
PRESENT

Members:

Councillor Peta Pinson (Mayor)
Councillor Lisa Intemann (Deputy Mayor)
Councillor Rob Turner
Councillor Sharon Griffiths
Councillor Peter Alley (via Skype and joined the meeting after it had commenced)
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.

01 ACKNOWLEDGEMENT OF COUNTRY

The Mayor opened the Meeting with an Acknowledgement of Country and welcomed all in attendance in the Chamber and 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: Hawkins/Griffiths

1. That the Minutes of the Ordinary Council Meeting held on 17 February 2021 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 3 March 2021 be confirmed.

CARRIED: 5/0

FOR: Griffiths, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

05 DISCLOSURES OF INTEREST

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) and (5) of the Local Government Act 1993 in relation to Item 13.08 Fernbank Creek and Sancrox Planning Investigation as she has family with interest in the land.

Councillor Turner declared a Non-Pecuniary, Significant Interest in Item 12.01 - Event Sponsorship Program Grant - Round 2 2021, the reason being that Councillor Turner has a close business relationship with one of the grant applicants mentioned in consideration of this item.

06.01 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL

RESOLVED: Pinson

That Council:

1. Determine the composition of the Chief Executive Officer's Performance Review Panel for the period until the September 2021 Local Government Elections to consist of the Mayor, Deputy Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the Chief Executive Officer.
 2. Note that Councillor Geoff Hawkins is the Chief Executive Officer's nominated Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.
 3. Note that Councillor Rob Turner is the Councillor nominated by Council on the Chief Executive Officer performance review panel for the subject period.
 4. Delegate to the Chief Executive Officer's Performance Review Panel the entire process of performance management, including discussions about
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performance, reporting and performance reviews for the period until the September 2021 local government elections.

5. Determine that there will be an informal performance review undertaken prior to the 2021 Local Government Elections.

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

06.02 SUPPORT FOR THE SAFETY OF WOMEN IN THE WORKPLACE

MOTION

MOVED: Pinson

That Council:

1. Request the Mayor and Chief Executive Officer co-jointly sign a letter to the Federal Minister for Women, the Hon Marise Payne MP and the State Minister Mental Health, Regional Youth & Women, the Hon Bronnie Taylor MP, in support of the recent rallies that have been held Australia-wide to highlight the importance of women being able to be safe in the workplace, free from sexual abuse, harassment, sexism, verbal abuse and intimidation.
2. Strongly urge all parliaments of Australia to update their legislation to reflect womens' safety in the workplace.

Councillor Alley joined the meeting, the time being 5:43pm.

AMENDMENT

MOVED: Intemann/Hawkins

That the Mayor and Chief Executive Officer co-jointly sign a letter to the Federal Minister for Women, the Hon Marise Payne MP and the State Minister Mental Health, Regional Youth & Women, the Hon Bronnie Taylor MP, in support of the recent rallies that have been held Australia-wide to highlight the importance of women and all people being able to be safe in the workplace, free from sexual abuse, harassment, sexism, verbal abuse and intimidation.

THE AMENDMENT WAS PUT AND WAS LOST

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

THE MOTION WAS PUT AND CARRIED

RESOLVED: Pinson

That Council:

1. Request the Mayor and Chief Executive Officer co-jointly sign a letter to the Federal Minister for Women, the Hon Marise Payne MP and the State Minister Mental Health, Regional Youth & Women, the Hon Bronnie Taylor

- MP, in support of the recent rallies that have been held Australia-wide to highlight the importance of women being able to be safe in the workplace, free from sexual abuse, harassment, sexism, verbal abuse and intimidation.
2. Strongly urge all levels of government of Australia to update their legislation to reflect women's safety in the workplace.

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

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Griffiths/Intemann

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: 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: Alley/ Griffiths

That Standing Orders be suspended to allow Items 10.02, 10.03, 10.04, 10.05, 10.06, 10.08, 10.09, 11.02, 11.03, 12.01, 13.01, 13.02, 13.04, 13.06, 13.08 not in the block to be brought forward and considered next.

CARRIED: 6/0

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

AGAINST: Nil

10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 4 FEBRUARY TO 3 MARCH 2021

RESOLVED: Pinson/Griffiths

That Council note the Mayoral Discretionary Fund allocations for the period 4 February to 3 March 2021 inclusive.

CARRIED: 6/0

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

AGAINST: Nil

10.03 AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK (ABEF)

RESOLVED: Intemann/Griffiths

That Council adopt the recommendation to implement the Australian Business Excellence Framework (ABEF).

CARRIED: 6/0

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

AGAINST: Nil

10.04 NOTICE OF MOTION - OCEAN DRIVE DUPLICATION - INTEREST COMPONENT OF LOAN FUNDING

RESOLVED: Pinson/Hawkins

That Council:

1. Note the resolution from the Extra-Ordinary Council Meeting held on 3 March 2021 where Council resolved (in part) to: "Fund the \$30 million for the Ocean Drive Duplication project by borrowing \$25 million and funding \$5 million from Council Reserves in order to progress the construction tender advertisement as a priority".

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2. Note that borrowings for the project will likely be repaid over 20 years.
 3. Request the Chief Executive Officer write to Hon Leslie Williams MP (Member for Port Macquarie) and request State Government support to fund the interest component associated with the loan funding for the project, with Council then funding the \$25 million in principal repayments.

CARRIED: 6/0

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

AGAINST: Nil

10.05 QUESTION WITH NOTICE - MEDIA CONTACT WITH COUNCILLORS

MOTION

MOVED: Hawkins/Intemann

That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council meeting addressing the question regarding media contact with Councillors as listed.

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Note the current Port Macquarie-Hastings Council Media Relation Policy.
2. Update the policy to reflect the title of Chief Executive Officer as opposed to the title of General Manager.
3. Note the following under the current Media Relations Policy - 3.1 Authorised spokespersons:
The Mayor shall be the principal spokesperson for Council and represent the views of Council on its decisions, plans and priorities. In instances where the Mayor is not available, either the Deputy Mayor or Chief Executive Officer shall be the spokesperson, or a Councillor may be delegated this responsibility, with the agreement of the Mayor or Chief Executive Officer. Councillors have a right to express their own personal opinion and will ensure that any opinion expressed is acknowledged as being their own personal opinion and not that of Council.
4. Note the following under the current Media Relations Policy - 3.2 Approval:
All media releases, statements, announcements and other media communications will be developed in consultation with and approved by Council's authorised spokesperson and distributed to the media by the Communications Team.

THE AMENDMENT WAS PUT AND WAS LOST

LOST: 2/4

FOR: Griffiths and Pinson

AGAINST: Alley, Hawkins, Intemann and Turner

THE MOTION WAS PUT AND CARRIED

RESOLVED: Hawkins/Intemann

That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council meeting addressing the question regarding media contact with Councillors as listed.

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

10.06 DRAFT OPERATIONAL PLAN 2021-2022, FEES AND CHARGES, REVENUE POLICY, AND RATING MAPS DOCUMENTS FOR PUBLIC EXHIBITION

RESOLVED: Turner/Griffiths

That Council:

1. Place the Draft Integrated Planning and Reporting (IP&R) documents on public exhibition for a period of 28 days from 18 March to 16 April 2021:
 - a) Draft Operational Plan 2021-2022.
 - b) Draft Fees and Charges 2021-2022.
 - c) Draft Revenue Policy 2021-2022.
 - d) Draft Rating Maps 2021-2022.
2. Note that a further report will be tabled at the June 2021 meeting of Council for the adoption of the 2021-22 IP&R documents, detailing the submissions received from the public during the exhibition period.

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

10.08 INVESTMENTS - FEBRUARY 2021

RESOLVED: Hawkins/Turner

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

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

10.09 CLIMATE EMERGENCY DECLARATION CONSIDERATIONS

The Director of Strategy and Growth tabled and amended Attachment 2 to this Item.

MOTION

MOVED: Intemann/Turner

That Council:

1. Acknowledge the contribution of members of the community to the climate change conversation in particular, the Hastings Climate Emergency Alliance (comprising Climate Change Australia – Hastings, Hastings Parents for the Environment, Coastal Warriors Mid North Coast, No Electricity from Forests, Hastings Extinction Rebellion) and the Port Macquarie Sustainability Network.
2. Acknowledge the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems, including impacts on health, safety, economic security and quality of life.
3. Note that the Australian Medical Association declared in September 2019 that climate change is a health emergency and will cause:
 - a) higher mortality and morbidity from heat stress.
 - b) injury and mortality from increasingly severe weather events.
 - c) increases in the transmission of vector-borne diseases.
 - d) food insecurity resulting from declines in agricultural outputs.
 - e) a higher incidence of mental ill-health.
4. Note Council's resolution of 21 October 2020, which identified formally recognised risks from climate change, and Council's actions to that date.
5. Acknowledge that a successful response to climate change requires immediate and ongoing cross-sectoral action by government, business and the broader community at all levels.
6. Confirm that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability, including inter-generational equity, community wellbeing and safety.
7. Acknowledge Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and coordinated approach across all Council functions.
8. Acknowledge that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance if we are to avoid broad and unprecedented consequences.
9. Request the Chief Executive Officer, as a priority:
 - a) Finalise the Sustainability Framework.
 - b) Work with the Sustainability Sub-Committee to develop and urgently finalise a Climate Change Policy, Climate Change Strategy and Action Plan, including baseline measures and targets.
 - c) Include in these plans a comprehensive community communication and information plan for priority commencement and covering, among other aspects, the costs of unchecked climate change, actions residents can take, and the benefits from action to mitigate the causes and effects of climate change.
10. Recognise and declare that we are now in a Global Climate Emergency, and include in the Port Macquarie-Hastings Climate Change Policy, Strategy and Plan actions to make representations at the Local, State, Federal and even

- Global level, seeking strong leadership in mitigating the impacts of climate change.
11. Request the Chief Executive Officer write to the Member for Cowper, Patrick Conaghan MP, and the Member for Lyne, David Gillespie MP, urging their support to enact the Climate Change (National Framework for and Mitigation) Bill 2020, on behalf of all residents of the Port Macquarie-Hastings Local Government Area.
 12. Receive a report on the progress of Items 9(a) and (b) above to the May 2021 Council Meeting.

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Acknowledge the contribution of members of the community to the climate change conversation in particular, the Hastings Climate Emergency Alliance and the Port Macquarie Sustainability Network.
2. Acknowledge the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems.
3. Acknowledge that a successful response to climate change requires immediate and ongoing cross-sectoral action by government, business and the broader community at all levels.
4. Confirm that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability.
5. Acknowledge Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and co-ordinated approach across all Council functions.
6. Acknowledge that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance.
7. Request the Chief Executive Officer, as a priority:
 - a) Finalise the Sustainability Framework and
 - b) Work with the Sustainability Sub-Committee to develop a Climate Change Policy, Climate Change Strategy and Action Plan.
8. Not declare a Climate Emergency, but rather make representations to Local, State and Federal Government seeking leadership in mitigating the impacts of climate change in conjunction with the adoption of a Port Macquarie-Hastings Climate Change Policy.
9. Receive a report on the progress of items 7(a) and (b) above to the May 2021 Council Meeting.

THE AMENDMENT WAS PUT AND WAS LOST

LOST: 2/4
FOR: Griffiths and Pinson
AGAINST: Alley, Hawkins, Intemann and Turner

THE MOTION WAS PUT AND CARRIED

RESOLVED: Intemann/Turner

That Council:

1. Acknowledge the contribution of members of the community to the climate change conversation in particular, the Hastings Climate Emergency Alliance (comprising Climate Change Australia – Hastings, Hastings Parents for the Environment, Coastal Warriors Mid North Coast, No Electricity from Forests, Hastings Extinction Rebellion) and the Port Macquarie Sustainability Network.
2. Acknowledge the evidence-based science for climate change and the serious threat that climate change poses to our current and future way of life and the Earth's ecosystems, including impacts on health, safety, economic security and quality of life.
3. Note that the Australian Medical Association declared in September 2019 that climate change is a health emergency and will cause:
 - a) higher mortality and morbidity from heat stress.
 - b) injury and mortality from increasingly severe weather events.
 - c) increases in the transmission of vector-borne diseases.
 - d) food insecurity resulting from declines in agricultural outputs.
 - e) a higher incidence of mental ill-health.
4. Note Council's resolution of 21 October 2020, which identified formally recognised risks from climate change, and Council's actions to that date.
5. Acknowledge that a successful response to climate change requires immediate and ongoing cross-sectoral action by government, business and the broader community at all levels.
6. Confirm that Council's response to climate change is an essential element of Council's overall approach and commitment to sustainability, including inter-generational equity, community wellbeing and safety.
7. Acknowledge Council's response to climate change and sustainability needs to be locally focussed and holistic, requiring a structured and coordinated approach across all Council functions.
8. Acknowledge that declaring a climate emergency needs to be supported with strong policy and the supporting commitment and actions to implement it with substance if we are to avoid broad and unprecedented consequences.
9. Request the Chief Executive Officer, as a priority:
 - a) Finalise the Sustainability Framework.
 - b) Work with the Sustainability Sub-Committee to develop and urgently finalise a Climate Change Policy, Climate Change Strategy and Action Plan, including baseline measures and targets.
 - c) Include in these plans a comprehensive community communication and information plan for priority commencement and covering, among other aspects, the costs of unchecked climate change, actions residents can take, and the benefits from action to mitigate the causes and effects of climate change.
10. Recognise and declare that we are now in a Global Climate Emergency, and include in the Port Macquarie-Hastings Climate Change Policy, Strategy and Plan actions to make representations at the Local, State, Federal and even

Global level, seeking strong leadership in mitigating the impacts of climate change.

11. Request the Chief Executive Officer write to the Member for Cowper, Patrick Conaghan MP, and the Member for Lyne, David Gillespie MP, urging their support to enact the Climate Change (National Framework for and Mitigation) Bill 2020, on behalf of all residents of the Port Macquarie-Hastings Local Government Area.
12. Receive a report on the progress of Items 9(a) and (b) above to the May 2021 Council Meeting.

CARRIED: 4/2

FOR: Alley, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

11.02 FORMATION OF ABORIGINAL ADVISORY GROUP

Councillor Hawkins left the meeting, the time being 7:34pm.

Councillor Hawkins returned to the meeting, the time being 7:36pm.

RESOLVED: Pinson/Griffiths

That Council:

1. Establish an Aboriginal Advisory Group to support on-going engagement with local Aboriginal stakeholders.
2. Rescind the currently suspended Aboriginal Advisory Committee.
3. Adopt the Aboriginal Advisory Group Charter.
4. Call for expressions of interest from the community and identified organisations to be members of the Aboriginal Advisory Group for a four-year term.
5. Request the Chief Executive Officer table a future report seeking Council endorsement of the membership of the Aboriginal Advisory Group.
6. Note that the newly formed group will be required to adopt an agreed name at their first meeting.

CARRIED: 6/0

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

AGAINST: Nil

11.03 BAIN PARK MASTER PLAN - POST PUBLIC EXHIBITION COMMUNITY ENGAGEMENT

The Director of Development and Environment tabled an amended Attachment 2 to this Item.

MOTION

MOVED: Griffiths/Pinson

That Council defer adoption of the Bain Park Master Plan following further information to Council and receive a further report to the June 2021 Council Meeting.

LOST: 1/5
FOR: Griffiths

AGAINST: Alley, Hawkins, Intemann, Pinson and Turner

FORESHADOWED MOTION

RESOLVED: Alley/Turner

That Council:

1. Note the information contained within the Bain Park Master Plan Public Exhibition Outcomes Report - February 2021 (Attachment 1).
2. Recognise the community engagement that has been undertaken regarding the Draft Bain Park Master Plan, and thank the key stakeholder groups and community for their feedback.
3. Adopt the amended Draft Bain Park Master Plan (Rev 4) (Attachment 2), which includes minor amendments as outlined in this report.
4. Request the Chief Executive Officer consider funding opportunities for implementation of the Bain Park Master Plan through development of future Operational Plans and relevant State and Federal government grant programs.
5. Note that further community consultation is to be undertaken and a further report to Council before actioning any stage of the master plan.

CARRIED: 5/1

FOR: Alley, Hawkins, Intemann, Pinson and Turner

AGAINST: Griffiths

12.01 EVENT SPONSORSHIP PROGRAM GRANT - ROUND 2 2021

Councillor Turner 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 8:08pm.

RESOLVED: Pinson/Intemann

That Council, pursuant to provisions of Section 356 of the Local Government Act 1993, grant financial assistance from the 2021 Event Sponsorship Program Round 2, in the total amount of \$20,500 to:

Event Name, Organiser & Ranking	Sponsorship Recommended
1. Festival of the Sun (Sand Events Pty Ltd)	\$5,000
2. Dropknee Sessions (Clayton Pickworth)	\$2,500
3. David 'Goose' Gosby Memorial (Port Macquarie Bodyboarding Association)	\$3,000
4. MotoFest Wauchope (Motorcycle Friendly Town Wauchope)	\$5,000
5. Winter Wonderland (North Haven Bowling & Recreation Club Ltd.)	\$5,000
Total allocated this round	\$20,500

CARRIED: 5/0
FOR: Alley, Griffiths, Hawkins, Intemann and Pinson
AGAINST: Nil

Councillor Turner returned to the meeting, the time being 8:14pm.

13.01 NOTICE OF MOTION - TRAFFIC NETWORK

RESOLVED: Hawkins/Pinson

That Council:

1. Note the rapid growth in population of the Port Macquarie Hastings (PMH) Local Government Area (LGA), with the growth likely to continue at an accelerating rate into the future.
2. Note the impact this is having on many aspects of the liveability of the PMH LGA, but especially on the region's road network.
3. Note that the Pacific Highway and Oxley Highway are critically important major thoroughfares for our local community (key components of our local traffic network), but fall outside Council's area of responsibility for strategic planning and funding.

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4. Urgently seek alignment and support from the State Government to adopt an Integrated Strategic Network “Masterplan” approach to upgrading the road network for the community focusing on priority projects as below (for example), irrespective as to whether they are Local or State roads, notwithstanding the fact that almost all these projects will likely require significant funding contributions from State and / or Federal Governments.
- Oxley Highway Upgrade - Wrights Road to Lake Road
 - Lake Road duplication and upgrade - Ocean Drive to Oxley Highway
 - John Oxley Drive duplication and upgrade - Wrights Road to The Ruins Way
 - Pacific Highway intersection upgrades
 - Boundary Street duplication and upgrade
 - Alternative access into the Health and Education Precinct
 - Alternative access to the Airport
 - Improved east/west connections from Ocean Drive to Oxley Highway
 - King Creek Road / Oxley Highway intersection
 - Ocean Drive duplication (through Lake Cathie)
 - Revisit the Bonny Hills bypass route selection
5. Request the Chief Executive Officer to prioritise a Councillor / staff workshop to develop the network planning further, confirm the individual projects within a staged/phased framework and develop a community engagement plan with Local, State and Federal Government representatives to seek their input and support.
6. Develop a Joint Local Government / State Government “Integrated Strategic Road Network Masterplan” outlining the strategic priority projects and indicative timeframes, with a report back to Council in July 2021 to outline the Plan.
7. Engage with the Federal Government so that (principally via local members) they are at all times well informed and current with respect to Council’s priorities and likely funding pressure points.

CARRIED: 6/0

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

AGAINST: Nil

13.02 QUESTION WITH NOTICE - TIDAL POOL AT OXLEY BEACH, PORT MACQUARIE

MOTION

MOVED: Turner/Intemann

That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council Meeting addressing the question regarding the proposed tidal pool at Oxley Beach, Port Macquarie as listed.

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Note that it is not the role of Council to engage and manage consultation on Development Projects of Community Groups.
2. Acknowledge \$500,000 of funding by the State Government to Port Macquarie Tidal Pool Committee Incorporated.
3. Acknowledge \$4.5 million of committed funding by the Federal Government to Port Macquarie Tidal Pool Committee Incorporated.
4. Acknowledge two community petitions presented to Council in excess of 18,000 signatures in support of the Tidal Pool.
5. Acknowledge that Council has no role in the project and that it is community led to this point.
6. Request the Chief Executive Officer note the above and provide a report to the April 2021 Council Meeting in response to the question proposed by Councillor Turner.

THE AMENDMENT WAS PUT AND WAS LOST

LOST: 2/4
FOR: Griffiths and Pinson
AGAINST: Alley, Hawkins, Intemann and Turner

THE MOTION WAS PUT AND CARRIED

RESOLVED: Turner/Intemann

That Council request the Chief Executive Officer provide a report to the April 2021 Ordinary Council Meeting addressing the question regarding the proposed tidal pool at Oxley Beach, Port Macquarie as listed.

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

13.04 PACIFIC HIGHWAY INTERSECTION WITH HOUSTON MITCHELL DRIVE

RESOLVED: Griffiths/Turner

That Council

1. Note the information provided in this report.
2. Continue to advocate to the Member for Port Macquarie, Leslie Williams MP, for urgent safety upgrades at this intersection.
3. Request from Transport for NSW its criteria for safety upgrades on state roads.
4. Note that the Federal Member for Lyne, Dr D Gillespie MP, on 18 February 2021 called on the NSW Government to complete the planning process for

the upgrade of major intersections including the provision of inter-changes and fly-overs to this intersection.

5. Request the Federal Member for Lyne, Dr D Gillespie MP, urgently advocate for blackspot funding for the Houston Mitchell Drive and Pacific Highway intersection.

CARRIED: 6/0

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

AGAINST: Nil

13.06 PP2011 - 9.3: REVISED PLANNING PROPOSAL REQUEST - SOUTH BLACKWOOD STREET, PORT MACQUARIE

APPLICANT/OWNER: VILRO PTY LTD

MOTION

MOVED: Turner/Intemann

That Council:

1. Note the report.
2. Defer further consideration of the matter and request the Chief Executive Officer to seek an extension of time for the finalisation of this Planning Proposal from the Department of Planning, Industry and Environment (DPIE) under the Public Spaces Legacy Program.
3. Receive a further report upon receipt of a response from the Department of Planning, Industry and Environment to consider this matter.
4. Request the Chief Executive Officer write to the Member for Port Macquarie, Leslie Williams MP, to seek her support, and to also seek the support of the Minister for Planning, for an extension of time for the finalisation of this Planning Proposal.

AMENDMENT

MOVED: Pinson/Griffiths

That Council:

1. Note the identification of the Planning Proposal Application by Love Project Management Pty for finalisation by 30 June 2021 under the NSW Public Spaces Legacy Program.
2. Note the significant work undertaken by the Proponent and landholder since Council's resolution of June 2019 to achieve a residential development outcome on Lot 499 DP1258597; protection of Koala habitat under SEPP Koala Habitat, and other positive environmental outcomes.
3. Not support the revised Planning Proposal Application submitted in January 2021 to rezone Part Lot 499 DP1258597, Port Macquarie on the grounds of unresolved and significant environmental issues and inconsistency with section 1.3 object (e) of the Environmental Planning and Assessment Act, 1979.

4. For the reasons outlined in 3 above, not forward the revised Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979.
5. Advise the Proponent that a new combined Planning Proposal Application and Development Application (DA) may be considered, based on a limited release area identified in Figure 2 of the report, and addressing:
 - a) the recommendations of the NSW Biodiversity Conservation Division of the Department of Planning Industry and Environment letter to Council dated 24 February 2021.
 - b) the requirements of Council's Planning Proposal Policy.
6. Notify the Department of Planning Industry and Environment of Council's decision.

THE AMENDMENT WAS PUT AND WAS LOST

LOST: 1/5
FOR: Pinson

AGAINST: Alley, Griffiths, Hawkins, Intemann and Turner

THE MOTION WAS PUT AND CARRIED

RESOLVED: Turner/Intemann

That Council:

1. Note the report.
2. Defer further consideration of the matter and request the Chief Executive Officer to seek an extension of time for the finalisation of this Planning Proposal from the Department of Planning, Industry and Environment (DPIE) under the Public Spaces Legacy Program.
3. Receive a further report upon receipt of a response from the Department of Planning, Industry and Environment to consider this matter.
4. Request the Chief Executive Officer write to the Member for Port Macquarie, Leslie Williams MP, to seek her support, and to also seek the support of the Minister for Planning, for an extension of time for the finalisation of this Planning Proposal.

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

13.08 FERNBANK CREEK AND SANCROX PLANNING INVESTIGATION

Councillor Griffiths declared a Special Disclosure of Pecuniary Interest under Section 451(4) & (5) of the Local Government Act 1993 in this Item, left the room and was out of sight during the Council's consideration. The time being 9:15pm.

RESOLVED: Turner/Intemann

That Council:

1. Note the preparation of the draft Fernbank Creek and Sancrox Villages Structure Plan and endorse this document for public exhibition for a period of not less than 28 days, subject to Item 2 below.
2. Note that public exhibition of the draft Fernbank Creek and Sancrox Villages Structure Plan will not commence until such time as a Gateway Determination in relation to the Le Clos Sancrox Planning Proposal, facilitating public exhibition of this Planning Proposal, is issued by the New South Wales Minister for Planning and Public Spaces.
3. Endorse the Planning Proposal in Attachment 3 of this report (the Le Clos Sancrox Planning Proposal) pursuant to section 3.33 of the Environmental Planning and Assessment Act 1979 to amend the Port Macquarie-Hastings Local Environmental Plan 2011 in relation to Lots 1-52 DP0776681 and part of Lot 1 DP1009991 in accordance with the Planning Proposal.
4. Forward the Planning Proposal to the New South Wales Minister for Planning and Public Spaces for a Gateway Determination under section 3.34 of the Environmental Planning and Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.
5. Delegate authority to the Chief Executive Officer to make any required minor or administrative amendments to the above documentation prior to public exhibition, should the documents proceed through to public exhibition.
6. Request that the Chief Executive Officer prepare draft infrastructure contributions and finance documentation in relation to the Le Clos Sancrox Planning Proposal. This documentation is to be provided to Council for consideration of concurrent public exhibition with the Le Clos Sancrox Planning Proposal and the draft Fernbank Creek and Sancrox Villages Structure Plan.
7. Receive a further report following the public exhibition of the above documentation, should a Gateway Determination be received, providing information on any submissions received.
8. Receive a further report detailing the reasons why a Gateway Determination was not received if such a determination is not received to allow Council to consider alternative options in relation to the draft Fernbank Creek and Sancrox Planning Investigation and Le Clos Sancrox Planning Proposal.

CARRIED: 5/0

FOR: Alley, Hawkins, Intemann, Pinson and Turner

AGAINST: Nil

Councillor Griffiths returned to the meeting, the time being 9:22pm.

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Turner/Alley

That Items 10.01, 10.07, 11.01, 13.03, 13.05, 13.07 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.

Item 10.02 Mayoral Discretionary Fund Allocations - 4 February to 3 March 2021, has been addressed previously within the meeting.

Item 10.03 Australian Business Excellence Framework (ABEF), has been addressed previously within the meeting.

Item 10.04 Notice of Motion - Ocean Drive Duplication - Interest Component of Loan Funding, has been addressed previously within the meeting.

Item 10.05 Question With Notice - Media Contact with Councillors, has been addressed previously within the meeting.

Item 10.06 Draft Operational Plan 2021-2022, Fees and Charges, Revenue Policy, and Rating Maps Documents for Public Exhibition, has been addressed previously within the meeting.

10.07 MONTHLY BUDGET REVIEW - FEBRUARY 2021

BLOCK RESOLVED: Turner/Alley

That Council:

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

Item 10.08 Investments - February 2021, has been addressed previously within the meeting.

Item 10.09 Climate Emergency Declaration Considerations, has been addressed previously within the meeting.

11.01 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - FEBRUARY 2021

BLOCK RESOLVED: Turner/Alley

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

1. Stella Tijou receive \$350.00 to assist with the expenses she will incur travelling to and competing in Harvey Norman Tarsha Gale Cup. Stella has been selected as a member of the St George Dragons U19’s Girls Rugby League Team. The competition is being played at various venues throughout NSW including Newcastle, Sydney, Penrith & Camden.

Item 11.02 Formation of Aboriginal Advisory Group, has been addressed previously within the meeting.

Item 11.03 Bain Park Master Plan - Post Public Exhibition Community Engagement, has been addressed previously within the meeting.

Item 12.01 Event Sponsorship Program Grant - Round 2 2021, has been addressed previously within the meeting.

Item 13.01 Notice of Motion - Traffic Network, has been addressed previously within the meeting.

Item 13.02 Question With Notice - Tidal Pool at Oxley Beach, Port Macquarie, has been addressed previously within the meeting.

13.03 ROADSIDE VEGETATION MANAGEMENT POLICY - OUTCOME OF PUBLIC EXHIBITION

BLOCK RESOLVED: Turner/Alley

That Council:

1. Note the feedback received from the community on the Draft Roadside Vegetation Management Policy during the exhibition period.
2. Note the amendments to the Draft Roadside Vegetation Management Policy.
3. Adopt the Roadside Vegetation Management Policy for implementation.

Item 13.04 Pacific Highway Intersection with Houston Mitchell Drive, has been addressed previously within the meeting.

13.05 PROPOSED SALE AND CLOSURE OF GRANNY BELL LANE, NORTH HAVEN

BLOCK RESOLVED: Turner/Alley

That Council:

1. Commence the process to formally close the section of public road known as Granny Bell Lane, North Haven, as legislated under the Roads Act 1993, with the intent to transfer the land to the owners of 17 Granny Bell Lane.
2. Publicly exhibit the intent to close the public road for twenty-eight (28) days as per Part 4 Division 3 of the Roads Act 1993.
3. Request the Chief Executive Officer bring a report back to the 19 May 2021 Ordinary Council meeting detailing the outcome of the public exhibition, including any submissions received.

Item 13.06 PP2011 - 9.3: Revised Planning Proposal Request - South Blackwood Street, Port Macquarie
APPLICANT/OWNER: Vilro Pty Ltd, has been addressed previously within the meeting.

13.07 ACQUISITION OF EASEMENT FOR WATER SUPPLY - OXLEY HIGHWAY, SANCROX

BLOCK RESOLVED: Turner/Alley

That Council:

1. Pay compensation in the amount of \$5,000 (GST Exclusive) to the owner of Lot 2 Deposited Plan 1085627, Ditchfield Holdings Pty Limited, for the acquisition of an easement for water supply shown as (A) 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 legal costs reasonably incurred arising from the acquisition.

Item 13.08 Fernbank Creek and Sancrox Planning Investigation, has been addressed previously within the meeting.

Councillor Hawkins left the meeting, the time being 9:25pm.

CONFIDENTIAL SESSION

RESOLVED: Griffiths/Intemann

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that items to be considered are of a confidential nature.
2. That Council move into Closed Session to receive and consider the following items

Item 15.01 T-20-38 Provision of Lifeguard 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, prejudice the commercial position of the person who supplied it.

Item 15.02 T-20-04 Provision of General Concreting 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, 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: 5/0

FOR: Alley, Griffiths, Intemann, Pinson and Turner

AGAINST: Nil

Councillor Hawkins returned to the meeting, the time being 9:26pm.

15.01 T-20-38 PROVISION OF LIFEGUARD SERVICES

RESOLVED: Intemann/Griffiths

That Council:

1. Accept the Tender from Surf Life Saving Service Pty Ltd for the Lump Sum of \$3,108,002 (exclusive of GST) for a 5-year period commencing on 21 July 2021 and also include service option 1 at a cost of \$342,343 as outlined in the report to extend the season to provide a year round Lifeguard Service at Town Beach.
2. Affix the seal of Council to the necessary document(s).
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-38.

CARRIED: 6/0

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

AGAINST: Nil

15.02 T-20-04 PROVISION OF GENERAL CONCRETING SERVICES

RESOLVED: Intemann/Griffiths

That Council:

1. Accept the schedule of rates tendered from the following Tenderers, to be appointed to a panel arrangement for the Provision of General Concreting Services for a two (2) year period commencing 1 May 2021:
 - a) Category 1 Kerb & Guttering
 - i) B and B Baker Constructions Pty Ltd
 - ii) Hunter Wide Civil Pty Ltd
 - b) Category 2 General Concreting Services
 - i) B and B Baker Constructions Pty Ltd
 - ii) the trustee for the Baker Family Trust & the trustee for the Dobson Family Trust & the trustee for the Farlow Family Trust & the trustee for the I Farlow Trust & others
 - iii) Hunter Wide Civil Pty Ltd
 - c) Category 3 Drainage
 - i) B and B Baker Constructions Pty Ltd
 - ii) Hunter Wide Civil Pty Ltd
 - d) with two (2) further one (1) year period options to extend, such option(s) to be for the benefit of Council and may be exercised only by Council in 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-20-04.

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

MOVED: Intemann/Griffiths

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 9:29pm.

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Peta Pinson
Mayor