMMENDED ITEM FROM AUDIT, RISK & IMPROVEMENT COMMITTEE - LEGISLATIVE COMPLIANCE 2019-2020

BLOCK RESOLVED: Dixon/Griffiths

The Council note the information contained in the Recommended Item from Audit, Risk & Improvement Committee - Legislative Compliance 2019-2020 report.

Item 10.09 Recommended Item from Audit, Risk & Improvement Committee - Local Government Key Risk Report 2019, has been addressed previously within the meeting.

Item 10.10 Draft Petitions Policy, has been addressed previously within the meeting.

Item 10.11 Code of Meeting Practice, has been addressed previously within the meeting.

10.12 MONTHLY BUDGET REVIEW - AUGUST 2020

BLOCK RESOLVED: Dixon/Griffiths

That Council:

1. Adopt the adjustments in the "August 2020 Adjustments" section of the Monthly Budget Review – August 2020 report.
 2. Amend the 2020-2021 Operational Plan to include all budget adjustments approved in this report.
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10.13 INVESTMENTS - AUGUST 2020

BLOCK RESOLVED: Dixon/Griffiths

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

Item 10.14 Relief Measures for the Impacts of COVID-19, has been addressed previously within the meeting.

10.15 AMENDMENTS TO 2020-2021 FEES AND CHARGES

BLOCK RESOLVED: Dixon/Griffiths

That Council:

1. Adopt the amended Fees and Charges 2020-2021.
2. Request the General Manager to communicate the changes to the Fees and Charges 2020-2021 to the community.

Item 10.16 2017-2021 Delivery Program and 2019-2020 Operational Plan - Six Monthly Progress Report as at 30 June 2020, has been addressed previously within the meeting.

10.17 FINANCIAL ASSISTANCE GRANTS

BLOCK RESOLVED: Dixon/Griffiths

That Council note the 2020/21 Grant calculations provided by the NSW Local Government Grants Commission for Port Macquarie-Hastings Council in relation to the Financial Assistance Grant calculations.

Item 10.18 Major Projects Governance - Program Steering Groups Charters & Memberships, has been addressed previously within the meeting.

11.01 ANNUAL REPORT OF THE ACTIVITIES FOR THE MAYOR'S SPORTING FUND 2019-2020

BLOCK RESOLVED: Dixon/Griffiths

That Council note the information outlined in the Annual Report of the Activities for the Mayor's Sporting Fund 2019-2020.

Item 11.02 Classification of Land Acquired by Council, has been addressed previously within the meeting.

Item 11.03 Land Donation - Beach to Beach Project, Dunbogan, has been addressed previously within the meeting.

Item 12.01 Event Sponsorship Program Grant - Round 1 2021, has been addressed previously within the meeting.

Item 13.01 Notice of Motion - Significant Road Safety Upgrade to Pacific Highway/Houston Mitchell Drive Intersection, has been addressed previously within the meeting.

Item 13.02 Notice of Motion - Government Funding for Management of Crown Land, has been addressed previously within the meeting.

Item 13.03 North Brother Local Catchments Flood Study - Results of Exhibition of Draft Options Assessment Report, has been addressed previously within the meeting.

Item 13.04 Settlement Shores Canals - Maintenance and Dredging, has been addressed previously within the meeting.

Item 13.05 Roadside Vegetation Management Policy - Outcome of Public Exhibition, has been addressed previously within the meeting.

Item 13.06 Yippin Creek Planning Proposal - Status Update, has been addressed previously within the meeting.

Item 13.07 Kenwood Drive Bridge Lake Cathie - Review of 2011 Hydrodynamic Report Findings - Status Update, has been addressed previously within the meeting.

13.08 LAND ACQUISITION - THE RUINS WAY SHARED PATHWAY

BLOCK RESOLVED: Dixon/Griffiths

That Council:

1. Pay compensation in the total amount of \$19,440 (GST Exclusive) to the owners of Lot 1142 Deposited Plan 1248153, Vilro Pty Limited and Brierley Hill Pty Limited, for the acquisition of that part of Lot 1142 Deposited Plan 1248153
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- more particularly described as Lot 2 in plan of acquisition Deposited Plan 1265058.
2. Pay compensation in the amount of \$4,563 (GST Exclusive) to the owner of Lot 4 Deposited Plan 1102657, Vilro Pty Limited, for the acquisition of that part of Lot 4 Deposited Plan 1102657 more particularly described as Lot 3 in plan of acquisition Deposited Plan 1265058.
 3. Pay the legal costs reasonably incurred by the owners of Lot 1142 Deposited Plan 1248153 and Lot 4 Deposited Plan 1102657 arising from the land acquisition.
 4. On the acquisition of Lots 2 and 3 Deposited Plan 1265058 and pursuant to Section 10 of the Roads Act 1993, dedicate Lots 2 and 3 Deposited Plan 1265058 to the public as road.
 5. Delegate to the General Manager pursuant to Section 377 of the Local Government Act 1993, authority to sign electronically or otherwise all documents including but not limited to any authorisation form as required in accordance with the Electronic Transactions Act 2000.

Item 13.09 Membership of the Coast, Estuary & Floodplain Advisory Sub-Committee, has been addressed previously within the meeting.

**13.10 TACKING POINT TAVERN, 8 EMERALD DRIVE PORT MACQUARIE LOT 1
DP: 869214**

BLOCK RESOLVED: Dixon/Griffiths

That Council:

1. Note the contents of the Fire Safety Inspection Report, dated 9 March 2020, from NSW Fire & Rescue, in respect to an inspection of the premises by NSW Fire & Rescue on 22 June 2019, as shown in Attachment 1 to this report.
2. Exercise the powers conferred on Council by the Environmental Planning and Assessment Act, 1979 (The Act), to issue a Fire Safety Order for Tacking Point Tavern to address outstanding fire safety concerns at the premises being Lot 1 DP 869214, 8 Emerald Drive, Port Macquarie.
3. Notify the Commissioner of Fire and Rescue NSW of its determination.

CONFIDENTIAL SESSION

RESOLVED: Griffiths/Alley

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the 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-20-29 Provision of Consultant Statutory Property Services

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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 15.02 T-20-14 Port Macquarie Airport Security Screening Equipment
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 Acquisition of 1 Commerce Street, Wauchope
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 15.04 T-20-01 Construction Scrubby Creek Bridge
This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- Item 15.05 T-20-18 - Dunbogan Pedestrian Balustrade Rail Replacement
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 15.06 T-20-27 Boundary Street Upgrade - Detailed Design
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 15.07 Biodiversity Investigations and Stewardship Sites
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 15.08 Hibbard Ferry - Out of Water Inspection & Maintenance
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, Dixon, Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

15.01 T-20-29 PROVISION OF CONSULTANT STATUTORY PROPERTY SERVICES

RESOLVED: Griffiths/Dixon

That Council:

1. Accept the Tender from Ian James Russell for the provision of Consultant Statutory Property Services for an initial period of two (2) years commencing 1 October 2020 with one (1) option for extension for a further period of one (1) year. 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-20-29.

CARRIED: 7/0

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

AGAINST: Nil

15.02 T-20-14 PORT MACQUARIE AIRPORT SECURITY SCREENING EQUIPMENT

RESOLVED: Hawkins/Griffiths

That Council:

1. In accordance with the Local Government (General) Regulations 2005 clause 178(1)(b) and 178(3)(e), decline to accept any of the tenders submitted for Request for Tender T-20-14 Port Macquarie Airport Security Screening Equipment and enter into negotiations with the preferred tenderers that submitted a tender in response to Request for Tender T-20-14, with a view to entering into a contract for the Port Macquarie Airport Security Screening Equipment.
2. Pursuant to clause 178(4)(a) and (b) of the Local Government (General) Regulations 2005 decline to invite fresh tenders or applications for the reasons that the project is time critical to ensure regulatory compliance and that the Tender Evaluation Panel considers that the preferred tenderers have demonstrated the experience, capacity and capability to meet the requirements of the Request for Tender.
3. Request the General Manager present a further report to a future meeting of Council on completion of the negotiation process, for Council's further consideration of Request for Tender T-20-14.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-14.

CARRIED: 7/0

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

AGAINST: Nil

15.03 ACQUISITION OF 1 COMMERCE STREET, WAUCHOPE

RESOLVED: Hawkins/Griffiths

That Council:

1. Note the information contained in the report including the negotiated terms as detailed.
2. Proceed to acquire Lot 1 Deposited Plan 545926, 1 Commerce Street, Wauchope.
3. On registration of the transfer of Lot 1 Deposited Plan 545926 and pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lot 1 Deposited Plan 545926 as 'operational land' by placing on public exhibition for a minimum period of 28 days the proposed resolution: "It is intended to classify Lot 1 Deposited Plan 545926 (1 Commerce Street, Wauchope) as operational land."
4. Note a further report will be tabled to a future Council meeting detailing any submissions received during the exhibition period.

CARRIED: 7/0

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

AGAINST: Nil

15.04 T-20-01 CONSTRUCTION SCRUBBY CREEK BRIDGE

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 9:19pm.

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

RESOLVED: Griffiths/Alley

That Council:

1. Accept the Tender from Eire Constructions Pty Ltd for the Lump Sum of \$499,805.15 (exclusive of GST) for Request for Tender T-20-01 Construction of Scrubby Creek Bridge.
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-20-01.

CARRIED: 6/0

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

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 9:20pm.

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

15.05 T-20-18 - DUNBOGAN PEDESTRIAN BALUSTRADE RAIL REPLACEMENT

RESOLVED: Dixon/Hawkins

That Council:

1. Accept the Tender from Eire Constructions Pty Ltd for the Lump Sum of \$597,238.61 (exclusive of GST) for Request for Tender T-20-18 Design and Construct - Dunbogan Bridge Pedestrian Balustrade Rail replacement project.
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-20-18.

CARRIED: 7/0

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

AGAINST: Nil

15.06 T-20-27 BOUNDARY STREET UPGRADE - DETAILED DESIGN

RESOLVED: Hawkins/Dixon

That Council:

1. Accept the Tender from Hopkins Consultants Pty Limited for the Lump Sum of \$639,859 (exclusive of GST) for Boundary Street Upgrade - Detailed Design.
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-20-27.

CARRIED: 7/0

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

AGAINST: Nil

15.07 BIODIVERSITY INVESTIGATIONS AND STEWARDSHIP SITES

RESOLVED: Intemann/Griffiths

That Council:

1. Note the information included in the report.
2. Request that the General Manager prepare and submit a report for the Honourable Matt Keen MP with information regarding possible land acquisition areas for consideration to increase the size of the National Parks System which exist in the Port Macquarie-Hastings Local Government Area.
3. Request that the General Manager develop a project for consideration with the development of the draft 2021/2022 Operational Plan to undertake further investigation into the feasibility of acquiring four identified properties within the Port Macquarie-Hastings Local Government Area and report back to Council.

CARRIED: 7/0

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

AGAINST: Nil

15.08 HIBBARD FERRY - OUT OF WATER INSPECTION & MAINTENANCE

RESOLVED: Griffiths/Alley

That Council:

1. Note the actions planned for the Out of Water Inspection and Maintenance (Slipping) of the Hibbard Ferry.
2. Pursuant to Section 55(3)(i) of the Local Government Act 1993, resolve to not invite tenders for the Out of Water Inspection and Maintenance (Slipping) of Hibbard Ferry due to the unavailability of reliable and competitive tenders as described in this report and that a satisfactory result would not be achieved by inviting tenders.
3. Accept the quotation from Birdon Pty Ltd to undertake the Out of Water Inspection and Maintenance (Slipping) of the Hibbard Ferry for \$469,458.00 (ex GST).
4. Affix the seal of Council to the necessary document.
5. Maintain the confidentiality of the documents and consideration in respect of the quotation submitted by Birdon Pty Ltd.

CARRIED: 7/0

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

AGAINST: Nil

RESOLVED: Dixon/Hawkins

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

CARRIED: 7/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, 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 9:39pm.

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Peta Pinson
Mayor