

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 and Legal Officer (Kirsty Callander)
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 viewing on line.

02 LOCAL GOVERNMENT PRAYER

Pastor Mark Minturn from the Coastside Church and President of the Port Macquarie Ministers Association delivered the Local Government Prayer.

03 APOLOGIES

Nil.

04 CONFIRMATION OF MINUTES

RESOLVED: Hawkins/Intemann

1. That the Minutes of the Ordinary Council Meeting held on 17 March 2021 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 24 March 2021 be confirmed.
3. That the Minutes of the Extraordinary Council Meeting held on 31 March 2021 be confirmed.

CARRIED: 6/0

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

AGAINST: Nil

05 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

06.01 DRAFT LOCAL FLOOD WARNING EMERGENCY ACTION PLAN

RESOLVED: Pinson

That Council:

1. Request the Chief Executive Officer draft a Local Flood Warning Emergency Action Plan.
2. Include in the Terms of Reference:
 - a) Inclusion of river monitoring systems.
 - b) Flood depth indicators.
 - c) Local communication warnings via Radio, FaceBook and various data bases.
 - d) Clearly identify roles and responsibilities between Local, State and Federal Governments.
3. Request the Chief Executive Officer provide a briefing to Councillors on the draft report by 30 June 2021.

CARRIED: 6/0

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

AGAINST: Nil

06.02 PETITION - KING CREEK ROAD AND OXLEY HIGHWAY INTERSECTION

RESOLVED: Hawkins/Griffiths

That the requests to speak for Item 06.02 from Dr Murtaza Ahmed and Margot Pickering be acceded to.

CARRIED: 6/0

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

AGAINST: Nil

Dr Ahmed addressed Council in relation to safety concerns at the King Creek Road and Oxley Highway intersection and answered questions from Councillors.

Ms Pickering addressed Council in relation to the upgrade of the Oxley Highway and King Creek intersection and answered questions from Councillors.

The Mayor tabled the Petition received by residents regarding the King Creek Road and Oxley Highway intersection.

RESOLVED: Pinson

That Council:

1. Note the petition received by residents regarding the King Creek Road and Oxley Highway intersection.
2. Request the Chief Executive Officer to write to the Hon Leslie Williams MP (Member for Port Macquarie), the Hon Melinda Pavey MP (Member for Oxley) and the Hon Paul Toole (Minister for Transport and Roads) as a matter of urgency raising the safety concerns of the King Creek Road and Oxley Highway Intersection and requesting urgent safety upgrades to this intersection and advice as to current plans and timing of these works.
3. Write to the organisers of the petition outlining Council's actions.
4. Noting the impact of the recent flood disaster, request the Chief Executive Officer to write to the Hon. Leslie Williams MP (Member for Port Macquarie) and the Hon. Paul Toole (Minister for Transport and Roads) requesting an extension to the current exhibition period for the Oxley Highway Intersection Upgrade Plans by 2 weeks to 21 May 2021, to allow the community sufficient time to review and respond to the exhibited plans.

CARRIED: 6/0

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

AGAINST: Nil

06.03 EXTENSION OF WAIVING OF FEES FOR FERRY SERVICES

RESOLVED: Pinson

That Council:

1. Note the resolution of Council dated 31 March 2021 regarding the waiving of fees associated with the use of the ferry service until 30 April 2021.
2. Extend the waiving of the fees and charges associated with the use of Council's ferry services until the Hibbard ferry is reintroduced back into service.
3. Credit any pre-purchased passes for ferry use over this period in the new pass purchase cycle.
4. Continue to record ferry usage data during this period for the purposes of future consideration of extension to ferry hours.

CARRIED: 6/0

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

AGAINST: Nil

07 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

There are no confidential attachments to reports for the Ordinary Council Meeting.

08 PUBLIC FORUM – MATTERS NOT ON THE AGENDA

The Mayor advised of requests to speak in the Public Forum - Matters Not On The Agenda from:

1. Mr Lee Wood, Hello Sailor in relation to S94 Contributions - Small Local Businesses.

RESOLVED: Intemann/Griffiths

That the above requests to speak in the Public Forum - Matters Not On The Agenda be acceded to.

CARRIED: 6/0

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

AGAINST: Nil

08.01 S94 CONTRIBUTIONS - SMALL LOCAL BUSINESSES

Mr Lee Wood, Hello Sailor, addressed Council in relation to S94 Contributions - Small Local Businesses and answered questions from Councillors.

09 PUBLIC FORUM – MATTERS ON THE AGENDA

The Mayor advised of requests to speak in the Public Forum - Matters On The Agenda from:

Mr Mervyn Bourke, Sport Association Representative - Item 11.03
Mr Michael Parsons, Football Mid North Coast - Item 11.03
Mr Terrance Stafford, King and Campbell Pty Ltd - Item 13.04

RESOLVED: Intemann/Turner

That the above requests to speak in the Public Forum - Matters On The Agenda be acceded to.

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Intemann/Turner

That Standing Orders be suspended to allow Items 11.03 and 13.04 to be brought forward and considered next.

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

11.03 PRIORITISATION OF SPORTING INFRASTRUCTURE PROJECTS

Mr Mervyn Bourke, Cricket Association Representative, addressed Council in opposition of the recommendation and answered questions from Councillors.

Mr Michael Parsons, Chairman of Football Mid North Coast, addressed Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Pinson/Griffiths

That Council:

1. Note the information contained within this report.
 2. Endorse the Port Macquarie Aquatic Facility as a major strategic infrastructure project and as such, pursue progression of this project as a standalone item and as an urgent priority to seek external funding for the project noting the risk of failure of the existing facility.
 3. Endorse the Hastings Regional Sporting Fields as a major strategic infrastructure project and as such, pursue progression of this project as a
-

-
- standalone item and seek 100% external funding for the construction of the project.
4. Prioritise the delivery of the Thrumster Sporting Fields and Rainbow Beach Sports Fields in this respective order to meet capacity and growth demands within the LGA.
 5. Investigate and seek funding from external revenue sources to support the collected \$7.11 contributions in funding the sporting infrastructure projects noting the above prioritisation order.
 6. Continue to investigate and seek funding from external revenue sources to implement facility improvements at the Port Macquarie Regional Stadium to ensure it remains a premier sporting venue within the LGA.
 7. Reflect the above prioritisation of sporting infrastructure projects when the annual Recreation Action Plan review is undertaken and reported to the July meeting of Council.
 8. Request the Chief Executive Officer ensure engagement is undertaken with all stakeholders of the four abovementioned projects.

CARRIED: 5/1

FOR: Alley, Griffiths, Intemann, Pinson and Turner

AGAINST: Hawkins

**13.04 DA2020 - 715 - RESIDENTIAL FLAT BUILDING WITH STRATA
SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.4
(FLOOR SPACE RATIO) UNDER PORT MACQUARIE-HASTINGS
LOCAL ENVIRONMENTAL PLAN 2011 LOT 1 AND LOT 2 DP 758852,
NO. 26-28 WILLIAM STREET, PORT MACQUARIE**

Mr Terrance Stafford, King and Campbell Pty Ltd, address Council in support of the recommendation and answered questions from Councillors.

RESOLVED: Turner/Hawkins

That DA2020 - 715 for a residential flat building with strata subdivision including Clause 4.6 variation to Clause 4.4 (floor space ratio) at Lots 1 & 2, DP SEC 65 DP758852, No. 26-28 William Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 6/0

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

AGAINST: Nil

SUSPENSION OF STANDING ORDERS

RESOLVED: Alley/Intemann

That Standing Orders be suspended to allow Item 10.05, 10.06, 10.12, 10.13, 11.02, 13.01, 13.02, 13.05, 13.06 not in the block to be brought forward and considered next.

CARRIED: 6/0

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

AGAINST: Nil

10.05 POLICY REVIEW - FRAUD AND CORRUPTION PREVENTION POLICY

RESOLVED: Intemann/Hawkins

That Council adopt the draft Fraud and Corruption Prevention Policy and Plan.

CARRIED: 6/0

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

AGAINST: Nil

10.06 CODE OF MEETING PRACTICE

Councillor Hawkins left the meeting, the time being 7:07pm.

Councillor Hawkins returned to the meeting, the time being 7:08pm.

RESOLVED: Intemann/Alley

That Council adopt the draft Code of Meeting Practice.

CARRIED: 6/0

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

AGAINST: Nil

10.12 COMMUNITY POLL - FLUORIDE

MOTION

MOVED: Intemann/Pinson

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-\$65,000, and is non-compulsory and non-binding, and only includes residents who are on the electoral roll.
3. Note that the average annual cost to Council for adding fluoride to the public water supply is approximately \$280,000.
4. Advise the NSW Electoral Commission that Port Macquarie-Hastings Council will hold a Community Poll as identified in clause 1 above.
5. Pursuant to clause 3 of the resolution from the Ordinary Council Meeting of 17 February 2021:
 - a) Receive and note the report provided to this April Ordinary Council agenda item, on options for improving upon a Community Poll for determining community opinion on local water fluoridation;
 - b) Request the Chief Executive Officer to finalise, by 31 May 2021, the information sheet to provide Yes and No arguments for the Poll question as referred to in clause 1 above;
 - c) Request the Chief Executive Officer to ensure that clear information is provided on the PMHC website regarding local water fluoridation and the Community Poll.
6. Authorise the Chief Executive Officer to expend up to a maximum of \$90,000 to:
 - a) Conduct the Community Poll;
 - b) Produce the information sheet and website information referred to in clause 5b) and 5c) above;
 - c) Using a variety of methods, promote the Community Poll, and promote and distribute the A4 information sheet, and
 - d) Provide local schools and educational establishments with the information sheet and details of the Community Poll, with a request that consideration be given to engaging students in discussion on the information sheet and Community Poll.

AMENDMENT

MOVED: Turner/Hawkins

That Council:

1. Notes that irrespective of the result of any poll, Council will have no choice but to continue to fluoridate the town water supply as mandated by NSW Health.

2. Acknowledges that due to point 1 above, the proposed fluoride poll will be a significant waste of \$90,000 of the community's money.
3. Resolve not to proceed with any poll.
4. Request the Chief Executive Officer allocate the \$90,000 to provide additional community support in our current flood recovery crisis.

THE AMENDMENT WAS PUT AND WAS LOST

EQUAL: 3/3
FOR: Alley, Hawkins and Turner
AGAINST: Griffiths, Intemann and Pinson
CASTING VOTE: AGAINST
LOST

AMENDMENT

MOVED: Alley/Turner

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 the resolution from the Ordinary Council Meeting of 17 February 2021 that states:
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.
3. Note the possible engagement options available as requested in accordance with item 3 of the resolution of 17 February 2021 as detailed in this report.

4. Request the Chief Executive Officer to conduct qualitative workshop and forums plus a quantitative survey.

THE AMENDMENT WAS PUT AND LOST

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

THE MOTION WAS PUT AND CARRIED

RESOLVED: Intemann/Pinson

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-\$65,000, and is non-compulsory and non-binding, and only includes residents who are on the electoral roll.
3. Note that the average annual cost to Council for adding fluoride to the public water supply is approximately \$280,000.
4. Advise the NSW Electoral Commission that Port Macquarie-Hastings Council will hold a Community Poll as identified in clause 1 above.
5. Pursuant to clause 3 of the resolution from the Ordinary Council Meeting of 17 February 2021:
 - d) Receive and note the report provided to this April Ordinary Council agenda item, on options for improving upon a Community Poll for determining community opinion on local water fluoridation;
 - e) Request the Chief Executive Officer to finalise, by 31 May 2021, the information sheet to provide Yes and No arguments for the Poll question as referred to in clause 1 above;
 - f) Request the Chief Executive Officer to ensure that clear information is provided on the PMHC website regarding local water fluoridation and the Community Poll.
6. Authorise the Chief Executive Officer to expend up to a maximum of \$90,000 to:
 - e) Conduct the Community Poll;
 - f) Produce the information sheet and website information referred to in clause 5b) and 5c) above;
 - g) Using a variety of methods, promote the Community Poll, and promote and distribute the A4 information sheet, and
 - h) Provide local schools and educational establishments with the information sheet and details of the Community Poll, with a request that consideration be given to engaging students in discussion on the information sheet and Community Poll.

EQUAL: 3/3
FOR: Griffiths, Intemann and Pinson
AGAINST: Alley, Hawkins and Turner
CASTING VOTE: FOR
CARRIED

10.13 MEDIA CONTACT WITH COUNCILLORS

RESOLVED: Hawkins/Intemann

That Council note:

1. The current Port Macquarie-Hastings Council Media Relations Policy.
2. The media Relations Policy does not apply to media representatives or organisations – it applies only to Council Officials.
3. Any media representative or organisation may contact Councillors to seek their views on any matter at any time.
4. As per Clause 2.2.1 of the Port Macquarie-Hastings Council Media Relations Policy, Council Officials are not precluded from using media to make comment as a private citizen on issues that personally affect them. However, they must make it clear that they are commenting as a private citizen and not as a Council Official. It is important that Council Officials do not provide personal comments that can be misconstrued as representing an official Council position.

CARRIED: 6/0

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

AGAINST: Nil

11.02 DISASTER RECOVERY COMMITTEE UPDATE

RESOLVED: Intemann/Griffiths

That Council:

1. Note the establishment of the Port Macquarie-Hastings Council Recovery Committee.
2. Note the terms of reference and membership of the PMHC Recovery Committee and its sub committees.

CARRIED: 6/0

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

AGAINST: Nil

13.01 PETITION - FLOOD GATES AT NORTH HAVEN

RESOLVED: Pinson/Griffiths

That Council:

1. Note the petition received by residents at North Haven regarding the flood gates at North Haven.
2. Write to the organisers of the petition, outlining Council's maintenance actions in relation to the North Haven flood gates and how they form part of the Stormwater Hotspot register managed by Council.
3. Note that the Draft 2021-2022 Operational Plan includes development of a North Haven Stormwater Management Plan, which broadly aims to assess the North Haven urban catchment and exiting systems to devise conceptual solutions to address flooding.

CARRIED: 6/0

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

AGAINST: Nil

13.02 RECOMMENDED ITEM FROM COAST ESTUARY AND FLOODPLAIN ADVISORY SUB COMMITTEE - NORTH BROTHER LOCAL CATCHMENTS FLOOD STUDY - DRAFT FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN (FRMSP)

RESOLVED: Pinson/Intemann

That Council:

1. Place the North Brother Local Catchments Flood Study - Draft Floodplain Risk Management Study and Plan on public exhibition for a period not less than 28 days.
2. Receive a further report detailing the submissions received from the public during the exhibition period at a future Ordinary Council Meeting post engagement.
3. Noting the current community recovery from the recent March flood event postpone any engagement until September 2021.

CARRIED: 6/0

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

AGAINST: Nil

13.05 STATE ENVIRONMENTAL PLANNING POLICY KOALA HABITAT PROTECTION 2021

RESOLVED: Intemann/Turner

That Council:

1. Note that Council will be required to implement the Koala Habitat Protection SEPP 2020 and 2021 as it applies to the Port Macquarie-Hastings Local Government Area.
2. Request the Chief Executive Officer to provide an update to Council regarding any future updates to the relevant codes or SEPPs.
3. Request the Chief Executive Officer to write to the Hon Leslie Williams MP (Member for Port Macquarie) and the Hon Rob Stokes MP (Minister for Planning and Public Spaces) and urge consideration for rural lands on the North Coast to be included within Koala Habitat Protection SEPP 2021 and for private native forestry (forestry) be retained in Council's Local Environmental Plan as a landuse that is permitted with consent or prohibited in the identified zones.
4. Note that Koala populations are in serious decline due to various known risks, but especially habitat loss, and that protection of the species will be untenable unless strong controls requiring development consent are maintained in place across all landscapes, including rural lands. Further, that removal of enforceable controls over rural lands is to abandon crucial protections for this iconic species and individual Koalas.

CARRIED: 5/1

FOR: Alley, Hawkins, Intemann, Pinson and Turner

AGAINST: Griffiths

13.06 LAKE CATHIE - ILLAROO ROAD REVETMENT WALL - REPORT ON COMMUNITY ENGAGEMENT OUTCOMES

MOTION

MOVED: Pinson/Griffiths

That Council:

1. Note the submissions and summary of feedback contained in the Illaroo Road Revetment Wall - Engagement Report March 2021.
2. Note that a further report will be brought back to Council outlining the coastal protection options available for Illaroo Road.
3. In conjunction with further consideration of the Illaroo Road Revetment Wall project and consideration of any other protection measures, Council seek community feedback in respect of their priorities for coastal protection, and their preference for the proposed rock revetment wall or some other form of hazard reduction measure to address the coastal erosion.
4. Request the Chief Executive Officer to write to the Hon. Leslie Williams MP, Member for Port Macquarie, advising of Council's decision to date.

AMENDMENT

MOVED: Turner/Hawkins

That Council:

1. Note the submissions and summary of feedback contained in the Illaroo Road Revetment Wall - Engagement Report March 2021.
2. Note that a further report will be brought back to Council outlining the coastal protection options available for Illaroo Road.
3. Request the Chief Executive Officer to write to Leslie Williams Member for Port Macquarie seeking advice regarding any available government funding for coastal protection works at Illaroo Road.

LOST: 2/4

FOR: Alley and Hawkins

AGAINST: Griffiths, Intemann, Pinson and Turner

AMENDMENT

MOVED: Intemann/Turner

That Council:

1. Note the submissions and summary of feedback contained in the Illaroo Road Revetment Wall - Engagement Report March 2021.
2. Request the Chief Executive Officer to review the problem and possible solutions and ensure consultation with the community to identify preferred actions.
3. Note that a further report will be brought back to Council outlining the coastal protection options available for Illaroo Road.
4. Request the Chief Executive Officer to liaise with the Hon Leslie Williams MP (Member for Port Macquarie), regarding actions to date and possible available government funding for coastal protection works at Illaroo Road.

THE AMENDMENT WAS PUT AND CARRIED

CARRIED: 4/2

FOR: Alley, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

THE AMENDMENT BECOMES THE MOTION

RESOLVED: Turner/Hawkins

That the motion be put.

CARRIED: 6/0

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

AGAINST: Nil

THE MOTION AND WAS PUT AND CARRIED

RESOLVED: Intemann/Turner

That Council:

1. Note the submissions and summary of feedback contained in the Illaroo Road Revetment Wall - Engagement Report March 2021.
2. Request the Chief Executive Officer to review the problem and possible solutions and ensure consultation with the community to identify preferred actions.
3. Note that a further report will be brought back to Council outlining the coastal protection options available for Illaroo Road.
4. Request the Chief Executive Officer to liaise with the Hon. Leslie Williams MP, Member for Port Macquarie, regarding actions to date and possible available government funding for coastal protection works at Illaroo Road.

CARRIED: 4/2

FOR: Alley, Hawkins, Intemann and Turner

AGAINST: Griffiths and Pinson

14 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Intemann/Hawkins

That Items 10.01, 10.02, 10.03, 10.04, 10.07, 10.08, 10.09, 10.10, 10.11, 11.01, 13.03 be considered as a block resolution.

CARRIED: 6/0

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

AGAINST: Nil

RESOLVED: Alley/Griffiths

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: Alley/Griffiths

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

10.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 4 MARCH TO 7 APRIL 2021

BLOCK RESOLVED: Alley/Griffiths

That Council note that there were no Mayoral Discretionary Fund allocations for the period 4 March to 7 April 2021 inclusive.

10.03 2021 DESTINATION & VISITOR ECONOMY CONFERENCE

BLOCK RESOLVED: Alley/Griffiths

That Councillor Rob Turner be granted permission to attend Day 2 of the 2021 Destination and Visitor Economy Conference in Port Macquarie on 27 May 2021.

10.04 DISCLOSURE OF INTEREST RETURN

BLOCK RESOLVED: Alley/Griffiths

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

1. Chief Executive Officer.
2. Project Manager.

Item 10.05 Policy Review - Fraud and Corruption Prevention Policy, has been addressed previously within the meeting.

Item 10.06 Code of Meeting Practice, has been addressed previously within the meeting.

10.07 MEMORANDUM OF UNDERSTANDING WITH NORFOLK ISLAND REGIONAL COUNCIL

BLOCK RESOLVED: Alley/Griffiths

That Council:

1. Note the information provided within this report.
 2. Note that the Memorandum of Understanding between Port Macquarie-Hastings Council and Norfolk Island Regional Council has concluded.
-

10.08 POLICY REVIEW - PUBLIC INTEREST DISCLOSURE INTERNAL REPORTING POLICY

BLOCK RESOLVED: Alley/Griffiths

That Council adopt the draft Public Interest Disclosure Internal Reporting Policy.

10.09 ADDITIONAL RELIEF MEASURES FOR FLOOD AND STORM IMPACTED RESIDENTS

BLOCK RESOLVED: Alley/Griffiths

That Council waive the following fees and charges, in relation to owners of properties and local businesses which have been damaged or destroyed in the March 2021 Flood and Storm Emergency:

1. Fees to install or construct a sewerage management facility under section 68 on a flood impacted property.
 2. New Owners Administration Fee for flood impacted properties with settlement dates between 1 February 2021 and 30 April 2021.
-

10.10 MONTHLY BUDGET REVIEW - MARCH 2021

BLOCK RESOLVED: Alley/Griffiths

That Council:

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

10.11 INVESTMENTS - MARCH 2021

BLOCK RESOLVED: Alley/Griffiths

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

Item 10.12 Community Poll - Fluoride, has been addressed previously within the meeting.

Item 10.13 Media Contact with Councillors, has been addressed previously within the meeting.

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

BLOCK RESOLVED: Alley/Griffiths

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

1. Keira Johnson, Matt Olsen and Andrew Olsen each receive \$350.00 to assist with the expenses they will incur travelling to and competing at the Australian Junior Beach Volleyball Championships in Coolangatta, Queensland. They have been selected as members of the NSW Under 18's Youth Beach Phoenix Program (previously known as the Junior Beach State Volleyball Team Program).
2. Maddison Drewitt receive \$500 to assist with the expenses she will incur travelling to and competing at the Australian National Hockey Championships in Launceston, Tasmania. Maddison has been selected as a member of the NSW Under 18's Women's Field State Hockey Team.

Item 11.02 Disaster Recovery Committee Update, has been addressed previously within the meeting.

Item 11.03 Prioritisation of Sporting Infrastructure Projects, has been addressed previously within the meeting.

Item 13.01 Petition - Flood Gates at North Haven, has been addressed previously within the meeting.

Item 13.02 Recommended Item from Coast Estuary and Floodplain Advisory Sub Committee - North Brother Local Catchments Flood Study - DRAFT Floodplain Risk Management Study and Plan (FRMSP), has been addressed previously within the meeting.

13.03 DA2018 - 353.3 MODIFICATION TO COMMERCIAL PREMISES AND TOURIST AND VISITOR ACCOMMODATION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 123 DP 1219042, CLARENCE STREET, PORT MACQUARIE

BLOCK RESOLVED: Alley/Griffiths

That modification to DA2018 - 353.3 for a Commercial Premises and Tourist and Visitor Accommodation including clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Item 13.04 DA2020 - 715 - Residential Flat Building with Strata Subdivision including Clause 4.6 Variation to Clause 4.4 (Floor Space Ratio) Under Port Macquarie-Hastings Local Environmental Plan 2011 LOT 1 and LOT 2 DP 758852, NO. 26-28 William Street, Port M, has been addressed previously within the meeting.

Item 13.05 State Environmental Planning Policy Koala Habitat Protection 2021, has been addressed previously within the meeting.

Item 13.06 Lake Cathie - Illaroo Road Revetment Wall - Report on Community Engagement Outcomes, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Griffiths/Intemann

1. That pursuant to section 10A subsections 2 and 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-20-41 Kew Main Street Upgrade

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

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

CARRIED: 6/0

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

AGAINST: Nil

15.01 T-20-41 KEW MAIN STREET UPGRADE

RESOLVED: Hawkins/Turner

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-20-41 Kew Main Street Upgrade and enter into negotiations with any tenderer that submitted a tender or any person in response to Request for Tender T-20-41, with a view to entering into a contract for the Kew Main Street Upgrade.
2. Pursuant to clause 178(4)(a) and (b) of the Local Government Regulations 2005 decline to invite fresh tenders or applications for the reasons that there was a lack of competitive tenders from the market and it is considered that the sole submission received does not represent value for money.
3. Further consider the sole tender submission of Green Construction and Management Pty Ltd to ensure the submitted tender is in accordance with the tender request as required in the Local Government (General) Regulations 2005 clause 178(2).
4. Subject to successful negotiation with the tenderer, the Chief Executive Officer shall accept the tender of the successful tenderer, under existing delegation to the Chief Executive Officer and present a further report to a future meeting of Council on completion of the negotiation process for Council's information.

-
5. Maintain the confidentiality of the documents and considerations in respect of Request for Tender T-20-41.

CARRIED: 6/0

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

AGAINST: Nil

RESOLVED: Griffiths/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 9:31pm.

.....
Peta Pinson
Mayor