
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)
Mayor's Executive Assistant (Linda Kocis)

This Meeting was held in the Council Chambers and was 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 Covid-19 health emergency, the Local Government Prayer was not delivered as part of this meeting.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Dixon/Hawkins

That the Minutes of the Ordinary Council Meeting held on 21 October 2020 be confirmed.

CARRIED: 7/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Lee Dixon declared a Non-Pecuniary - Significant Interest in Item 13.03 - Coastside Environmental Land Planning Agreement for the reason that the Real Estate Agency that Councillor Dixon works alongside has land for sale in the adjoining block.

06 MAYORAL MINUTES

06.01 GENERAL MANAGER/CHIEF EXECUTIVE OFFICER RECRUITMENT

MOVED: Pinson

That Council:

1. Note this Mayoral Minute is put to Council as per Section 9.6 of the Port Macquarie-Hastings Code of Meeting Practice.
2. Note that at the July 2020 Ordinary Council Meeting, it was resolved in the open session of Council:

10.04 RECRUITMENT OF THE GENERAL MANAGER

RESOLVED: Turner/Intemann

That Council:

1. *Convene a General Manager Recruitment Selection Panel for the purpose of recruitment for the vacant position of General Manager.*
2. *Determine that Mayor Peta Pinson, Deputy Mayor Lisa Intemann, Councillor Sharon Griffiths and Councillor Geoff Hawkins represent Council on the Panel, which ensures both male and female members are represented in the selection panel.*
3. *Determine that the recruitment consultant be a non-voting member of the General Manager Recruitment Selection Panel.*

-
4. *Delegate to the General Manager Recruitment Selection Panel the tasks of:*
 - a) *Determination of a recruitment company to facilitate the recruitment of the General Manager*
 - b) *Development of a recruitment brief and information packs in consultation with all Councillors and the recruitment firm.*
 - c) *With regards to the initial round of interviews:*
 - i) *Shortlisting of candidates for initial round of interviews.*
 - ii) *Determining the composition of the initial interview panel.*
 - iii) *Conducting initial round of interviews.*
 - d) *Shortlisting of candidates for final round interviews.*
 - e) *Ensuring that all Councillors are kept informed of key stages along the process.*
 5. *Note that the final round of interviews will be conducted by all Councillors.*
 6. *Note that the recommendations of the General Manager Recruitment Selection Panel will be the subject of a future report to Council.*

CARRIED: 7/0

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

AGAINST: Nil

3. Note that the General Manager Recruitment Selection Panel reviewed all applications and shortlisted those applications to nine applications for interview.
 4. Note that immediately following the interviews on Saturday, 31 October 2020, it was agreed by the Selection Panel that four candidates progress to the final round of interviews.
 5. Note as per the resolution of Council on Wednesday, 15 July 2020: Point 4d) Shortlisting of candidates for final round interviews was undertaken and decided upon by the General Manager Recruitment Selection Panel.
 6. Note that after the conclusion of the Selection Panel meeting and over the weekend, a member of the Panel requested that an additional candidate be interviewed in the final round, taking the final number of interviewees to five. This was supported by one other member of the Panel and accordingly was not agreed to as a majority of Panel members did not support this inclusion. The Mayor did not support the inclusion of the fifth interviewee.
 7. Note that the Panel Members who were recommending the inclusion of the additional interviewee lobbied the remaining Councillors, who were not part of the Selection Panel, and obtained their support for the inclusion of the additional interviewee. The Mayor and Councillor Griffiths did not accept the inclusion of the additional interviewee, however the remaining Councillors requesting this were not satisfied with the result.
 8. Note that on Monday, 3 November 2020, the Mayor then received a request for an Extra-Ordinary Council Meeting signed by two Selection Panel Members to consider a Notice of Motion in accordance with Clause 17.3 of the Code of Meeting Practice to re-consider the process for recruiting a CEO, in particular regarding the selection of application for further interview.
 9. Note that the date for the Extra-Ordinary Council Meeting was set for 17 November 2020.
 10. Note that on Monday, 9 November 2020, the request for the Extra-Ordinary Meeting was withdrawn and replaced with a Notice of Motion for the 18 November 2020 Ordinary Council Meeting.
-

-
11. Note that the Notice of Motion has been placed in the Confidential section, listed as Item 15.07, on 18 November 2020.
 12. Note that Port Macquarie-Hastings Code of Meeting Practice: 2. Meeting Principals - states that 2.1 Council and committee meetings should be:
Transparent: Decisions are made in a way that is open and accountable.
Informed: Decisions are made based on relevant, quality information.
Inclusive: Decisions respect the diverse needs and interest of the local community.
Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted: The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful: Councillors, staff and meeting attendees treat each other with respect.
 13. Note that remuneration of the CEO is paid for with public funds.
 14. Note that the matter before Council is not in relation to individuals, it is about the process conducted to-date.
 15. Move Item 15.07 into the Open Session of Council for the purposes of transparency, as per the Port Macquarie-Hastings Code of Meeting Practice.

FORESHADOWED MOTION

MOVED: Intemann

That Item 15.07 be dealt with in the Confidential session of Council as it concerns personnel matters involving particular individuals.

At this juncture, Councillor Alley raised a point of order against Mayor Pinson following her questions and comments to Councillor Hawkins.

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

RESOLVED: Turner/Hawkins

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

CARRIED: 5/2

FOR: Alley, Dixon, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

The Motion was put.

LOST: 2/5

FOR: Griffiths and Pinson

AGAINST: Alley, Dixon, Hawkins, Intemann and Turner

THE FORESHADOWED MOTION BECAME THE MOTION

RESOLVED: Intemann/Alley

That Item 15.07 be considered in the Confidential Session of Council as it concerns personnel matters involving particular individuals.

CARRIED: 5/2

FOR: Alley, Dixon, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Intemann/Griffiths

That Council determine that the attachments to Item Number 10.10 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 Covid-19 health emergency, Public Forum - Matters Not On The Agenda was not delivered as part of this meeting.

09 PUBLIC FORUM – MATTERS ON THE AGENDA

Due to the Covid-19 health emergency, Public Forum - Matters On The Agenda was not delivered as part of this meeting.

Council invited the public to submit comments in relation to matters on the Agenda in writing, however no comments were received from the public.

SUSPENSION OF STANDING ORDERS

RESOLVED: Alley/Griffiths

That Standing Orders be suspended to allow Items 10.06, 10.09, 10.10, 10.12, 10.13, 10.16, 10.17, 10.18, 11.01, 12.01, 13.01, 13.03 and 13.04 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

10.06 DRAFT PETITIONS POLICY - FOLLOWING PUBLIC EXHIBITION

RESOLVED: Intemann/Griffiths

That Council:

1. Note that no public submissions were received during the public exhibition period.
2. Adopt the draft Petitions Policy.
3. Amend the Code of Meeting Practice to reflect the adopted Petitions Policy.

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

10.09 MONTHLY BUDGET REVIEW - OCTOBER 2020

RESOLVED: Hawkins/Griffiths

That Council:

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

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

10.10 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2020

RESOLVED: Hawkins/Griffiths

That Council:

1. Note the Quarterly Budget Review Statement for the September 2020 Quarter.
2. Note that a briefing is yet to occur following the consideration of the Carry-Over report in August 2020.
3. Request the General Manager incorporate into that briefing:
 - (a) An explanation of the underlying factors leading to carry-overs and remedial actions to improve the on time delivery of capital projects.
 - (b) Methods of improving the timing and phasing of capital project budgets.

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

10.12 FINANCIAL IMPACT OF COST SHIFTING FROM OTHER LEVELS OF GOVERNMENT

RESOLVED: Pinson/Griffiths

That Council:

1. Note the information on the financial impact of cost shifting from other levels of Government.
2. Provide a copy of this report to Mr Pat Conaghan MP (Federal Member for Cowper); Dr David Gillespie MP (Federal Member for Lyne); Hon Leslie Williams MP (Member for Port Macquarie) and Hon Melinda Pavey MP (Member for Oxley) for their information.
3. Provide a copy of this report to Local Government NSW.
4. Request the General Manager write to the Hon Melinda Pavey MP (Member for Oxley) and Hon Leslie Williams MP (Member for Port Macquarie) to make representation on behalf of Council for a future suitable contribution structure to assist with maintenance program for roads utilised by Forestry vehicles.

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

10.13 2017-2022 DELIVERY PROGRAM AND 2020-2021 OPERATIONAL PLAN - PROGRESS REPORT AS AT 30 SEPTEMBER 2020

RESOLVED: Griffiths/Dixon

That Council note the 2017-2022 Delivery Program and 2020-2021 Operational Plan - Progress Report as at 30 September 2020.

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

10.16 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Griffiths/Alley

That Council:

1. Note the Development Activity and Assessment System Performance report for the first quarter of 2020-2021.

-
2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.

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

10.17 PORT MACQUARIE-HASTINGS COUNCIL SUSTAINABILITY ADVISORY SUB-COMMITTEE

RESOLVED: Alley/Turner

That Council:

1. Create the Port Macquarie-Hastings Council Sustainability Advisory Sub-Committee.
2. Adopt the Port Macquarie-Hastings Council Sustainability Advisory Sub-Committee charter with the replacement of section 4.1 as follows:
MEMBERSHIP
All members are expected to have a broad technical understanding and/or commitment to environmental sustainability.
 - A. COUNCILLORS:
 - Councillor Chair and Deputy Chair as resolved by Council.
 - B. STAFF:
 - Director Development and Environment (or alternative Director).
 - Group Manager Regulatory and Environmental Services.
 - Group Manager Strategy (or nominee).
 - Sustainability Officer.
 - PMHC Staff Sustainability Action Group Chairperson (or nominee).
 - C. COMMUNITY:
 - 5 x Community representatives (1 person each representing Port Macquarie, Bonny Hills/Lake Cathie, Camden Haven, Wauchope, our rural area).
 - 2 x Development industry representatives (with demonstrated interest in environment and sustainability).
 - 3 x Sustainability industry representatives (with demonstrated experience and/or suitable qualifications in one or more of the following areas: energy, waste, water, environmental management, natural resources, environmental science, climate science, sustainability or environmental education).
3. Appoint Councillor Alley as Chair of the Port Macquarie-Hastings Council Sustainability Advisory Sub-Committee.
4. Appoint Councillor Turner as Deputy Chair of the Port Macquarie-Hastings Council Sustainability Advisory Sub-Committee.
5. Call for expressions of interest from the community to be members of the Port Macquarie-Hastings Council Sustainability Advisory Sub-Committee.

-
6. Request the General Manager table a future report, seeking Council endorsement of the membership of the Port Macquarie-Hastings Council Sustainability Advisory Sub-Committee.

CARRIED: 6/1
FOR: Alley, Dixon, Hawkins, Intemann, Pinson and Turner
AGAINST: Griffiths

10.18 PROPERTY INVESTMENT PORTFOLIO - 2020 ANNUAL UPDATE

RESOLVED: Griffiths/Hawkins

That Council:

1. Note the update provided on the Property Investment Portfolio as provided in this report.
2. Note the update on the progress of the eight individually Council owned lots at North Shore, Port Macquarie.

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

11.01 PORT MACQUARIE-HASTINGS BICENTENARY EVENT - APRIL 2021

RESOLVED: Turner/Hawkins

That Council note the update on event planning to mark the Port Macquarie-Hastings Bicentenary 2021.

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

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

RESOLVED: Turner/Dixon

That Council:

1. Note the six-monthly progress report on implementation of the 2017-2021 Port Macquarie-Hastings Economic Development Strategy.
2. Note planning has commenced for the development of a new Economic Development Strategy in 2021.

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

13.01 PORT MACQUARIE HEALTH AND EDUCATION PRECINCT UPDATE REPORT

RESOLVED: Turner/Hawkins

That Council:

1. Note the progress of the Port Macquarie Health and Education Precinct Planning Proposal Investigation as outlined within this report.
2. Note that the next report to Council in relation to the Health and Education Precinct will be the assessment report, following completion of initial strategic planning investigations, to assist Council with considering preparation of a Planning Proposal in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979.

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

13.03 COASTSIDE ENVIRONMENTAL LAND PLANNING AGREEMENT

Councillor Dixon declared a Non-Pecuniary - Significant Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 7.00pm.

RESOLVED: Turner/Griffiths

That Council agree to enter into the 'Coastside Environmental Land' Planning Agreement (Attachment 2) which relates to Development Application (DA2017 - 677) for the purposes of a place of public worship and Development Application (DA2017 - 1043) for subdivision of land at Lots 1-3 DP 1250668, John Oxley Drive Thrumster.

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

Councillor Dixon returned to the meeting, the time being 07:01pm.

13.04 SHAPING OUR FUTURE - A LOCAL STRATEGIC PLANNING STATEMENT FOR PORT MACQUARIE-HASTINGS

RESOLVED: Intemann/Alley

That Council:

1. Note the Shaping Our Future 2040 Local Strategic Planning Statement (LSPS) for Port Macquarie-Hastings has now commenced, and will be used to direct the actions that will be needed to achieve Port Macquarie-Hastings Strategic Planning Vision:
 - a) To assess planning proposals within a strategic framework as part of the strategic merit test (as outlined in NSW Department of Planning Industry & Environment guidelines for preparing planning proposals and local environmental plans);
 - b) To inform planning controls in Council's Local Environment Plan (LEP) and Development Control Plan (DCP);
 - c) To inform our operational and delivery plans to better align growth and change with community needs and expectations;
 - d) To identify and inform projects that will shape our future;
 - e) To identify infrastructure priorities and help us advocate to other levels of government for new infrastructure and services to support growth;
 - f) To shape projects such as place plans, master plans, and structure plans;
 - g) To inform sustainable transport planning, and
 - h) To support funding applications for priorities identified within Shaping Our Future.
2. Endorse the recommendations included in the Submissions Summary and Recommendations Attachment No 1.
3. Defer making any amendments to the published Shaping Our Future LSPS endorsed in Item 2 pending parallel engagement on Think 2050 - A New Community Strategic Plan for Port Macquarie-Hastings and a revised LSPS in April 2021.

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

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Alley/Dixon

That Items 10.01, 10.02, 10.03, 10.04, 10.05, 10.07, 10.08, 10.11, 10.14, 10.15, 11.02, 13.02, 13.05 and 13.06 be considered as a block resolution.

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

RESOLVED: Griffiths/Alley

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

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Griffiths/Alley

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

**10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS -
8 OCTOBER TO 4 NOVEMBER 2020**

BLOCK RESOLVED: Griffiths/Alley

That Council note the Mayoral Discretionary Fund allocations for the period 8 October to 4 November 2020 inclusive.

**10.03 REPORT ON THE 2020 LOCAL GOVERNMENT NSW WATER
MANAGEMENT VIRTUAL CONFERENCE**

BLOCK RESOLVED: Griffiths/Alley

That Council note the information contained in the 2020 Local Government NSW Water Management Virtual Conference report.

10.04 DISCLOSURES REGISTER - ANNUAL RETURN 2019-2020 - OUTSTANDING RETURNS

BLOCK RESOLVED: Griffiths/Alley

That Council:

1. Note the Annual Disclosure Returns for the following positions:
 - a) Arborist.
 - b) Senior Plumbing and Drainage Officer.
 - c) Development Assessment Planner.
2. Note that the outstanding Annual Disclosure returns for the followings positions be presented to Council once the designated person has returned from leave:
 - a) Sport and Recreation Officer.
 - b) Water and Sewer Planning Engineer.

10.05 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR LEE DIXON

BLOCK RESOLVED: Griffiths/Alley

That Council:

1. Grant leave of absence for Councillor Lee Dixon for the period 19 November 2020 to 21 December 2020 inclusive, which includes the Ordinary Meeting of Council scheduled for 9 December 2020.
2. Allow Councillor Dixon to temporarily return from the approved leave of absence to participate in the General Manager/Chief Executive Officer recruitment as required subject to his availability.

Item 10.06 Draft Petitions Policy - Following Public Exhibition, has been addressed previously within the meeting.

10.07 LEGAL FEES

BLOCK RESOLVED: Griffiths/Alley

That Council note the information in the Legal Fees report.

10.08 INVESTMENTS - OCTOBER 2020

BLOCK RESOLVED: Griffiths/Alley

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

Item 10.09 Monthly Budget Review - October 2020, has been addressed previously within the meeting.

Item 10.10 Quarterly Budget Review Statement - September 2020, has been addressed previously within the meeting.

10.11 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

BLOCK RESOLVED: Griffiths/Alley

That Council adopt the annual financial statements for the year ended 30 June 2020, as submitted, together with the auditor's report.

Item 10.12 Financial Impact of Cost Shifting from Other Levels of Government, has been addressed previously within the meeting.

Item 10.13 2017-2022 Delivery Program and 2020-2021 Operational Plan - Progress Report as at 30 September 2020, has been addressed previously within the meeting.

10.14 2019-2020 ANNUAL REPORT

BLOCK RESOLVED: Griffiths/Alley

That Council:

1. Adopt the 2019-2020 Annual Report, comprising Parts A and B.
2. Submit the adopted 2019-2020 Annual Report to the Minister for Local Government by 30 November 2020.
3. Publish the adopted 2019-2020 Annual Report on Council's website and make copies of the report available at all Council Offices and Libraries.
4. Note the distribution proposal for Part A Community Report Card 2019-2020.

10.15 REVIEW OF THE REGIONAL TRANSPORT INFRASTRUCTURE STEERING GROUP

BLOCK RESOLVED: Griffiths/Alley

That Council:

1. Dissolve the Regional Transport Infrastructure Steering Group as a result of the formation of the Transport and Stormwater Program Steering Group.
2. Note the continuation of the Transport for NSW and Council Staff Working Group meetings as outlined in this report.

Item 10.16 Development Activity And Assessment System Performance, has been addressed previously within the meeting.

Item 10.17 Port Macquarie-Hastings Council Sustainability Advisory Sub-Committee, has been addressed previously within the meeting.

Item 10.18 Property Investment Portfolio - 2020 Annual Update, has been addressed previously within the meeting.

Item 11.01 Port Macquarie-Hastings Bicentenary Event - April 2021, has been addressed previously within the meeting.

11.02 DRAFT BAIN PARK MASTER PLAN - COMMUNITY ENGAGEMENT

BLOCK RESOLVED: Griffiths/Alley

That Council:

1. Note the information in the Community Engagement Report A - Bain Park Master Plan - November 2019.
2. Note the information in the Community Engagement Report B - Bain Park Master Plan - October 2020.
3. Thank the stakeholders who made submissions during the engagement process and advise them of the outcome.
4. Place the Draft Bain Park Master Plan on public exhibition from 19 November to 16 December 2020.
5. Request the General Manager provide a report to the March 2021 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.

Item 12.01 Economic Development Strategy 2017-2021: Six Monthly Report on Progress, has been addressed previously within the meeting.

Item 13.01 Port Macquarie Health and Education Precinct Update Report, has been addressed previously within the meeting.

**13.02 RECOMMENDED ITEM FROM COAST, ESTUARY, FLOODPLAIN
ADVISORY SUB-COMMITTEE - REVISED CHARTER COAST, ESTUARY
& FLOODPLAIN ADVISORY SUB-COMMITTEE**

BLOCK RESOLVED: Griffiths/Alley

That Council adopt the revised Coast, Estuary and Floodplain Advisory Sub Committee Charter.

Item 13.03 Coastside Environmental Land Planning Agreement, has been addressed previously within the meeting.

Item 13.04 Shaping Our Future - A Local Strategic Planning Statement for Port Macquarie-Hastings, has been addressed previously within the meeting.

**13.05 ACQUISITION OF AN EASEMENT FOR WATER SUPPLY - ZANARDIS
LANE, SANCROX**

BLOCK RESOLVED: Griffiths/Alley

That Council:

1. Pay compensation in the amount of \$22,500 (GST Exclusive) to the owner of Lot 3 Deposited Plan 1244871, Eccleacre Pty Limited, for the acquisition of an easement for water supply 6 metres wide shown as (B) in plan of acquisition Deposited Plan 1268955.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991 pay the landowner's valuation and legal costs reasonably incurred arising from the acquisition.

13.06 DA2020 - 597.1 DEMOLITION OF EXISTING COMMUNITY FACILITY AND CONSTRUCTION OF NEW COMMUNITY FACILITY (SEA SCOUTS BUILDING) AT LOT 2 DP 535212, 9 MCINHERNEY CLOSE, PORT MACQUARIE

BLOCK RESOLVED: Griffiths/Alley

That DA2020 - 597.1 for demolition of existing community facility and construction of new community facility (Sea Scouts building) at Lot 2 DP 535212, No. 9 McInherney Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CONFIDENTIAL SESSION

RESOLVED: Dixon/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 Legal Matter

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 15.02 T-20-23 Pipe Relining and Relaying

This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 15.03 T-20-22 Port Macquarie Aquatic Centre

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 15.04 T-20-31 Cairncross Landfill Expansion Stages 1A, 1C and 1E Construction

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-19-38 Supply and Delivery of Electrical Goods

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 15.06 T-19-67 Construction of Thrumster Recycled Water Interim Supply Main Stages 3-8

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 15.07 General Manager/Chief Executive Officer Recruitment

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors):

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 LEGAL MATTER

RESOLVED: Griffiths/Alley

That Council:

1. Note and endorse the information contained in the body of this report.
2. Maintain the confidentiality of the documents and considerations in respect of this matter.

CARRIED: 7/0

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

AGAINST: Nil

15.02 T-20-23 PIPE RELINING AND RELAYING

RESOLVED: Hawkins/Dixon

That Council:

1. Accept the schedule of rate tenders from the following tenderers, to be appointed to a panel arrangement for the provision of pipe relining and relaying services for a three (3) year period commencing 1 December 2020:
 - a. Category 1 - Stormwater Relining
 - i. Abergeldie Rehabilitation Pty Ltd
 - ii. Eire Constructions Pty Ltd
 - iii. Insituform Pacific Pty Limited
 - iv. Interflow Pty Limited
 - v. Total Drain Cleaning Services Pty Ltd
 - vi. Wilmot Civil Pty Ltd
 - b. Category 2 - Sewer Relining
 - i. Abergeldie Rehabilitation Pty Ltd
 - ii. Eire Constructions Pty Ltd
 - iii. Fitt Resources Pty Limited
 - iv. Insituform Pacific Pty Limited
 - v. Interflow Pty Limited
 - vi. Total Drain Cleaning Services Pty Ltd
 - vii. Wilmot Civil Pty Ltd
 - c. Category 3 - Metal Fabrication
 - i. Abergeldie Rehabilitation Pty Ltd
 - ii. Eire Constructions Pty Ltd
 - d. Category 4 - Protective Coating and Sealing
 - i. Eire Constructions Pty Ltd
 - ii. Fitt Resources Pty Limited
 - iii. Total Drain Cleaning Services Pty Ltd
 - e. Category 5 - Portable Water Pipe Relining
 - i. Eire Constructions Pty Ltd
 - ii. Interflow Pty Limited
 - iii. Total Drain Cleaning Services Pty Ltd
 - iv. Wilmot Civil Pty Ltd
 - f. Category 6 - Stormwater Pipe Relaying
 - i. Ditchfield Contracting Pty Limited
 - ii. Eire Constructions Pty Ltd
 - iii. Interflow Pty Limited
 - iv. Wilmot Civil Pty Ltd
 - v. XXXDirtworx Pty Limited t/as M C Dirtworx
 - g. Category 7 - Sewer Main Pipe Relaying
 - i. Ditchfield Contracting Pty Limited
 - ii. Eire Constructions Pty Ltd
 - iii. Interflow Pty Limited
 - iv. Wilmot Civil Pty Ltd
 - v. XXXDirtworx Pty Limited t/as M C Dirtworx
 - h. Category 8 - Water Main Pipe Relaying

i. Ditchfield Contracting Pty Limited
ii. Eire Constructions Pty Ltd
iii. Interflow Pty Limited
iv. Wilmot Civil Pty Ltd
v. XXXDirtworx Pty Limited t/as M C Dirtworx
with two (2) options to extend for a further one (1) year period, such option(s) to be for the benefit of the Council and may be exercised only by the Council at its sole discretion.

2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-23.

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

15.03 T-20-22 PORT MACQUARIE AQUATIC CENTRE

RESOLVED: Dixon/Hawkins

That Council:

1. Accept the revised lump sum tender from CO-OP Studios Pty Ltd for Request for Tender T-20-22 Concept Design and Approvals for the Port Macquarie Aquatic Facility for the lump sum of \$780,825.00 (exclusive of GST).
2. Affix the seal of Council to necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-22.

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

15.04 T-20-31 CAIRCROSS LANDFILL EXPANSION STAGES 1A, 1C AND 1E CONSTRUCTION

RESOLVED: Griffiths/Hawkins

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-20-31 Cairncross Landfill Expansion Project - Construction and enter into negotiations with any tenderer that submitted a tender or any person in response to Request for Tender T-20-31, with a view to entering into a contract for the Cairncross Landfill Expansion Project - Construction.
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 and that the Tender Evaluation Panel considers that there are tenderers that have the experience, capacity and capability to meet the requirements of the Request for Tender.

3. Note that the General Manager shall accept the tender of the successful tenderer, following negotiation, under existing delegation to the General Manager and present a further report to a future meeting of Council on completion of the negotiation process for Council's information.
4. Maintain the confidentiality of the documents and considerations in respect of Request for Tender T-20-31.

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

15.05 T-19-38 SUPPLY AND DELIVERY OF ELECTRICAL GOODS

RESOLVED: Griffiths/Alley

That Council:

1. Accept the revised Schedule of Rates Tender from Metal Manufactures Pty Ltd t/as TLE Electrical Data Suppliers for Request for Tender T-20-38 Supply and Delivery of Electrical Goods for an initial period of two (2) years commencing 1 December 2020 with two (2) options 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-19-38.

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

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

RESOLVED: Intemann/Griffiths

That Council:

1. Note the proposed changes to the interim booster strategy for contract T-19-67 Construction of the Thrumster Recycled Water Interim Supply Stages 3-8.
2. Note the proposed procurement approach to seek a variation under contract T-19-67 with Eire Constructions Pty Ltd for the construction of the interim booster strategy including interim reservoir, interconnecting pipework and booster pump station building.

-
3. Note that the Acting General Manager will exercise the authority to negotiate the details of the proposed variation to contract T-19-67 with Eire Constructions Pty Ltd for the interim booster strategy.
 4. Maintain the confidentiality of the considerations as detailed in this report and contract T-19-67.

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

15.07 GENERAL MANAGER/CHIEF EXECUTIVE OFFICER RECRUITMENT

All staff, with the exception of the Group Manager Governance, left the Meeting whilst this item was being considered.

MOTION

MOVED: Hawkins/Intemann

That Council:

1. Request the General Manager Recruitment Selection Panel to reconvene urgently to review the applications of all candidates who were recently interviewed, and that any candidate who receives a vote of support from two (2) or more of the four (4) voting panel members is to be invited to proceed to the next round of interviews with all seven (7) councillors.
2. Request the General Manager Recruitment Selection Panel to facilitate the next round of interviews with all seven (7) Councillors to be held at the earliest possible convenient time.
3. Maintain the confidentiality of the documents and considerations in respect of the Chief Executive Officer/General Manager recruitment process.

AMENDMENT

MOVED: Griffiths/Pinson

That Council:

1. Request the General Manager Recruitment Selection Panel to reconvene urgently to review the applications of all candidates who were recently interviewed, and that any candidate who receives a vote of support from two (2) or more of the four (4) voting panel members is to be invited to proceed to the next round of interviews with all seven (7) councillors.
2. Request the General Manager Recruitment Selection Panel to facilitate the next round of interviews with all seven (7) Councillors to be held at the earliest possible convenient time.
3. Maintain the confidentiality of the documents and considerations in respect of the Chief Executive Officer/General Manager recruitment process.
4. Must provide an equal opportunity to all candidates, that no preferential treatment is provided.

-
5. Receive advice from the recruitment agency on any additional cost that results prior to additional recruitment work commencing.

THE AMENDMENT WAS PUT AND LOST

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

RESOLVED: Hawkins/Intemann

That Council:

1. Request the General Manager Recruitment Selection Panel to reconvene urgently to review the applications of all candidates who were recently interviewed, and that any candidate who receives a vote of support from two (2) or more of the four (4) voting panel members is to be invited to proceed to the next round of interviews with all seven (7) councillors.
2. Request the General Manager Recruitment Selection Panel to facilitate the next round of interviews with all seven (7) Councillors to be held at the earliest possible convenient time.
3. Maintain the confidentiality of the documents and considerations in respect of the Chief Executive Officer/General Manager recruitment process.

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

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

The meeting closed at 8.11pm.

.....
Peta Pinson
Mayor