

PRESENT

Members:

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

Other Attendees:

Chief Executive Officer (Dr Clare Allen)
Director Corporate Performance (Rebecca Olsen)
Director Development and Environment (Melissa Watkins)
Director Infrastructure (Dan Bylsma)
Director Strategy and Growth (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance Support Officer (Bronwyn Lyon)

The meeting opened at 5:30pm.

The Mayor welcomed all in attendance in the Chamber and on line.

The Mayor introduced and gave a warm welcome to Council's recently appointed Chief Executive Officer, Dr Clare Allen.

01 ACKNOWLEDGEMENT OF COUNTRY

The Mayor opened the Meeting with an Acknowledgement of Country.

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

RESOLVED: Griffiths/Turner

That the apology received from Councillor L Dixon be accepted.

CARRIED: 6/0

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

AGAINST: Nil

04 CONFIRMATION OF MINUTES

RESOLVED: Alley/Griffiths

That the Minutes of the Ordinary Council Meeting held on 9 December 2020 be confirmed.

CARRIED: 6/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Deputy Mayor Intemann declared a Non-Pecuniary, Less Than Significant Interest in Item 15.07 - T-20-37 Construction of Gordon Street Rehabilitation, the reason being that Councillor Intemann is a Director of the Hastings Co-operative Limited, who operates a supermarket on Gordon Street, with entries / exits via Gordon Street and Ackroyd Street, Port Macquarie.

Mayor Pinson declared a Pecuniary Interest in Item 15.01 - T-19-10 Supply and Delivery of Road Construction Materials, the reason being that Mayor Pinson has interests in a company who deals with two of the tenderers.

Mayor Pinson declared a Pecuniary Interest in Item 15.07 - T-20-37 Construction of Gordon Street Rehabilitation, the reason being that Mayor Pinson has interests in a company who does business with the tenderer.

**06.01 BONNY HILLS PROGRESS ASSOCIATION CORRESPONDENCE -
SEWAGE ISSUES IN BONNY HILLS AREA**

RESOLVED: Pinson

That Council:

1. Note the correspondence from the Bonny Hills Progress Association as attached to this Mayoral Minute as Attachment 1.
2. Request the Chief Executive Officer respond to this correspondence appropriately addressing the issues raised and advising Council's resolution in the matter.
3. Request the Chief Executive Officer to provide a report to the May 2021 Ordinary Council Meeting detailing the issues raised in the correspondence from the Bonny Hills Progress Association and options available to Council to address these issues.

CARRIED: 6/0

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

AGAINST: Nil

**07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL
MEETING**

RESOLVED: Intemann/Griffiths

That Council determine that the attachments to Item Numbers 10.09 and 10.10 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 6/0

FOR: Alley, 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: Hawkins/Griffiths

That Standing Orders be suspended to allow Items 10.03, 10.04, 10.06, 10.07, 10.14, 10.15, 10.16, 11.01, 13.02, 13.04, 13.05, 13.11, 13.12 not in the block to be brought forward and considered next.

CARRIED: 6/0

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

AGAINST: Nil

10.03 NOTICE OF MOTION - RECOGNITION OF THE LATE JIM PEARSON SENIOR

RESOLVED: Pinson/Alley

That Council formally recognise the contribution to the local community and the transport industry of the late Jim Pearson Senior.

CARRIED: 6/0

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

AGAINST: Nil

10.04 NOTICE OF MOTION - COMMUNITY POLL - FLUORIDE

MOTION: Turner/Alley

That Council:

1. Note the resolution from 15 July 2020 Ordinary Council Meeting for Council to conduct a community poll in conjunction with the next Local Government elections scheduled for 4 September 2021 to read: "Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?"
2. Note that the proposed community poll is expected to cost the community in the order of \$60,000
3. Further note that participation in the proposed poll is voluntary only, its result is non-binding, and it excludes members of our community who are not on the electoral roll.
4. Not proceed with any community poll in conjunction with the next Local Government elections scheduled for 4 September 2021.
5. Request the Chief Executive Officer brief Councillors on costed options for obtaining feedback from the whole community on fluoridation of the public water supply, that is both fact and evidence-based.
6. Note that the NSW Department of Health has issued a directive making it compulsory for Councils and other Water Authorities to fluoridate public water supplies in NSW.
7. Note that the New South Wales Code of Practice for Fluoridation of Public Water Supplies states that "fluoridation of drinking water at optimal levels remains the most significant dental public health program in Australia."
8. Note that fluoridation of public water supplies in Australia is strongly supported by the Australian Dental Association, the Australian Medical Association and the National Health and Medical Research Council of Australia.

EQUAL: 3/3

FOR: Alley, Hawkins and Turner

AGAINST: Griffiths, Intemann and Pinson

CASTING VOTE: AGAINST

LOST: 4/3

RESOLVED: Intemann/Griffiths

That Council:

1. Note the resolution from the Ordinary Council Meeting of 15 July 2020 for Council to conduct a Community Poll in conjunction with the next Local Government elections, scheduled for 4 September 2021 to read “Yes or No: Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?”
2. Note that the proposed Community Poll is expected to cost in the order of \$60,000, and is non-compulsory and non-binding, and only includes residents who are on the electoral roll.
3. Request the Chief Executive Officer to advise Councillors by April 2021 on possible options, with approximate cost, for ways to determine community opinion on local water fluoridation which would be superior to or add weight to the 4 September 2021 Community Poll. For example by also engaging residents not on the electoral roll and young people, and/or by not being associated with the September 2021 council elections.
4. Note that the Hon Shelley Hancock, Minister for Local Government, has expressed concern about Council holding the Community Poll.
5. Request the Chief Executive Officer to write to Minister Hancock outlining local concerns about water fluoridation and requesting her advice on how Council might have those concerns addressed.
6. Request the Chief Executive Officer to commence arranging for an information sheet to both inform the community on local water fluoridation, and provide Yes and No arguments as referred to in point 1 above.

EQUAL: 3/3

FOR: Griffiths, Intemann and Pinson

AGAINST: Alley, Hawkins and Turner

CASTING VOTE: FOR

CARRIED: 4/3

10.06 DRAFT CODE OF CONDUCT AND DRAFT PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT

RESOLVED: Intemann/Turner

That Council:

1. Pursuant to Section 440 of the Local Government Act 1993, adopt the draft Code of Conduct including amendments to clauses 6.8 to 6.11 whereby the gift value of \$100 in each of these clauses is reduced to \$50.
2. Pursuant to Section 440AA of the Local Government Act 1993, adopt the draft Procedures for the Administration of the Model Code of Conduct.

CARRIED: 5/1

FOR: Alley, Griffiths, Intemann, Pinson and Turner

AGAINST: Hawkins

10.07 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER

RESOLVED: Intemann/Alley

That Council:

1. Revoke all previous delegations of functions to the General Manager.
2. Delegate to the Chief Executive Officer of Port Macquarie-Hastings Council the Functions in accordance with the Instrument of Delegation to the General Manager, attached to this report as Attachment 1.
3. Appoint an Acting Chief Executive Officer from Council's Directors during planned absences of the Chief Executive Officer by Council resolution on an individual basis.
4. Appoint the Director Strategy and Growth, Jeffery Sharp, to act as Chief Executive Officer in any unplanned instances when the Chief Executive Officer is absent from work on leave.
5. Delegate to any person acting as Chief Executive Officer pursuant to this resolution all the functions, delegations, and sub-delegations given to the General Manager by the Council.
6. Pursuant to clause 213 of the *Local Government (General) Regulation 2005*, delegate to the General Manager the authority to approve the abandonment of debts up to the amount of \$2,500.
7. Note that the role of General Manager applies to the position of Chief Executive Officer and all references to General Manager refer to the position of Chief Executive Officer.

CARRIED: 6/0

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

AGAINST: Nil

10.14 RELIEF MEASURES FOR THE IMPACTS OF COVID-19 AND FOR BUSHFIRE IMPACTED RESIDENTS

RESOLVED: Intemann/Griffiths

That Council:

1. Note the significant impacts on the local community of the COVID-19 Pandemic and Bushfire Emergency, and the significant financial assistance provided by Council, via relief measures, to those affected members of the community.
2. Waive Fees for outdoor dining and footpath displays for a further period of six months up to 31 August 2021.
3. Retain the provisions in the Rates and Charges Hardship Assistance Policy for property owners who have had a house, facility or outbuilding determined by the responsible government agency to be destroyed or damaged as a result of a natural disaster.
4. Note that remaining measures (including amendments to various fees and charges, formal debt recovery action and the local preference policy as outlined in the body of the report) that had been extended to 28 February

2021 will revert to pre-COVID-19 adopted fees and charges status from 1 March 2021.

5. Note that members of the community can seek assistance in times of hardship under the provisions of Council's pre-COVID-19 Rates and Charges Hardship Assistance Policy.

CARRIED: 6/0

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

AGAINST: Nil

**10.15 2017-2022 DELIVERY PROGRAM AND 2020-2021 OPERATIONAL PLAN
- PROGRESS REPORT AS AT 31 DECEMBER 2020**

RESOLVED: Turner/Griffiths

That Council note the 2017-2022 Delivery Program and 2020-2021 Operational Plan - Progress Report as at 31 December 2020.

CARRIED: 6/0

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

AGAINST: Nil

**10.16 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON GLASSHOUSE
PLAN 2020 - 2022 ACTIONS**

RESOLVED: Turner/Hawkins

That Council note the information provided in the Glasshouse Biannual Report and Update on Glasshouse Plan 2020 - 2022 Actions report.

CARRIED: 6/0

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

AGAINST: Nil

11.01 PORT MACQUARIE FORESHORE BICENTENNIAL WALKWAY

RESOLVED: Hawkins/Griffiths

That Council:

1. Note the information contained within the Port Macquarie Foreshore Bi-Centennial Walkway Report.
2. Request the Chief Executive Officer to take all reasonable steps to accelerate the delivery of all site works in a southerly direction up to and including the tie-in to the recently upgraded pathway adjacent to the Hayward Street / Kooloonbung Creek end on the western side of the Coles building so that those sections are effectively open to the public before the week commencing Monday 13 December 2021.
3. Thank the Federal Member for Cowper, Pat Conaghan MP, for his support and advocacy in securing federal funding for this project.

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

13.02 INTERSECTION IMPROVEMENTS - WILLIAM ST/MUNSTER ST, PORT MACQUARIE

MOTION: Pinson/Intemann

That Council:

1. Note the William/Munster Streets intersection has a poor crash history in the past five year period.
2. Note all reported crashes are “cross-traffic” involving a vehicle from Munster Street colliding with a vehicle from William Street.
3. Endorse a three month trial of a physical closure to the William Street median strip through the Munster Street intersection.
4. Note the responsibility of Council for public safety in a known crash black spot.
5. Prepare a Communications Strategy to inform the public and businesses of the trial closure.

LOST: 1/5
FOR: Pinson
AGAINST: Alley, Griffiths, Hawkins, Intemann and Turner

RESOLVED: Intemann/Griffiths

That Council:

1. Note the options for trialling a temporary closure to the William Street median strip through the Munster Street intersection outlined in this report.
2. Not proceed with trialling a temporary closure to the William Street median strip through the Munster Street intersection.

Deputy Mayor Intemann left the meeting, the time being 07:08pm.
Deputy Mayor Intemann returned to the meeting, the time being 07:10pm.

CARRIED: 5/1
FOR: Alley, Griffiths, Hawkins, Intemann and Turner
AGAINST: Pinson

13.04 FERRY OPERATIONS

MOTION: Pinson/Griffiths

That Council:

1. Note the growing North Shore community angst in relation to the Hibbard Ferry limited operating hours.
2. Note the numerous correspondence received in relation to the above and also the safety concerns of residents on Settlement Point Road due to the condition of the road and the additional traffic using the Settlement Point Ferry.
3. Conduct a six week trial, extending the Hibbard Ferry hours of operation to 6.30am to 6.50pm Monday to Friday following the February/March Out of Water Slipping of the Ferry and after the Easter School holidays when ferry operations are back to normal.
4. Fund this trial from the Ferry Reserves.
5. Request the Chief Executive Officer convene a meeting with Member for Port Macquarie, the Hon Leslie Williams MP, and the Member for Oxley, the Hon Melinda Pavey MP, to discuss the future of the Ferry services.
6. Request the Chief Executive Officer provide a report to the July 2021 Ordinary Council Meeting, outlining the findings from the six week trial.

LOST: 1/5

FOR: Pinson

AGAINST: Alley, Griffiths, Hawkins, Intemann and Turner

RESOLVED: Turner/Intemann

That Council:

1. Note the information provided in this report.
2. Request a further report to the April 2021 Council Meeting.
3. Endorse monitoring and community engagement during the February/March Hibbard Ferry slipping.
4. Request the Chief Executive Officer convene a meeting with Member for Port Macquarie, the Hon Leslie Williams MP, and the Member for Oxley, the Hon Melinda Pavey MP, to discuss the future of the ferry services and other potential construction of crossings of the Hastings River and Maria River.

CARRIED: 5/1

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Pinson

13.05 PROPOSED PRIMARY AIRPORT ACCESS ROAD - INTERSECTION WITH OXLEY HIGHWAY

MOTION: Pinson/Griffiths

That Council:

1. Remove the realignment of Fernhill Road from all Proposed Primary Airport Access Road intersection option with the Oxley Highway.
2. Discontinue any further investigations into the realignment of Fernhill Road for the Proposed Primary Airport Access Road intersection with the Oxley Highway.
3. Thank Transport for NSW for undertaking the investigations into feasible intersection options that did not include the realignment of Fernhill Road.
4. Discontinue any further investigations into the remainder of the proposed investigation area of the Orbital Road.
5. Seek future alternative routes that are not through densely populated land and investigate opportunities for traffic improvement via upgrades to existing networks.
6. Notify all residents impacted by the entire Orbital Road investigation area that they are no longer in an investigation zone.

LOST: 2/4

FOR: Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann and Turner

RESOLVED: Intemann/Turner

That Council:

1. Remove the realignment of Fernhill Road from all Proposed Primary Airport Access Road intersection options with the Oxley Highway.
2. Discontinue any further investigations into the realignment of Fernhill Road for the Proposed Primary Airport Access Road intersection with the Oxley Highway.
3. Notify the residents and other previously impacted property owners in the Fernhill Road area that they are no longer in an investigation zone.
4. Issue a media release to advise members of the general community of this decision.
5. Thank Transport for NSW for undertaking the investigations into feasible intersection options that did not include the realignment of Fernhill Road.

CARRIED: 6/0

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

AGAINST: Nil

13.11 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN UPDATE

RESOLVED: Griffiths/Turner

That Council note the information presented in the Kooloonbung Creek Flying Fox Camp Management Plan update report.

CARRIED: 6/0

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

AGAINST: Nil

13.12 COASTAL MANAGEMENT PROGRAM SCOPING STUDY - POST EXHIBITION SUBMISSIONS REPORT

RESOLVED: Alley/Intemann

That Council:

1. Endorse the Coastal Management Program Stage 1 - Scoping Study, February 2021.
2. Delegate authority to the Director Development and Environment to make any minor amendments arising from feedback from the Department of Planning, Industry and Environment (DPIE) if required, to the endorsed Coastal Management Program Stage 1 - Scoping Study, February 2021.
3. Acknowledge the submissions made during the exhibition period and advise people who made submissions of the outcome of Council's consideration of this matter.
4. Include the development of the Stage 2 background studies for the Lake Cathie/Bonny Hills Chapter into the 2021-2022 Operational Plan as a project and proceed to seek funding under the Coastal Management Grant Program.

CARRIED: 6/0

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

AGAINST: Nil

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Alley/Griffiths

That Items 10.01, 10.02, 10.05, 10.08, 10.09, 10.10, 10.11, 10.12, 10.13, 10.17, 10.18, 10.19, 12.01, 12.02, 12.03, 13.01, 13.03, 13.06, 13.07, 13.08, 13.09, 13.10, 13.13, 13.14 be considered as a block resolution.

CARRIED: 6/0

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

AGAINST: Nil

RESOLVED: Turner/Alley

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

CARRIED: 6/0

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

AGAINST: Nil

10.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Turner/Alley

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

10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 26 NOVEMBER 2020 TO 3 FEBRUARY 2021

BLOCK RESOLVED: Turner/Alley

That Council note the Mayoral Discretionary Fund allocations for the period 26 November 2020 to 3 February 2021 inclusive.

Item 10.03 Notice of Motion - Recognition of the Late Jim Pearson Senior, has been addressed previously within the meeting.

Item 10.04 Notice of Motion - Community Poll - Fluoride, has been addressed previously within the meeting.

10.05 DISCLOSURE OF INTEREST RETURN

BLOCK RESOLVED: Turner/Alley

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

1. Water and Sewer Process Planning Engineer.
2. Contracts Administrator.
3. Development Assessment Planner.
4. Engineering Planning Manager.
5. Water and Sewer Engineering Planning Manager.
6. Water and Sewer Planning Engineer.
7. Administration Officer.
8. Administration Officer.
9. Parks Management Officer.
10. Recreation and Facilities Manager.
11. Project Officer.
12. Project Officer.
13. Project Officer.
14. Landscape Architect.
15. Landscape Architect.
16. Facilities Co-ordinator.
17. Senior Landscape Architect.
18. Natural Resources Manager.
19. Bushfire Management Officer.
20. Biosecurity Officer Weeds.
21. Team Leader Invasive Weeds.
22. Development Assessment Administration Co-ordinator.
23. Contributions Development Officer.
24. Members of the Coast, Estuary and Floodplain Sub-Committee
25. New members of the Town Centre Master Plan Sub-Committee

Item 10.06 Draft Code of Conduct and Draft Procedures for the Administration of the Model Code of Conduct, has been addressed previously within the meeting.

Item 10.07 Delegation of Authority to the General Manager, has been addressed previously within the meeting.

10.08 MARCH 2021 ORDINARY COUNCIL MEETING - WAUCHOPE

BLOCK RESOLVED: Turner/Alley

That Council:

1. Conduct the March 2021 Ordinary Council meeting in the Port Macquarie Administration Building Council Chamber, hosted face to face 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 March 2021 Ordinary Council meeting will not be held in Wauchope.
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10.09 LEGAL FEES

BLOCK RESOLVED: Turner/Alley

That Council note the information in the Legal Fees report.

10.10 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2020

BLOCK RESOLVED: Turner/Alley

That Council note the Quarterly Budget Review Statement for the December 2020 Quarter.

10.11 MONTHLY BUDGET REVIEW - JANUARY 2021

BLOCK RESOLVED: Turner/Alley

That Council:

1. Adopt the adjustments in the “January 2021 Adjustments” section of the Monthly Budget Review – January 2021 report and associated attachment.
 2. Amend the 2020-2021 Operational Plan to include all budget adjustments approved in this report.
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10.12 INVESTMENTS - DECEMBER 2020

BLOCK RESOLVED: Turner/Alley

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

10.13 INVESTMENTS - JANUARY 2021

BLOCK RESOLVED: Turner/Alley

That Council note the Investment Report for the month of January 2021.

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

Item 10.15 2017-2022 Delivery Program and 2020-2021 Operational Plan - Progress Report as at 31 December 2020, has been addressed previously within the meeting.

Item 10.16 Glasshouse Biannual Report and Update on Glasshouse Plan 2020 - 2022 Actions, has been addressed previously within the meeting.

10.17 BUSHFIRE DISASTER RECOVERY FUNDING

BLOCK RESOLVED: Turner/Alley

That Council note:

1. The Bushfire Disaster Recovery Funding Report which provides an update on monitoring and delivery of the Council and community projects funded under the NSW and Commonwealth Government bushfire recovery funds.
2. That a further update report will be provided at the August 2021 Council meeting.

10.18 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

BLOCK RESOLVED: Turner/Alley

That Council:

1. Note the Development Activity and Assessment System Performance report for the second 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.

10.19 WATER SUPPLY POLICY 2021

BLOCK RESOLVED: Turner/Alley

That Council:

1. Place on public exhibition the draft Port Macquarie-Hastings Council Water Supply Policy 2021 commencing as soon as practicable for a minimum of 28 days.
2. Note that a further report is planned to be tabled at the May 2021 Ordinary meeting of Council, detailing the submissions received from the public during the exhibition period.

Item 11.01 Port Macquarie Foreshore Bicentennial Walkway, has been addressed previously within the meeting.

12.01 GRANT APPLICATIONS BIENNIAL REPORT

BLOCK RESOLVED: Turner/Alley

That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for or obtained, for the 2020-2021 financial year to date.

12.02 COVID-19 RECOVERY AND STIMULUS PROJECTS

BLOCK RESOLVED: Turner/Alley

That Council:

1. Note the COVID-19 Recovery and Stimulus Projects Report, providing an update on progress.
2. Note a further update report will be provided at the August 2021 Council meeting.

12.03 POLICY REVIEW - MARKETS POLICY - POST PUBLIC EXHIBITION REPORT

BLOCK RESOLVED: Turner/Alley

That Council:

1. Note the submissions and surveys received following the exhibition of the draft Markets Policy.
 2. Adopt the revised draft Markets Policy as attached to this report.
 3. Thank those that made a submission during the exhibition of the Draft Markets Policy and advise of the outcome.
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13.01 NSW NORTH COAST REGION WASTE INVESTMENT REVIEW

BLOCK RESOLVED: Turner/Alley

That Council:

1. Note the NSW North Coast Region Waste Investment Review report prepared on behalf of NSW North Coast Region Councils; and
2. Defer further consideration of potential future regional scale residual waste infrastructure facilities pending release of the NSW Government 20-year waste strategy and subsequent review of Council's waste strategy.

Item 13.02 Intersection Improvements - William St/Munster St, Port Macquarie, has been addressed previously within the meeting.

13.03 PORT MACQUARIE TRANSPORT NETWORK COMMUNITY CONSULTATIVE COMMITTEE MEMBERSHIP

BLOCK RESOLVED: Turner/Alley

That Council endorse the continued membership of the current Port Macquarie Transport Network Community Consultative Committee for a further twelve-month period in line with the Committee Charter.

Item 13.04 Ferry Operations, has been addressed previously within the meeting.

Item 13.05 Proposed Primary Airport Access Road - Intersection with Oxley Highway, has been addressed previously within the meeting.

13.06 LAND ACQUISITION - HASTINGS RIVER DRIVE, PORT MACQUARIE

BLOCK RESOLVED: Turner/Alley

That Council:

1. Pursuant to Section 177 of the Roads Act 1993 make application to the Minister for Local Government and the Governor for the compulsory acquisition of Lot 2 Deposited Plan 1263240 for the purpose of public road.
2. Exclude all mines and minerals from the compulsory acquisition.
3. Pursuant to Section 10 of the Roads Act 1993 dedicate Lot 2 Deposited Plan 1263240 as public road concurrently with the publication of the Notice of Compulsory Acquisition in the NSW Government Gazette.
4. In its capacity as the Crown Land Manager of Reserve 210112 raise no objection to the compulsory acquisition.

13.07 ACQUISITION OF EASEMENT FOR WATER SUPPLY - KING STREET, WAUCHOPE

BLOCK RESOLVED: Turner/Alley

That Council:

1. Pay compensation in the amount of \$5,000 (GST exclusive) to the owners of Lot 4 Deposited Plan 1184035 being, The Trustees of the Roman Catholic Church for the Diocese of Lismore, for the acquisition of an easement for water supply shown as (B) in plan of acquisition Deposited Plan 1268252.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's legal costs reasonably incurred arising from the acquisition.

13.08 ACQUISITION OF EASEMENT FOR WATER SUPPLY - OCEAN DRIVE, BONNY HILLS

BLOCK RESOLVED: Turner/Alley

That Council:

1. Pay compensation in the amount of \$2,000 (GST Exclusive) to the owners of Lot 4 Deposited Plan 844371, Aerotown Pty Ltd for the acquisition of an easement for water supply shown as (A) in plan of acquisition Deposited Plan 1264664.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's legal costs reasonably incurred arising from the acquisition.

13.09 LAND ACQUISITION - UPPER ROLLANDS PLAINS ROAD, UPPER ROLLANDS PLAINS

BLOCK RESOLVED: Turner/Alley

That Council:

1. Acquire from the owners of Lot 1 Deposited Plan 1156318, being W P & T J Burt, that part of Lot 1 Deposited Plan 1156318 more particularly described as Lot 2 in plan of acquisition Deposited Plan 1270413.
2. On acquisition of Lot 2 Deposited Plan 1270413 dedicate Lot 2 Deposited Plan 1270413 as road pursuant to Section 10 of the Roads Act 1993.
3. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's legal costs reasonably incurred arising from the acquisition.

13.10 DEVELOPMENT ASSESSMENT PANEL - APPOINTMENT OF MEMBERS AND DELEGATED AUTHORITY

BLOCK RESOLVED: Turner/Alley

That Council:

1. Appoint Mr David Crofts, Mr Michael Mason, Mr Christopher Gee, Mr Tony McNamara and the Group Manager Development Assessment to be members of Council's Development Assessment Panel.
2. Provide delegated authority to the Development Assessment Panel pursuant to Section 377 of the Local Government Act 1993 to undertake development assessment related functions in accordance with the Development Assessment Panel Charter.
3. Appoint Mr David Crofts, Mr Michael Mason, Mr Christopher Gee and Mr Tony McNamara as Council's representatives on the Northern Regional Planning Panel on a rotational basis, noting Council has two (2) representatives per meeting.
4. Thank Mr Paul Drake for his service as Chair of the former Development Assessment Panel for the past twelve (12) years.
5. Thank Mr Robert Hussey for his service as an independent member of the former Development Assessment Panel for the past four (4) years.

Item 13.11 Kooloonbung Creek Flying-Fox Camp Management Plan Update, has been addressed previously within the meeting.

Item 13.12 Coastal Management Program Scoping Study - Post Exhibition Submissions Report, has been addressed previously within the meeting.

13.13 PLANNING PROPOSAL PP2014 - 14.1: LAND AT THE INTERSECTION OF HOUSTON MITCHELL DRIVE AND OCEAN DRIVE BONNY HILLS - CONSIDERATION OF SUBMISSIONS

APPLICANT: KING AND CAMPBELL PTY LTD
OWNER: S J MIFSUD

BLOCK RESOLVED: Turner/Alley

That Council:

1. Endorse a revised Planning Proposal in relation to Lot 10 DP 615775 and Lot 6 DP 1210904, corner Houston Mitchell Drive and Ocean Drive, Bonny Hills, as contained in Attachment 2 of this report, that makes changes to the Land Zoning, Height of Buildings and Lot Size maps, and re-exhibit the Planning Proposal in accordance with the Gateway Determination.
 2. Endorse revised draft Development Control Plan (DCP) site-specific provisions, as contained in Attachment 3 and Attachment 4 of this report for the subject land and re-exhibit concurrently with the Planning Proposal.
 3. Delegate authority to the Director Development and Environment to make any minor amendments to numerical, typographical, interpretation and formatting errors, if required, to the revised Planning Proposal and draft Development Control Plan provisions prior to public exhibition.
 4. Notify all persons who lodged a submission of Council's decision and the re-exhibition of the revised Planning Proposal and draft Development Control Plan amendments.
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13.14 BRIERLEY HILL ENVIRONMENTAL LAND EAST PLANNING AGREEMENT

BLOCK RESOLVED: Turner/Alley

That Council enter into the Brierley Hill Environmental Land East Planning Agreement (Attachment 1) which relates to Development Application (DA2008 - 440) for subdivision of land at The Point Drive, Port Macquarie.

CONFIDENTIAL SESSION

RESOLVED: Hawkins/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.
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2. That Council move into Closed Session to receive and consider the following items
- Item 15.01 T-19-10 Supply and Delivery of Road Construction Materials
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- Item 15.02 T-20-35 Port Macquarie-Hastings Council Managed Print Services
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- Item 15.03 T-21-12 IT Hardware Replacement Project
- 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 RFQ-20-30 Construction Quality Assurance Engineer for Cairncross Landfill Expansion Project
- 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-20-31 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 15.06 T-20-36 Maria River Road Upgrade - Design and Environmental Approvals
- 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 T-20-37 Construction of Gordon Street Rehabilitation
- This item is considered confidential under Section 10A(2)(d(ii)) of the Local Government Act 1993, as it contains commercial
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information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.

CARRIED: 6/0

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

AGAINST: Nil

15.01 T-19-10 SUPPLY AND DELIVERY OF ROAD CONSTRUCTION MATERIALS

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 8:12pm.

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

RESOLVED: Hawkins/Griffiths

That Council:

1. Accept the revised tenders from the following tenderers to be appointed to the panel arrangement for the Supply and Delivery of Road Construction Materials for a two (2) year period commencing 1 March 2021:
 - a) Hanson Construction Materials Pty Ltd;
 - b) Hurd Haulage Pty Ltd; and
 - c) Pacific Blue Metals Pty Ltd.with two (2) options to extend for a period of one (1) year each, such option(s) to be for the benefit of the Council and may be exercised only by the Council in its sole discretion.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of T-19-10.

CARRIED: 5/0

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 8:13pm.

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

15.02 T-20-35 PORT MACQUARIE-HASTINGS COUNCIL MANAGED PRINT SERVICES

RESOLVED: Turner/Alley

That Council:

1. Accept the tender from the trustee for The Evans Family Trust t/as Fuji Xerox Business Centre Mid North Coast at the Option 1a schedule of rates, for the provision of managed print services for a 60-month contract term commencing 1 July 2021.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Request for Tender T-20-35.

CARRIED: 6/0

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

AGAINST: Nil

15.03 T-21-12 IT HARDWARE REPLACEMENT PROJECT

RESOLVED: Hawkins/Intemann

That Council:

1. Pursuant to Section 55 (3)(g) of the Local Government Act 1993, resolve to not invite tenders for the IT Hardware Replacement Project and seek a quote from HP PPS Australia Pty Ltd through NSW Government Contract 999 ICT End User Devices and Services Contract (Lot 1 Devices).
2. Note the Chief Executive Officer will exercise the delegation to enter into a contractual arrangement through NSW Government Contract 999 ICT End User Devices and Services Contract (Lot 1 Devices).
3. Affix the seal of Council to the necessary document.
4. Maintain the confidentiality of the documents and consideration in respect of the procurement for the IT Hardware Replacement Project.

CARRIED: 6/0

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

AGAINST: Nil

15.04 RFQ-20-30 CONSTRUCTION QUALITY ASSURANCE ENGINEER FOR CAIRNCROSS LANDFILL EXPANSION PROJECT

RESOLVED: Griffiths/Intemann

That Council:

1. Note the engagement of SMEC Australia Pty Ltd for \$283,548.00 (excl GST) for RFQ-20-30 Construction Quality Assurance Engineer for Cairncross Landfill Expansion Project.
2. Maintain the confidentiality of the documents and considerations in respect of Request for Quotation RFQ-20-30.

CARRIED: 6/0

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

AGAINST: Nil

15.05 T-20-31 CAIRNCROSS LANDFILL EXPANSION STAGES 1A, 1C AND 1E CONSTRUCTION

RESOLVED: Hawkins/Alley

That Council:

1. Note the engagement of Ditchfield Contracting Pty Ltd for \$6,333,214.18 (excl GST) for Request for Tender T-20-31 Cairncross Landfill Expansion Stages 1A, 1C and 1E Construction.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and considerations in respect of Request for Tender T-20-31.

CARRIED: 6/0

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

AGAINST: Nil

15.06 T-20-36 MARIA RIVER ROAD UPGRADE - DESIGN AND ENVIRONMENTAL APPROVALS

RESOLVED: Griffiths/Alley

That Council:

1. Note the outcomes of the procurement process for the design and environmental approvals for the Maria River Road Upgrade including the engagement of GHD Pty Ltd for the value of \$328,394 (excl GST).
2. Maintain the confidentiality of the documents and considerations in respect of Request for Quotation T-20-36.

CARRIED: 6/0

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

AGAINST: Nil

15.07 T-20-37 CONSTRUCTION OF GORDON STREET REHABILITATION

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 8:15pm.

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

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

RESOLVED: Hawkins/Turner

That Council:

1. Accept the Tender from Eire Constructions Pty Ltd for the Lump Sum \$6,834,576.36 (excl GST) for Request for Tender T-20-37 Construction of Gordon Street Rehabilitation.
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-20-37.

CARRIED: 5/0

FOR: Alley, Griffiths, Hawkins, Intemann and Turner

AGAINST: Nil

Mayor Pinson returned to the meeting, the time being 8:17pm.

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

RESOLVED: Alley/Turner

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

CARRIED: 6/0
FOR: Alley, 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 8:24pm.

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Peta Pinson
Mayor