

**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)

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The meeting opened at 5:30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Mayor opened the Meeting with an Acknowledgement of Country and welcomed all in attendance in the Chamber and viewing on line.

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**02 REMOTE ATTENDANCE AT MEETING**

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Nil.

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**03 LOCAL GOVERNMENT PRAYER**

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Pastor Caroline Dennis from the LifeWay Church delivered the Local Government Prayer.

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#### **04 APOLOGIES**

Nil.

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#### **05 CONFIRMATION OF MINUTES**

*MOVED: Hawkins/Griffiths*

1. That the Minutes of the Ordinary Council Meeting held on 21 April 2021 be confirmed.
2. That the Minutes of the Extraordinary Council Meeting held on 3 May 2021 be confirmed.

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

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#### **06 DISCLOSURES OF INTEREST**

Councillor Turner declared a Non-Pecuniary, Less Than Significant Interest in Item 12.09 - Port Macquarie Town Centre Master Plan Sub-Committee Strategic Planning Workshop Outcomes, the reason being that Councillor Turner is a director of Hort Property Pty Ltd which owns a property in the Port Macquarie CBD within the boundaries of the Port Macquarie Town Centre Masterplan area.

Councillor Griffiths declared a Pecuniary Interest in Item 14.02 - Request for Tender T-18-18 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators, the reason being that Councillor Griffiths owns a business which supplies product to tenderers.

Councillor Hawkins declared a Non-Pecuniary, Less Than Significant Interest in Item 12.07 - DA2020 - 457.1 Multi Dwelling Housing and Strata Subdivision at Lot 14 DP1219811, No 91 The Ruins Way, Port Macquarie, the reason being that Councillor Hawkins knows the applicant, Rob Beukers of BR Consulting (the applicant) as Mr Beukers has done work for Councillor Hawkins and his wife.

Mayor Pinson declared a Pecuniary Interest in Item 14.01 - Sale of Surplus Land - 178 Nancy Bird Walton Drive Kew, the reason being that Mayor Pinson has an interest in purchasing land in the Local Government Area for industrial purposes.

Mayor Pinson declared a Pecuniary Interest in Item 14.02 - Request for Tender T-18-18 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators, the reason being that Mayor Pinson has an interest in a company that may be asked to provide plant or services to any of the tenderers.

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## **07.01 FERRY FEES AND CHARGES**

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*RESOLVED: Pinson*

That Council:

1. Note the resolution of Council dated 21 April 2021 regarding the waiving of fees associated with the use of the ferry service until the Hibbard Ferry is reintroduced back into service.
2. Reinstate the fees and charges associated with the use of Council's ferry services for motorists without a resident concession sticker or annual pass.
3. Continue to waive fees for motorists holding a resident concession sticker or annual pass until 30 June 2021.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **07.02 PACIFIC HIGHWAY AND HOUSTON MITCHELL DRIVE INTERSECTION**

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*RESOLVED: Pinson*

That Council:

1. Note the attached correspondence from the Bonny Hills Progress Association Inc.
2. Note it is National Road Safety Week between 16 - 23 May 2021.
3. Note recent Federal funding announcement of \$48 million for the Harrington Overpass, Harrington.
4. Request the Chief Executive Officer write to Member for Port Macquarie The Hon Leslie Williams MP, Minister for Transport The Hon Andrew Constance MP and Minister for Regional Transport and Roads The Hon Paul Toole MP, requesting the urgent commencement of designs for a shovel ready overpass at the intersection of Houston Mitchell Drive and Pacific Highway via Transport for NSW.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Intemann/Alley*

That Council determine that the attachments to Item Numbers 09.05, 09.09, 10.01 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*

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## **SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Griffiths/Intemann*

That Standing Orders be suspended to allow Items 09.06, 09.12, 10.01, 10.03, 10.04, 10.05, 10.07, 11.01, 12.01, 12.02, 12.03, 12.04, 12.06, 12.07, 12.08, 12.09, 12.10 not in the block to be brought forward and considered next.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **09.06 2017-2022 DELIVERY PROGRAM AND 2020-2021 OPERATIONAL PLAN - PROGRESS REPORT AS AT 31 MARCH 2021**

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*RESOLVED: Pinson/Griffiths*

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **09.12 PROGRESS OF THE SUSTAINABILITY FRAMEWORK, CLIMATE CHANGE POLICY, CLIMATE CHANGE STRATEGY AND ACTION PLAN**

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*RESOLVED: Turner/Intemann*

That Council:

1. Note the progress on the development of the Sustainability Framework, (including the development of a draft Sustainability Policy).
2. Note the progress on the development of a draft Climate Change Policy.
3. Note that following consultation with the Sustainability Sub-Committee a further report is planned to be tabled at the July 2021 meeting of Council, presenting the draft Sustainability Policy and draft Climate Change Policy.
4. Note the progress on the development of the Climate Change Strategy and Action Plan.

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

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**10.01 2020-2021 ROUND 2 COMMUNITY GRANT PROGRAM FOR ENDORSEMENT**

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*RESOLVED: Pinson/Griffiths*

That Council pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2020-2021 Round 2 for the total amount of \$197,364.50 according to the following:

Organisation Name	Project	Funding
<u>Community Builders</u>		
St Agnes Care & Lifestyle	Aboriginal Students Incentive	\$5,000
Mrs York's Garden	Stairs to Macquarie Shelter	\$5,000
PM Neighbourhood Centre	Food Service Storage Shed	\$4,000
Douglas vale Conservation Group	Commercial Glasswasher	\$5,000
Hastings Orienteering Group	Signage	\$1,850
Wauchope District Memorial		
Hospital Volunteers Storage	Shelter for Volunteers Trailer	\$5,000
Bonny Hills Tennis Club	Court Surface Repair	\$5,000
Kendall Men's Shed	Upgrade electrical wiring to shed	\$2,948
Riding for the Disabled	Water tank installation	\$5,000
Hastings Valley Mountain Bike Riders		
Jolly Nose Map & Trail Signage		\$4,996
Creek to Creek Volunteers Group	Purchase of pressure cleaner	\$1,498
Cerebral Palsy Alliance	Technology equipment	\$5,000
Port Macquarie Surfing History Association	Port Macquarie Surfing Museum	\$4,900
	Sub-total	\$55,192
<u>Community Celebrations</u>		
Lake Cathie-Bonny Hills Lions Club	Carols by the Lake	\$2,826
Grace Church Port Macquarie	Sovereign Hills Christmas Carols	\$5,000
Bunyah Local Area Land Council	NAIDOC Family Fun Day 2021	\$5,000
	Sub-total	\$12,826
<u>Micro Grant</u>		
Port Macquarie Table Tennis Club	LED Lighting for Girl Guides Hall	\$966
Mid North Coast Writers Centre	Make Waves	\$1,000
KJC Aboriginal Artwork	NAIDOC Masquerade Ball	\$1,000
Wauchope-Bonny Hills		
Surf Lifesaving Club Inc	Create Grass Area for nippers	\$870.50
	Sub-total	\$3,836.50
<u>Youth</u>		
Port Macquarie Steiner School	Winter Lantern Festival	\$3,010
	Sub-total	\$3,010
<u>Heritage Grants</u>		
Royal Hotel Kew	Replacement of roof & gutters	\$3,000
Warren Lang	Restoration of fencing	\$3,000
	Sub-total	\$6,000

CCAT Grants

Comboyne Agricultural & Horticultural Association	Upgrade seating at Comboyne Showground	\$5,000
Beechwood-Pembroke CCAT	Repair Tennis Courts	\$5,000
Camden Haven CCAT	Beach to Beach pathway sec. D3	\$5,000
Telegraph Point Community Assoc.	Historical interpretive sign boards	\$5,000
Bonny Hills Progress Association	Storm water quality assessment	\$3,164
Long Flat Tennis Club	Refurbishment of tennis Courts	\$5,000
Pappinbarra Progress Association	Hall Signage	\$5,000
	Sub-total	\$33,164

Recovery & Resilience Grants

Byabarra Sports & Tennis Club	Three projects for health and wellbeing	\$10,000
Liberty Port Macquarie	Mobile outreach services	\$10,000
Telegraph Point Community Assoc. Inc.	Emergency Evac Centre Power Supply	\$9,336
Wauchope High School	Heath eating & well-being workshops	\$10,000
Headspace Port Macquarie	Spill the Bean	\$10,000
Greater Port Macquarie Dementia Friendly Community Alliance	Support residents with Dementia	\$10,000
Pappinbarra Progress Association	Get Ready Days	\$4,000
Make a Difference PM	Flood relief refurbishment project	\$10,000
Art House Industries	Community Strengthening Activities	\$10,000
	Sub-total	\$83,336

2. Congratulate all successful applicants and acknowledge their contribution through volunteering in our Local Government Area.

*CARRIED: 6/0*

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

*AGAINST: Nil*

**10.03 DRAFT CULTURAL PLAN**

*RESOLVED: Turner/Hawkins*

That Council:

1. Note the enthusiastic participation and commitment by the Cultural Steering Group in development of the Draft Cultural Plan 2021 - 2025.
2. Place the Draft Cultural Plan on public exhibition from 21 May 2021 until 20 June 2021.
3. Note that a further report will be tabled at the July 2021 meeting of Council, detailing the submissions received from the public during the exhibition period.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **10.04 TIDAL POOL AT OXLEY BEACH PORT MACQUARIE**

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*RESOLVED: Turner/Alley*

That Council note the information contained in this report.

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

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#### **10.05 PORT MACQUARIE AQUATIC FACILITY**

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Director Development and Environment tabled replacement Attachment 3 for this item.

*RESOLVED: Turner/Griffiths*

That Council:

1. Note the information contained within the Port Macquarie Aquatic Facility report
2. Place the Port Macquarie Aquatic Facility Layout Design presented within this report on Public Exhibition to seek feedback from the community for a minimum of 28 days
3. Request the Chief Executive Officer provide a report to the July 2021 Ordinary Council Meeting outlining community feedback provided during the public exhibition period.

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

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#### **10.07 NAMING OF A ROAD AT LAURIETON**

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*RESOLVED: Pinson/Griffiths*

That Council name the laneway south of Hanley Street, between Lord and Norman Streets, Laurieton as "Kesby Lane".

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

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### **11.01 ECONOMIC DEVELOPMENT STRATEGY 2017-2021: SIX MONTHLY REPORT ON PROGRESS**

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*RESOLVED: Turner/Intemann*

That Council:

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### **12.01 PETITION - KOALA HABITAT WITHIN THE FANTASY GLADES DEVELOPMENT DA 2019/934**

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*RESOLVED: Pinson/Intemann*

That Council:

1. Note the petition received by residents regarding the proposed Fantasy Glades development (DA 2019/934) and their concerns that koala habitat may be impacted as a result.
  2. Write to the organisers of the petition outlining Council's actions.
  3. Note that Council currently delivers a number of programs that support our koala populations, which include:
    - (a) Supporting the Joint Organisation Koala Recovery Ecologist position - <https://www.koalarecovery.org.au/key-projects/>
    - (b) Ongoing biosecurity works on Council owned and managed land which allows for natural regrowth and regeneration to occur.
    - (c) Investigation in to biodiversity stewardship sites to better manage current and future mitigation planting works that are required to mitigate the impacts of internal development.
    - (d) Implementation of the Port Macquarie-Hastings Koala Recovery Strategy.
  4. Note that the draft Operational Plan for the 2021/2022 financial year includes the following additional actions:
    - Continue to ensure development compliance to achieve sound environmental outcomes - Vegetation Management Plans (VMP's), Koala Plans of Management (KPoM) developed, registered, implemented and monitored
    - Carry out reactive maintenance of Koala Food Trees and Koala Fencing on Link Rd (Ocean Drive).
    - Review the Koala Recovery Strategy 2018.
    - Tip Gravel Road Environmental Protect Biodiversity Conservation (EPBC) Act - Koala Management Plan.
    - Undertake a feasibility study for engineering solutions and initial concept design work to combat koala road strike.
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- In partnership with the Joint Organisation, Koala Preservation Society and Department of Planning, Industry and Environment (DPIE) support the ongoing work of the Koala Recovery Partnership Program.
  - 5. Request the Chief Executive Officer write to the Member for Port Macquarie, the Hon Leslie Williams MP, requesting that she make representation on behalf of Council and the community to the Minister for Energy and Environment, the Hon Matt Kean MP requesting that the Government seek to purchase the former Fantasy Glades site known as Lot 5 DP 524972 Parklands Close, Port Macquarie to preserve the koala habitat located on the subject land.
  - 6. Note that DA 2019/0934 will be submitted to the Development Assessment Panel for determination in the first instance. Should a decision not be made at the Panel, the DA will then be referred to Council for determination.

*CARRIED: 4/2*

*FOR: Alley, Intemann, Pinson and Turner*

*AGAINST: Griffiths and Hawkins*

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## **12.02 DEVELOPMENTS, PUBLIC PLACE & EVENTS WASTE MINIMISATION AND MANAGEMENT POLICY - POST IMPLEMENTATION REVIEW**

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*RESOLVED: Pinson/Hawkins*

That Council:

1. Note the post implementation review of the Developments, Public Place & Events Waste Minimisation and Management Policy;
2. Undertake further engagement with the local development and construction industry with regard to potential adjustments to Council's fees and charges to incentivise positive waste minimisation and management outcomes.
3. Request the Chief Executive Officer bring back a report to the November 2021 Council Meeting on the outcomes of engagement with the local development and construction industry.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## **12.03 FERRY OPERATIONS**

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### **MOTION**

*MOVED: Pinson/Griffiths*

That Council:

1. Note the information provided in this report.
2. Note the community feedback received as part of the recent ferry engagement survey.
3. Note the average annual operating deficit of the ferry services over the last four years was \$941,400, and that any change in service level should consider an increase in ferry fees to cover this increased expense.
4. Note that a two-person operation on the Settlement Point Ferry may be required to meet Australian Maritime Safety Authority (AMSA) navigation requirements, which can also provide efficiency in loading and travel times. This would increase annual running costs by \$66,250 and require an approximate 10% increase in fees to recover this expense.
5. Implement a six week trial to extend the Hibbard Ferry hours of operation to 6.30am to 6.50pm weekdays outside of the school holiday period, funding this six week trial from the Ferry Reserve.
6. Request the Chief Executive Officer to report back to the November 2021 Ordinary Council Meeting, on the results and costs of the trial period.

### **AMENDMENT**

*MOVED: Turner/Alley*

That Council:

1. Note the information provided in this report.
2. Note the community feedback received as part of the recent ferry engagement survey.
3. Note the average annual operating deficit of the ferry services over the last four years was \$941,400, and that any change in service level should consider an increase in ferry fees to cover this increased expense.
4. Note that a two-person operation on the Settlement Point Ferry may be required to meet Australian Maritime Safety Authority (AMSA) navigation requirements, which can also provide efficiency in loading and travel times. This would increase annual running costs by \$66,250 and require an approximate 10% increase in fees to recover this expense.
5. Consider a six week trial to extend the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays (Additional 1 hour 15 minutes) funded from the Ferry Reserve. Continue to monitor the vehicle movements and vehicles Left on Bank (LOB) during the trial and report these back to a future Council meeting.
6. Note that a permanent increase to the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays would increase annual running costs by \$22,640 and require an approximate 3% increase in fees to recover this expense.

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**THE AMENDMENT WAS PUT AND WAS LOST**

LOST: 2/4

FOR: Alley and Hawkins

AGAINST: Griffiths, Intemann, Pinson and Turner

**AMENDMENT**

*AMENDMENT: Intemann/Alley*

That Council:

1. Note the information provided in this report.
2. Note the community feedback received as part of the recent ferry engagement survey.
3. Note the average annual operating deficit of the ferry services over the last four years was \$941,400, and that any change in service level should consider an increase in ferry fees to cover this increased expense.
4. Note that a two-person operation on the Settlement Point Ferry may be required to meet Australian Maritime Safety Authority (AMSA) navigation requirements, which can also provide efficiency in loading and travel times. This would increase annual running costs by \$66,250 and require an approximate 10% increase in fees to recover this expense.
5. Upon return to service of the Hibbard Ferry, extend the Hibbard Ferry hours of operation to conduct a six week trial to extend the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays (Additional 1 hour 15 minutes).
6. Continue to monitor the vehicle movements and vehicles Left on Bank (LOB) and report these back to a future Council meeting.
7. Note that a permanent increase to the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays would increase annual running costs by \$22,640.
8. Monitor the condition and erosion of the road access to the Hibbard Ferry, north side of Hastings River, and consider the need for bank stabilisation and/or road widening.

**THE AMENDMENT WAS PUT AND CARRIED**

CARRIED: 5/1

FOR: Alley, Hawkins, Intemann, Pinson and Turner

AGAINST: Griffiths

**THE AMENDMENT BECOMES THE MOTION AND WAS PUT**

*RESOLVED: Intemann/Alley*

That Council:

1. Note the information provided in this report.
2. Note the community feedback received as part of the recent ferry engagement survey.
3. Note the average annual operating deficit of the ferry services over the last four years was \$941,400, and that any change in service level should consider an increase in ferry fees to cover this increased expense.

4. Note that a two-person operation on the Settlement Point Ferry may be required to meet Australian Maritime Safety Authority (AMSA) navigation requirements, which can also provide efficiency in loading and travel times. This would increase annual running costs by \$66,250 and require an approximate 10% increase in fees to recover this expense.
5. Upon return to service of the Hibbard Ferry, extend the Hibbard Ferry hours of operation to conduct a six week trial to extend the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays (Additional 1 hour 15 minutes).
6. Continue to monitor the vehicle movements and vehicles Left on Bank (LOB) and report these back to a future Council meeting.
7. Note that a permanent increase to the Hibbard Ferry hours of operation to 6.00am-9.50am and 2.00pm-6.50pm weekdays would increase annual running costs by \$22,640.
8. Monitor the condition and erosion of the road access to the Hibbard Ferry, north side of Hastings River, and consider the need for bank stabilisation and/or road widening.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **12.04 SEWAGE ISSUES IN BONNY HILLS AREA**

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*RESOLVED: Pinson/Intemann*

That Council:

1. Note the information provided in this report.
2. Include a Sewer Catchment Management Planning project in the 2021/2022 Operational Plan linking to the existing Urban Stormwater Management Planning project already listed in the draft Operational Plan.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **12.06 DRAFT PORT MACQUARIE-HASTINGS LOCAL HOUSING STRATEGY 2021-2041**

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*RESOLVED: Intemann/Turner*

That Council:

1. Place the Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041 (Attachment 1) and supporting Background Reports (Attachments 2-6) on public exhibition for a period of 60 days in accordance with Council's Community Participation Plan.
2. Delegate authority to the Director Development and Environment to make any minor amendments to numerical, typographical, interpretation and

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formatting errors, if required, to the Draft Port Macquarie-Hastings Local Housing Strategy in preparation for public exhibition.

3. Receive a report on submissions to the Draft Port Macquarie-Hastings Local Housing Strategy at the completion of the public exhibition period.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**12.07 DA2020 - 457.1 MULTI DWELLING HOUSING AND STRATA  
SUBDIVISION AT LOT 14 DP1219811, NO 91 THE RUINS WAY, PORT  
MACQUARIE**

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

Councillor Turner left the meeting, the time being 7:58pm.

Councillor Turner returned to the meeting, the time being 7:59pm.

**MOTION**

*MOVED: Intemann/Alley*

1. That DA2020 - 457.1 for a Multi Dwelling Housing and Strata Subdivision at Lot 14, DP 1219811, No. 91 The Ruins Way, Port Macquarie, be determined by granting consent subject to the recommended conditions.
2. That Council note that the Draft Port Macquarie-Hastings Local Housing Strategy recommends that Council develop Local Character Statements and/or place-specific controls for specific areas throughout the Local Government Area, in order to preserve the unique character of specific areas and ensure new and infill development does not adversely impact on the desired established character of a particular street, or neighbourhood, or area.

**AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council, in relation to DA 2020 - 457.1 for a Multi Dwelling Housing and Strata Subdivision at Lot 14, DP 1219811, No. 91 The Ruins Way, Port Macquarie:

1. Has been made aware on numerous occasions of concerns being raised by the community in response to some new infill development proposals and the potential for these to change or have an adverse impact on the established character of a neighbourhood in some instances.
2. Refuse consent to DA202 - 457.1.

**THE AMENDMENT WAS PUT AND WAS LOST**

*LOST: 1/5*

*FOR: Pinson*

*AGAINST: Alley, Griffiths, Hawkins, Intemann and Turner*

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**THE MOTION WAS PUT AND WAS CARRIED**

*RESOLVED: Intemann/Alley*

1. That DA2020 - 457.1 for a Multi Dwelling Housing and Strata Subdivision at Lot 14, DP 1219811, No. 91 The Ruins Way, Port Macquarie, be determined by granting consent subject to the recommended conditions.
2. That Council note that the Draft Port Macquarie-Hastings Local Housing Strategy recommends that Council develop Local Character Statements and/or place-specific controls for specific areas throughout the Local Government Area, in order to preserve the unique character of specific areas and ensure new and infill development does not adversely impact on the desired established character of a particular street, or neighbourhood, or area.

*CARRIED: 5/1*

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

*AGAINST: Pinson*

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**12.08 MEMBERSHIP OF THE SUSTAINABILITY ADVISORY SUB COMMITTEE**

*RESOLVED: Alley/Turner*

That Council:

1. Note the information provided in this report.
2. Accept the ten nominees as outlined in Table 1 as members of the Sustainability Advisory Sub-Committee.
3. Thank the unsuccessful applicants for their Expressions of Interest.

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

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**12.09 PORT MACQUARIE TOWN CENTRE MASTER PLAN SUB-COMMITTEE STRATEGIC PLANNING WORKSHOP OUTCOMES**

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

*RESOLVED: Hawkins/Intemann*

That Council:

1. Note the information contained within the Port Macquarie Town Centre Master Plan Sub-Committee Strategic Workshop Outcomes report.
2. With one exception (Priority No. 3 – Police Station Site) adopt the outcomes as priorities for the Port Macquarie Town Centre Master Plan Sub-Committee and that funding be allocated in future Operational Plans and budgets accordingly.

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3. Resolves, with respect to the Police Station Site to:
    - a) Endorse current efforts to support appropriate Heritage Listing of the Police Constables Cottage; and
    - b) Endorse the Town Centre Master Plan Sub-Committee urgently facilitating high level concept designs for the site on behalf of the community.
    - c) Noting points a) and b) above, also incorporate appropriate design and pre-construction funding in future Operational Plans and budgets as per other TCMP priority projects.
  4. Note the NSW Department of Planning, Industry and Environment's Draft Regional City Action Plan for Port Macquarie - Objective 9 - respect, protect, embrace and celebrate the distinctive culture, character and heritage of Port Macquarie.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**12.10 REVISED PLANNING PROPOSAL PP2014 - 14.1: LAND AT THE INTERSECTION OF HOUSTON MITCHELL DRIVE AND OCEAN DRIVE BONNY HILLS - POST EXHIBITION - CONSIDERATION OF SUBMISSIONS**  
**APPLICANT: KING AND CAMPBELL PTY LTD**  
**OWNER: S J MIFSUD**

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*RESOLVED: Intemann/Hawkins*

That Council:

1. As a result of the consideration of submissions, endorse the Planning Proposal in relation to Lot 10 DP 615775 and Lot 6 DP 1210904, corner Houston Mitchell Drive and Ocean Drive as exhibited, and take the necessary steps under Section 3.36 of the Environmental Planning and Assessment Act 1979 to finalise Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 54) to give effect to the Planning Proposal.
2. Approve the exhibited draft Development Control Plan provisions, incorporating the amendments as referred to in this report, as an amendment to the Port Macquarie-Hastings Development Control Plan 2013, to commence on notification of the Local Environmental Plan in point 1 above on the NSW Legislation website.
3. Within 28 days, publish a public notice of Council's decision to approve the amendment to the Port Macquarie-Hastings Development Control Plan 2013, as referred to in point 2 above in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
4. Delegate authority to the Director Development and Environment to make any minor amendments to numerical, typographical, interpretation and formatting errors, if required, to the Planning Proposal and draft Development Control Plan provisions in finalising the matter.
5. Note that a roundabout off Houston Mitchell Drive at Forest Parkway, Bonny Hills is the preferred intersection treatment and location in order to provide safe vehicular access to the subject land and adequate separation between intersections.



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6. Take reasonable steps to facilitate road widening, if required, and consider future funding arrangements, for the construction of a roundabout off Houston Mitchell Drive at Forest Parkway, Bonny Hills.
  7. Notify all persons who lodged a submission of Council's decision.

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

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### **13 ITEMS TO BE DEALT WITH BY EXCEPTION**

*RESOLVED: Griffiths/Alley*

That Items 09.01, 09.02, 09.03, 09.04, 09.05, 09.07, 09.08, 09.09, 09.10, 09.11, 09.13, 09.14, 10.02, 10.06, 12.05 be considered as a block resolution.

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

*RESOLVED: Alley/Turner*

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*

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### **09.01 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

*BLOCK RESOLVED: Alley/Turner*

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

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### **09.02 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 8 APRIL TO 5 MAY 2021**

*BLOCK RESOLVED: Alley/Turner*

That Council note the Mayoral Discretionary Fund allocations for the period 8 April to 5 May 2021 inclusive.



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### **09.03 REMOTE ACCESS TO COUNCIL MEETINGS**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Permit Councillors to attend Council meetings by audio-visual means subject to approval of individual requests under approved circumstances until 31 December 2021.
2. Consider and resolve the outcome of each application on its merits subject to the conditions of providing remote access to Councillors.
3. Not unreasonably withhold approval for Councillors to attend Council meetings by audio-visual means within the approved conditions.
4. Adopt the conditions of approving remote access to Council meetings as included in Attachment 1 to this report.

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### **09.04 2021-2022 COUNCILLOR AND MAYORAL FEES**

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*BLOCK RESOLVED: Alley/Turner*

That, in relation to Councillor remuneration for the 2021-2022 financial year, Council:

1. Pursuant to the provisions of section 248(2) of the Local Government Act 1993, Council set the annual fee payable to a Councillor for the financial year commencing 1 July 2021 to be \$24,810.
2. Pursuant to the provisions of section 249(3) of the Local Government Act 1993, Council set the annual fee payable to the Mayor for the financial year commencing 1 July 2021 to be \$86,090 (this amount includes the fee payable to a Councillor).

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### **09.05 LEGAL FEES**

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*BLOCK RESOLVED: Alley/Turner*

That Council note the information in the Legal Fees report.

Item 09.06 2017-2022 Delivery Program and 2020-2021 Operational Plan - Progress Report as at 31 March 2021, has been addressed previously within the meeting.

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### **09.07 POLICY REVIEW - DEBT RECOVERY POLICY**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Place on public exhibition for a minimum of 28 days the revised Debt Recovery Policy.
2. Note that a further report will be considered at the July 2021 meeting of Council, detailing the submissions received from the public during the exhibition period.

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### **09.08 POLICY REVIEW - LOANS TO INCORPORATED SPORTING BODIES & INCORPORATED COMMUNITY GROUPS POLICY**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Place on public exhibition for a minimum of 28 days, the Loans to Incorporated Sporting Bodies and Incorporated Community Groups Policy that is proposed for rescission.
2. Note that a further report will be considered at the July 2021 meeting of Council, detailing the submissions received from the public during the exhibition period.

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### **09.09 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2021**

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*BLOCK RESOLVED: Alley/Turner*

That Council note the Quarterly Budget Review Statement for the March 2021 Quarter.

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### **09.10 MONTHLY BUDGET REVIEW - APRIL 2021**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Adopt the adjustments in the "April 2021 Adjustments" section of the Monthly Budget Review – April 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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#### **09.11 INVESTMENTS - APRIL 2021**

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*BLOCK RESOLVED: Alley/Turner*

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

Item 09.12 Progress of the Sustainability Framework, Climate Change Policy, Climate Change Strategy and Action Plan, has been addressed previously within the meeting.

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#### **09.13 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Note the Development Activity and Assessment System Performance report for the third quarter of 2020-2021.
2. Note the determination made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.

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#### **09.14 DRAFT LOCAL GOVERNMENT ELECTIONS CARETAKER PERIOD POLICY**

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*BLOCK RESOLVED: Alley/Turner*

That Council adopt the draft Local Government Elections Caretaker Period Policy.

Item 10.01 2020-2021 Round 2 Community Grant Program for Endorsement, has been addressed previously within the meeting.

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#### **10.02 RECOMMENDED ITEMS FROM THE MAYOR'S SPORTING FUND SUB-COMMITTEE - APRIL 2021**

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*BLOCK RESOLVED: Alley/Turner*

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

1. Phoebe Bentley to receive \$450.00 to assist with the expenses she will incur travelling to and competing at the 2021 Australian Swimming Championships on the Gold Coast.

Item 10.03 Draft Cultural Plan, has been addressed previously within the meeting.

Item 10.04 Tidal Pool at Oxley Beach Port Macquarie, has been addressed previously within the meeting.

Item 10.05 Port Macquarie Aquatic Facility, has been addressed previously within the meeting.

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### **10.06 POLICY REVIEWS - BEACH DRIVING AND DOGS IN PUBLIC OPEN SPACES**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Note the information contained within this report for the Draft policies for Beach Driving and Dogs in Public Open Spaces.
2. Place the Draft policies for Beach Driving and Dogs in Public Open Spaces presented within this report on Public Exhibition from 24 May to 20 June 2021.
3. Request the Chief Executive Officer provide a report to the July 2021 Ordinary Council Meeting outlining community feedback received during the public exhibition period.

Item 10.07 Naming of a Road at Laurieton, has been addressed previously within the meeting.

Item 11.01 Economic Development Strategy 2017-2021: Six Monthly Report on Progress, has been addressed previously within the meeting.

Item 12.01 Petition - Koala Habitat within the Fantasy Glades Development DA 2019/934, has been addressed previously within the meeting.

Item 12.02 Developments, Public Place & Events Waste Minimisation and Management Policy - Post Implementation Review, has been addressed previously within the meeting.

Item 12.03 Ferry Operations, has been addressed previously within the meeting.

Item 12.04 Sewage Issues in Bonny Hills Area, has been addressed previously within the meeting.

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## **12.05 WATER SUPPLY POLICY 2021 - OUTCOME OF PUBLIC EXHIBITION**

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*BLOCK RESOLVED: Alley/Turner*

That Council:

1. Note the feedback received from the community on the Draft Water Supply Policy 2021 Policy during the exhibition period.
2. Adopt the Water Supply Policy 2021 and supporting documents.

Item 12.06 Draft Port Macquarie-Hastings Local Housing Strategy 2021-2041, has been addressed previously within the meeting.

Item 12.07 DA2020 - 457.1 Multi Dwelling Housing and Strata Subdivision at Lot 14 DP1219811, No 91 The Ruins Way, Port Macquarie, has been addressed previously within the meeting.

Item 12.08 Membership of the Sustainability Advisory Sub Committee, has been addressed previously within the meeting.

Item 12.09 Port Macquarie Town Centre Master Plan Sub-Committee Strategic Planning Workshop Outcomes, has been addressed previously within the meeting.

Item 12.10 Revised Planning Proposal PP2014 - 14.1: Land at the Intersection of Houston Mitchell Drive and Ocean Drive Bonny Hills - Post Exhibition - Consideration of Submissions, APPLICANT: King and Campbell Pty Ltd, OWNER: S J Mifsud, has been addressed previously within the meeting.

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## **CONFIDENTIAL SESSION**

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*RESOLVED: Intemann/Griffiths*

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 14.01 Sale of Surplus Land - 178 Nancy Bird Walton Drive Kew

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a

- 
- person with whom the Council is conducting (or proposes to conduct) business.
- Item 14.02 Request for Tender T-18-18 Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators
- 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 14.03 T-21-10 Tree Maintenance and Management 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.
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*

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#### **14.01 SALE OF SURPLUS LAND - 178 NANCY BIRD WALTON DRIVE KEW**

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Mayor Pinson declared a Pecuniary Interest in this matter, vacated the Chair, left the room and was out of sight during the Council's consideration, the time being 8:38pm.

The Deputy Mayor assumed the Chair.

*RESOLVED: Griffiths/Hawkins*

That Council:

1. Dispose of surplus land at 178 Nancy Bird Walton Dr, Kew, being Lot 1, Deposited Plan 729726 and Lot 100 (Part), Deposited Plan 1130726, and comprising 12,793m<sup>2</sup> land in total, by a private treaty sale utilising a registered real estate agent.
2. Request the Chief Executive Officer to negotiate with potential purchasers to secure an advantageous financial outcome to Council, not less than the amount as detailed in the body of this report.
3. Allocate the sale proceeds to Council's Property Reserve should a successful sale be completed.
4. Note that a further report will be presented to Council detailing the outcomes of the disposal process.
5. Maintain the confidentiality of the documents and considerations in respect of Sale of Surplus Land - 178 Nancy Bird Walton Drive, Kew.

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

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#### **14.02 REQUEST FOR TENDER T-18-18 PROVISION OF HIRE SERVICES - CONTRACT PLANT, ANCILLARY EQUIPMENT AND PLANT OPERATORS**

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Mayor Pinson declared a Pecuniary Interest in this matter and remained out of the room.

Councillor Griffiths declared a Pecuniary Interest in this matter and left the room and was out of sight during the Council's consideration, the time being 8:40pm.

*RESOLVED: Hawkins/Alley*

That Council:

1. In accordance with Section 55(3)(i) of the Local Government Act 1993, due to the extenuating circumstances, being the prioritisation of staff resources in response to the drought, fire and flood events over the past 18 months, resolves not to call open tenders for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators.
2. Request the Chief Executive Officer to enter into negotiations to vary the panel contracts for T-18-18 for the Provision of Hire Services - Contract Plant, Ancillary Equipment and Plant Operators with the following 55 contractors appointed to the panel arrangement for T-18-18 for a further period of twelve (12) months to 30 June 2022:
  - AJ & JA Wilson Family Trust
  - AS & S Collins t/as Mortons Creek Haulage
  - Blanch Earthmoving Pty Ltd
  - Booker Backhoe Bobcat & Tipper Hire Pty Ltd
  - Bridle Concrete Resources
  - CJ Hoogland t/as Hoogland Plant Hire
  - CNC Roads
  - Coastal Hire & Sales
  - Coates Hire Operations Pty Ltd
  - Conplant Pty Ltd
  - CSC Industries Pty Ltd t/as Platinum Excavation and Plant Hire
  - Ditchfield Contracting Pty Ltd
  - DJ & D Coombes
  - Eire Constructions Pty Ltd
  - Elf's Excavations
  - Fenech Group Pty Ltd
  - FJ & BJ Lyon Pty Ltd
  - Garry Hooper Haulage Pty Ltd
  - GC & LR Mellor t/as Midcoast Tipper Hire
  - G H Lindsay Earthmoving Pty Ltd

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- Glenn Martin Backhoe Hire
  - HC & K Bennett Pty Ltd
  - Hobbs Rural Services
  - Hollfields Plumbing Excavation
  - Jim Anderson Earthmoving
  - JR & EG Richards Pty Ltd
  - Keegan Civil Pty Ltd
  - Kennards Hire Pty Ltd
  - Lake Cathie Excavations
  - Laurie Mascord Backhoe Hire
  - LinCon Earthmoving Pty Ltd
  - Magnum Haulage & Excavations Pty Ltd
  - Manton Building & Excavations
  - Marden Alliance Pty Ltd t/as Marden Civil
  - Marschall Bobcat Service
  - Master Hire Pty Ltd
  - Mid Coast Cranes Pty Ltd
  - Mid North Coast Hydro Digging & Service Locating Pty Ltd
  - Mid North Coast Water Tankers Pty Ltd
  - Mitchbrook Management Pty Ltd t/as Mitchbrook Construction
  - ML & LT Swan
  - ONeills Backhoe Services Pty Ltd
  - Port Cranes Pty Ltd
  - Redhead Machinery Pty Ltd
  - Rollers Australia Pty Ltd
  - Schmutter Earthmoving & Demolition Pty Ltd
  - Specialised Pavement Services Pty Ltd
  - Stephen McNeilly Bobcat & Tipper Hire
  - Steve Wallis Transport
  - TFH Hire Services Pty Ltd
  - Tutt Bryant Equipment
  - Tyrrells Earthmoving t/as Next Level Earthworks
  - Winicki Excavations
  - XXXDirtworx Pty Ltd t/as M C Dirtworx; and
  - YI Constructions.
3. Delegate to the Chief Executive Officer the authority to negotiate and sign the contract extension agreements with the 55 contractors appointed to the panel arrangement for T-18-18 for twelve (12) months to 30 June 2022.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-18-18.

*CARRIED: 4/0*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Nil*

Councillor Griffiths returned to the meeting, the time being 8:42pm.

The Mayor returned to the meeting, the time being 8:42pm.

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



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### 14.03 T-21-10 TREE MAINTENANCE AND MANAGEMENT SERVICES

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*RESOLVED: Griffith/Hawkins*

That Council:

1. Accept tenders from the following tenderers to be appointed to a panel arrangement for Tree Maintenance and Management Services:
  - a) Mid North Coast Tree Services Pty Ltd
  - b) Port Tree Fella Pty Limited
  - c) Timothy James MCGRATH
  - d) Troy John ROBERTS
  - e) Woodvale Tree Services Pty Ltdfor an initial period of two (2) years commencing 1 June 2021 with two (2) options for extension for a further period of two (2) years at the initial expiry, and then a further one (1) year at expiry of the first extension, for a total combined contract period of five (5) years. Such options are to be for the benefit of Council and may be exercised only by Council at its sole discretion.
2. Affix the seal of Council to the necessary documents.
3. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-10.

*CARRIED: 6/0*

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

*AGAINST: Nil*

*MOVED: Alley/Hawkins*

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

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

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The meeting closed at 8:46pm.

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Peta Pinson  
Mayor