



# Ordinary Council

## Business Paper

**date of meeting:** Monday 6 September 2021

**location:** via MS Teams

**time:** 5:00pm

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

**Community Themes**

- ★ Leadership and Governance
- ★ Your Community Life
- ★ Your Business and Industry
- ★ Your Natural and Built Environment

# Ordinary Council Meeting

Monday 6 September 2021

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**Item: 01****Subject: ACKNOWLEDGEMENT OF COUNTRY**

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"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

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**Item: 02****Subject: REMOTE ATTENDANCE AT MEETING**

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**RECOMMENDATION**

That Council accede to the request of Councillors to attend the meeting by remote means.

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**Item: 03****Subject: LOCAL GOVERNMENT PRAYER**

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Due to the current COVID-19 health emergency, the Prayer will not be held as part of this meeting.

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**Item: 04****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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**Item: 05****Subject: CONFIRMATION OF PREVIOUS MINUTES**

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**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 4 August 2021 be confirmed.

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**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)  
Acting Director Corporate Performance (Ashley Grummitt)  
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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This meeting was held remotely and electronically through Microsoft Teams and is live streamed on Council's YouTube channel.

The meeting opened at 5:30pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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

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**02 REMOTE ATTENDANCE AT MEETING**

Due to the current COVID-19 health emergency all Councillors are attending by remote means.

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### 03 LOCAL GOVERNMENT PRAYER

Due to the current COVID-19 health emergency, the Local Government Prayer was not delivered as part of this meeting.

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### 04 APOLOGIES

Nil.

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### 05 CONFIRMATION OF MINUTES

*RESOLVED: Griffiths/Intemann*

That the Minutes of the Ordinary Council Meeting held on 21 July 2021 be confirmed.

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

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### 06 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

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#### 07.01 INFRASTRUCTURE CONTRIBUTIONS REFORMS

*MOVED: Pinson*

That Council:

1. Call on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Call on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. Call on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. Request that the Chief Executive Officer write to:
  - the Member for Port Macquarie, the Hon Leslie Williams MP;
  - the Member for Oxley, the Hon Melinda Pavey MP;
  - the Premier of NSW, the Hon Gladys Berejiklian MP;

- 
- the Treasurer of NSW, the Hon Dominic Perrottet MP;
  - the Minister for Planning and Public Spaces, the Hon Rob Stokes MP;
  - the Minister for Local Government, the Hon Shelley Hancock MP;
- seeking them to withdraw the Bill.
5. Request the Chief Executive Officer write to:
- the Shadow Treasurer, the Hon Daniel Mookhey MLC;
  - the Shadow Minister for Planning and Public Spaces, Mr Paul Scully MP;
  - the Shadow Minister for Local Government, Mr Greg Warren MP;
- seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining Council's concerns with the Bill.
6. Affirm its support to Local Government NSW and requests Local Government NSW continue advocating on Council's behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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

*RESOLVED: Intemann/Alley*

That Council determine that the attachments to Item 09.04 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**

*RESOLVED: Intemann/Turner*

That Standing Orders be suspended to allow Items 09.03, 09.05, 09.06, 09.08, 09.09, 09.10, 09.11, 09.12, 12.01, 12.02, 12.04 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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### 09.03 FUTURE 2021 ORDINARY COUNCIL MEETINGS

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*MOVED: Intemann/Griffiths*

That Council

1. Conduct the remaining 2021 Ordinary Council Meetings on 6 September 2021, 15 September 2021, 13 October 2021 and 3 November 2021.
2. Cancel the Ordinary Council Meeting scheduled to occur on Wednesday 8 December 2021 due to the NSW Local Government elections being held 4 December 2021.
3. Request the Chief Executive Officer to communicate with Local Government NSW and the Office of Local Government regarding the election set for 4 December 2021, and support any action to ensure that the election is held as planned, including through the use of iVote and extended postal voting.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### 09.05 NOTICE OF MOTION - PROFESSIONAL DEVELOPMENT UNDERTAKEN BY THE MAYOR

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#### MOTION

*MOVED: Pinson/Griffiths*

That Council:

1. Note the professional development undertaken by Mayor Pinson from September 2019 to the end of Council term in 2021.
2. Request the Chief Executive Officer provide the new Council with the opportunity for professional development.

#### AMENDMENT

*MOVED: Turner/Hawkins*

That this matter be deferred to the 15 September 2021 Ordinary Council Meeting pending full detailed information of the cost to the community of the professional development undertaken by the Mayor and an outline of the conditions under which professional development is offered to Councillors.

*EQUAL: 3/3*

*FOR: Hawkins, Intemann and Turner*

*AGAINST: Alley, Griffiths and Pinson*

*CASTING VOTE: Against  
LOST*

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## **AMENDMENT**

*RESOLVED: Turner/Hawkins*

That Council:

1. Note the professional development undertaken by Mayor Pinson from September 2019 to the end of Council term in 2021.
2. Request the Chief Executive Officer provide the new Council with the opportunity for professional development.
3. Request the Chief Executive Officer provide a report to the 15 September 2021 Ordinary Council Meeting outlining financial details of the cost to the community of professional development of the Mayor.

## **ADJOURN MEETING**

Due to technical difficulties, the Ordinary Council Meeting adjourned at 5:57pm and resumed at 6:02pm.

## **THE AMENDMENT WAS PUT AND CARRIED**

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

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## **09.06 NOTICE OF MOTION - FREEZING OF FUTURE INCREASES TO COUNCIL ORDINARY RATES**

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### **MOTION**

*MOVED: Pinson/Griffiths*

That Council:

1. Note the financial impacts felt by the ratepayers associated with drought, bushfires, the Covid-19 pandemic and the recent floods in our region over the past three years.
2. Note the total funds invested by Council as at 30 June 2021 is \$342,612,871.
3. Note the Port Macquarie-Hastings Local Government Area has and continues to experience an unprecedented level of development activity with new rateable properties increasing Council income.
4. Note the Council resolution at the Ordinary Council Meeting held on 16 June 2021 - Item 09.05 - Making of rates and charges for 2021-2022, adoption of the fees and charges and revenue policy for 2021-2022.
5. Note the Ordinary Rate was resolved to increase Council's General Rating Income by 2.0% for 2021-2022, which is the rate peg increase approved by IPART.
6. Further to Point 1 above, freeze any further future rate increases until Council is able to:
  - a) Demonstrate commitment to reducing costs within the organisation;

- 
- b) Provide evidence on how Council will increase its delivery of key and critical projects and infrastructure with the associated resourcing plan.
  7. Bring a report to the newly elected Council outlining actions proposed in Point 6 above.

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

### **FORESHADOWED MOTION**

*RESOLVED: Intemann/Hawkins*

That Council:

1. Note the financial impacts felt by many ratepayers associated with drought, bushfires, the COVID-19 pandemic and recent floods and other disasters in our region over the past three years.
2. Note that Council has a hardship policy in place to assist anyone who is unable to pay their rates, and request the Chief Executive Officer to ensure that this assistance continues to be communicated to members of our community who may be experiencing difficulties.
3. Note the total funds invested by Council as at 30 June 2021 is \$342,612,871, plus \$4.7 million cash on hand, of which, based on previous year's audit, approximately 97% is expected to be deemed as held in restricted reserves to fund significant future infrastructure upgrades, especially water storage and supply.
4. Note that the amount held in externally restricted reserves is \$277 million, and is subject to legislative control, for example through water, sewer, waste, developer contributions (\$56 million) and unexpended grants (\$21 million).
5. Note that the amount held in internally restricted reserves is \$60 million, the majority of which is currently allocated to specific projects such as Ocean Drive duplication, or specific operational purposes such as employee leave entitlements, however the allocation of those funds could be amended by Council resolution.
6. Note the Port Macquarie-Hastings Local Government Area has experienced an unprecedented level of development activity, which brings new rate income for providing services to the new properties, although IPART has reported that on average, councils are recovering from rates only around 60% of the costs associated with growth.
7. Note that growth brings additional costs to Council in the form of significantly increased demand for new roads, infrastructure and facilities that rate income and/or development contributions does not adequately fund.
8. Note the Council resolution at the 16 June 2021 Ordinary Council Meeting, Item 09.05 - Making of rates and charges for 2021-2022, adopting the fees and charges and revenue policy for 2021-2022.
9. Note that the Office of Local Government comparative data for 2018-2019 (being the most recent comparative data available) shows that Port Macquarie-Hastings Council Ordinary Rates are consistent with, and in many cases lower, than other Group 5 councils similar to ours, and NSW councils overall.
10. Note that the Ordinary Rate included an increase in Council's General Rating Income by 2.0% for 2021-2022, which is the rate peg increase approved by

- IPART to offset cost increases to Council, especially in wages, materials, and construction.
11. Note that award increases in staff salaries and wages are forecast to increase by around \$850,000 in 2022-2023, hence the rate peg increase only just covers that amount each year, without considering other costs increases.
  12. Note that forgoing the IPART rate peg increase for 2022-2023 alone, would result in a loss of income of General Rating of \$1.1 million in that year, which cannot be taken up in future years so would have an enduring and cumulative negative impact of \$12.8 million on Council's Long Term Financial Plan over 10 years.
  13. Note that forgoing the IPART rate peg increase for the next three years would have a cumulative negative loss in revenue of \$34.4 million on Council's Long Term Financial Plan over 10 years.
  14. Note that IPART is considering amending the rate peg methodology to include an allowance for population growth, so the negative impact from not applying the rate peg could be far greater than the amounts identified in clauses 12 and 13 above.
  15. Remind all Councillors of their responsibility and civic duty to make fiscally responsible decisions regarding Council's income and expenditure at all times in order to achieve sustainable quadruple bottom line outcomes for our community.
  16. Note the unanimous Council resolution at the 17 March 2021 Ordinary Meeting, Item 10.03, to request the Chief Executive Officer to implement the Australian Business Excellence Framework to improve organisational performance.
  17. Note that the 21 July 2021 Ordinary Meeting resolved at Item 12.08 to request the Chief Executive Officer to review the existing structure and resource base to increase its delivery of key and critical transport infrastructure.
  18. In view of the postponement of Council elections, request the Chief Executive Officer to brief Councillors on the review referred to in clause 17 above, before 31 January 2022, and formally report to Council before 31 March 2022.
  19. Request the Chief Executive Officer to brief Councillors on the issue of rates and charges as part of the 2022-2023 budget process.
  20. Note the potential negative impact of a rate freeze on the willingness of higher levels of government to co-invest with Council on agreed local priority projects.

*CARRIED: 4/2*

*FOR: Alley, Hawkins, Intemann and Turner*

*AGAINST: Griffiths and Pinson*

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**09.08 2017-2022 DELIVERY PROGRAM AND 2020-2021 OPERATIONAL PLAN  
- SIX MONTHLY PROGRESS REPORT AS AT 30 JUNE 2021**

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*RESOLVED: Griffiths/Hawkins*

That Council:

1. Note the 2017-2022 Delivery Program and 2020-2021 Operational Plan Six Monthly Progress Report as at 30 June 2021.
2. Request the Chief Executive Officer investigate options to develop and implement an improved operational plan performance reporting framework.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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

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*RESOLVED: Hawkins/Griffiths*

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

*CARRIED: 6/0*

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

*AGAINST: Nil*

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**09.10 2020-2021 CARRY-OVER PROJECTS**

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*RESOLVED: Hawkins/Griffiths*

That Council:

1. Adopt the 2020-2021 carry-over projects outlined in this report for inclusion in the 2021-2022 budget.
2. Amend the 2021-2022 one-year Operational Plan to include all projects approved to be carried over as individual action items.
3. Congratulate staff on the exceptional delivery of projects in what has been an extraordinarily challenging year due to natural disasters and the COVID-19 pandemic.
4. Could the Chief Executive Officer investigate the increase in delivery for the last 2 financial years and provide information to Council as part of the budget process.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### 09.11 MONTHLY BUDGET REVIEW - JULY 2021

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*RESOLVED: Griffiths/Hawkins*

That Council:

1. Adopt the adjustments in the "July 2021 Adjustments" section of the Monthly Budget Review – July 2021 report and associated attachment.
2. Amend the 2021-2022 Operational Plan to include all budget adjustments approved in this report.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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### 09.12 TEMPORARY WAIVER OF FEES - PORT MACQUARIE SENIOR CITIZENS CLUB & THE HUB BUSINESS AND CO-WORKING CENTRE

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*RESOLVED: Hawkins/Griffiths*

That Council:

1. Note the recent NSW Health Orders in response to the latest COVID-19 outbreak, calls on communities to work from home where possible.
2. Waive, refund or defer the payment of fees and charges as detailed below, in relation to community members and local businesses impacted by the current COVID-19 outbreak. These fees and charges include:

	Fee / Charge	Timeline of waiver / deferral
a)	Monthly Rental Fee - Port Macquarie Senior Citizens Facility	For 6 months commencing from July 2021
b)	Hub Business and Co-Working Centre User Subscription Fee	For 6 months commencing from July 2021

3. Note that a future report be presented to the November 2021 Ordinary Council Meeting to review this schedule.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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## 12.01 NOTICE OF MOTION - COMMUNITY POLL ON FLUORIDATION

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*RESOLVED: Pinson/Intemann*

That Council:

1. Note the correspondence of Minister for Health & Medical Research, the Hon Brad Hazzard MP.
2. Note the postponement of Local Government elections on 4 September 2021, as Gazetted by the Minister for Local Government, the Hon Shelly Hancock MP.
3. Note the intended Yes or No Poll for continuing the addition of Fluoride in the Port Macquarie-Hastings drinking water as resolved by Council.
4. Word the new Poll to ask: "Do you want Port Macquarie-Hastings Council to permanently cease adding fluoride (hydrofluorosilicic acid) to the drinking water supply"?
5. Request the Chief Executive Officer make arrangements for the Fluoridation Poll to be held at the Local Government elections on 4 December 2021, allowing the voting community to have their say.

*EQUAL: 3/3*

*FOR: Griffiths, Intemann and Pinson*

*AGAINST: Alley, Hawkins and Turner*

*CASTING: For  
CARRIED*

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## 12.02 NOTICE OF MOTION - HIBBARD FERRY OPERATING HOURS

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### **MOTION**

*MOVED: Intemann/Alley*

That Council:

1. Note the intention of the resolution at Item 12.03 of the 19 May 2021 Ordinary Council Meeting, and extend the hours of operation of the Hibbard Ferry to 6.00am-9.50am and 2.00pm-6.50pm weekdays.
2. Fund the extended hours from the Ferry Reserve and reconsider the funding source at the time of the next report on ferry operations.
3. Note that the report to Council on 19 May 2021 indicated that the annualized cost of this option was \$22,400.

### **AMENDMENT**

*MOVED: Pinson/Griffiths*

That Council:

1. Defer Item 12.02 Hibbard Ferry Operating Hours to the 6 September 2021 Ordinary Council Meeting for clarification of the resolution and recording of the meeting.
2. Continue the trial as resolved with the extension of one extra week.

3. Request the Chief Executive Officer to communicate to the residents of the North Shore the extension to the trial.
4. Request the Chief Executive Officer provide an urgent briefing to Councillors to consider the results of the trial and the availability of funds to permanently extend the operating hours of the Hibbard Ferry to 6.00am-9.50am and 2.00pm-6.50pm weekdays.

**THE AMENDMENT WAS PUT AND LOST**

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

**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Intemann/Alley*

That Council:

1. Note the intention of the resolution at Item 12.03 of the 19 May 2021 Ordinary Council Meeting, and extend the hours of operation of the Hibbard Ferry to 6.00am-9.50am and 2.00pm-6.50pm weekdays.
2. Fund the extended hours from the Ferry Reserve and reconsider the funding source at the time of the next report on ferry operations.
3. Note that the report to Council on 19 May 2021 indicated that the annualized cost of this option was \$22,400.

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

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**12.04 PLANNING PROPOSAL 2017 - 4.1 CRESTWOOD PARK RECREATION PRECINCT - POST EXHIBITION REPORT**

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*RESOLVED: Griffiths/Turner*

That Council:

1. Note the submissions received during public exhibition of the Planning Proposal PP2017 - 4.1 - Crestwood Park Recreation Precinct.
2. As result of the consideration of submissions, endorse the Planning Proposal in relation to Lot 516 DP1261705, Lot 497 DP1237901 and Lot 319 DP1214443, Crestwood, as exhibited, and take the necessary steps under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 57) to give effect to the Planning Proposal.
3. Delegate authority to the Director Development and Environment to make any inconsequential or minor administrative amendments to the Planning Proposal in finalising the matter.
4. Notify Council's decision to all persons who lodged a submission.

*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**

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*RESOLVED: Hawkins/Alley*

That Items 09.01, 09.02, 09.04, 09.07, 09.13, 09.14, 09.15, 09.16, 10.01, 10.02, 10.03, 11.01, 12.03, 12.05 be considered as a block resolution.

*CARRIED: 6/0*

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

*AGAINST: Nil*

*RESOLVED: Hawkins/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*

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

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*BLOCK RESOLVED: Hawkins/Alley*

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 TO 21 JULY 2021**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council note the Mayoral Discretionary Fund allocations for the period 8 to 21 July 2021 inclusive.

Item 09.03 Future 2021 Ordinary Council Meetings, has been addressed previously within the meeting.

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### **09.04 LEGAL FEES**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council note the information in the Legal Fees report.

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Item 09.05 Notice of Motion - Professional Development Undertaken by the Mayor, has been addressed previously within the meeting.

Item 09.06 Notice of Motion - Freezing of Future Increases to Council Ordinary Rates, has been addressed previously within the meeting.

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### **09.07 2020-2021 FINANCIAL STATEMENTS AUDIT**

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*BLOCK RESOLVED: Hawkins/Alley*

1. That Council refer to audit the draft Financial Statements as at 30 June 2021.
2. That the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the Chief Executive Officer, the Mayor and one Councillor as required by the Local Government Act 1993.

Item 09.08 2017-2022 Delivery Program and 2020-2021 Operational Plan - Six Monthly Progress Report as at 30 June 2021, has been addressed previously within the meeting.

Item 09.09 Glasshouse Biannual Report and Update on Glasshouse Plan 2020 - 2022 Actions, has been addressed previously within the meeting.

Item 09.10 2020-2021 Carry-over Projects, has been addressed previously within the meeting.

Item 09.11 Monthly Budget Review - July 2021, has been addressed previously within the meeting.

Item 09.12 Temporary Waiver of Fees - Port Macquarie Senior Citizens Club & The Hub Business and Co-Working Centre, has been addressed previously within the meeting.

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### **09.13 DRAFT SUSTAINABILITY POLICY AND DRAFT CLIMATE CHANGE RESPONSE POLICY**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council:

1. Note and thank the Sustainability Advisory Sub-committee for their participation in the review and subsequent unanimous endorsement of the draft Sustainability Policy and draft Climate Change Response Policy.
2. Place the draft Sustainability Policy and draft Climate Change Response Strategy on public exhibition from 5 August 2021 for a period of 28 days.
3. Note that a further report will be tabled at the October 2021 meeting of Council, detailing the submissions received from the public during the exhibition period.
4. Note that further development of the draft Sustainability Framework and draft Climate Change Response Strategy and associated draft Action Plans will be the subject of future reports to Council as key milestones are achieved.

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### **09.14 BUSHFIRE DISASTER RECOVERY FUNDING**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council note:

1. The Bushfire Disaster Recovery Funding Report which provides an update monitoring and delivery of the Council and community projects funded under the NSW and Commonwealth Government bushfire recovery funds.
2. That a further update report will be provided at the February 2022 Council meeting.

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### **09.15 GRANT APPLICATIONS BIENNIAL REPORT**

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*BLOCK RESOLVED: Hawkins/Alley*

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

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**09.16 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council:

1. Note the Development Activity and Assessment System Performance report for the fourth quarter of 2020-2021.
  2. Note the determinations made by staff under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the quarter.
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**10.01 CULTURAL PLAN 2021 - 2025**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council:

1. Note the submissions and feedback received on the draft Cultural Plan during the exhibition period;
  2. Thank all those in the community who made submissions;
  3. Adopt the Port Macquarie-Hastings Cultural Plan 2021-2025;
  4. Request Chief Executive Office report annually commencing in August 2022, on the implementation of the Cultural Plan and evaluation of actions undertaken of the Cultural Plan.
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**10.02 DISABILITY INCLUSION ACTION PLAN UPDATE**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council:

1. Note the Disability Inclusion Action Plan 2017-2021 update.
  2. Note that a future report will be presented to the October 2021 Ordinary Council Meeting for the Disability Inclusion Action Plan 2017-2021 Final Progress Report.
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### **10.03 RECREATION ACTION PLAN - ANNUAL UPDATE**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council:

1. Note progress achieved to date in implementing the Recreation Action Plan 2020-2025.
2. Endorse the updated Recreation Action Plan 2021-2025 for implementation.
3. Request the Chief Executive Officer to promote the adoption of the updated Recreation Action Plan 2021-2025 on Council's website.

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### **11.01 COVID-19 RECOVERY AND STIMULUS PROJECTS UPDATE**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council:

1. Note the progress of projects in the COVID-19 Recovery and Stimulus Projects report.
2. Note a further update report will be provided at the February 2022 Council Meeting.

Item 12.01 Notice of Motion - Community Poll on Fluoridation, has been addressed previously within the meeting.

Item 12.02 Notice of Motion - Hibbard Ferry Operating Hours, has been addressed previously within the meeting.

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### **12.03 PROPOSED SETTLEMENT SHORES CANALS ESTATE FEE - REPORT ON COMMUNITY ENGAGEMENT OUTCOMES**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council:

1. Note the feedback from the recent engagement on the proposed Settlement Shores Canals Estate fee.
2. Undertake further community education and engagement with the residents in the Settlement Shores Canals Estate to co-design an approach to ongoing maintenance, including the funding of these works.
3. Investigate the costs/benefits of purchasing, operating, and maintaining appropriate dredging equipment.

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Item 12.04 Planning Proposal 2017 - 4.1 Crestwood Park Recreation Precinct - Post Exhibition Report, has been addressed previously within the meeting.

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## **12.05 LAND ACQUISITION - HOUSTON MITCHELL DRIVE, LAKE CATHIE**

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*BLOCK RESOLVED: Hawkins/Alley*

That Council:

1. Pay compensation in the amount of \$6,000 (GST Exclusive) to the owner of Lot 2 Deposited Plan 774341, Barronden Pty Limited, for the acquisition of those parts of Lot 2 Deposited Plan 774341 more particularly described as Lot 1 and 2 in plan of acquisition Deposited Plan 1239447.
  2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's property conveyancing costs.
  3. Pursuant to Section 10 of the Roads Act 1993, dedicate Lot 1 and 2 Deposited Plan 1239447 as public road.
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## **CONFIDENTIAL SESSION**

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*RESOLVED: Alley/Hawkins*

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 T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields  
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 14.02 T-20-33 High Voltage Maintenance Services  
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*

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#### **14.01 T-21-15 STAGE 1 CONSTRUCTION OF RAINBOW BEACH SPORTING FIELDS**

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*RESOLVED: Turner/Intemann*

That Council:

1. In accordance with clauses 178(1)(b) and 178(3)(e) of the Local Government (General) Regulations 2005, decline to accept any of the tenders submitted for Request for Tender T-21-15 Stage 1 Construction of Rainbow Beach Sporting Fields and enter into negotiations with Glascott Landscape and Civil Pty Ltd or any person that submitted a tender in response to Request for Tender T-21-15, with a view to entering into a contract for Stage 1 Construction of Rainbow Beach Sporting Fields.
2. Pursuant to clause 178(4)(a) and (b) of the Local Government (General) Regulations 2005 decline to invite fresh tenders or applications for the reasons that the Tender Evaluation Panel considers that the preferred tenderer has demonstrated the experience, capacity and capability to meet the requirements of the Request for Tender, and that inviting fresh tenders likely will not achieve a superior outcome and will unduly delay the project.
3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may accept a tender following successful negotiations, and present a further report to a future meeting of Council on completion of the negotiation process for Council's information.
4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-21-15.

*CARRIED: 6/0*

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

*AGAINST: Nil*

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#### **14.02 T-20-33 HIGH VOLTAGE MAINTENANCE SERVICES**

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*RESOLVED: Alley/Griffiths*

That Council:

1. In accordance with clauses 178(1)(b) and 178(3)(e) of the Local Government (General) Regulations 2005, decline to accept any of the tenders submitted for Request for Tender T-20-33 High Voltage Maintenance Services and enter into negotiations with Ampcontrol Service (NSW) Pty Ltd, or any person whether or not they submitted a tender, with a view to entering into a contract for High Voltage Maintenance Services.
2. Pursuant to clause 178(4)(a) and (b) of the Local Government (General) Regulations 2005 decline to invite fresh tenders or applications for the reasons that the Tender Evaluation Panel considers that the preferred tenderer has demonstrated the experience, capacity and capability to meet the requirements of the Request for Tender, and that inviting fresh tenders likely will not achieve a superior outcome and will unduly delay planned maintenance on high voltage electrical assets.

- 
3. Note that the Chief Executive Officer, under existing delegations to the General Manager, may accept a tender following successful negotiations, and present a further report to a future meeting of Council on completion of the negotiation process for Council's information.
  4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-20-33.

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

*RESOLVED: Alley/Hawkins*

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.

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The meeting closed at 10:19pm.

.....  
Peta Pinson  
Mayor

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**Item: 06**  
**Subject: DISCLOSURES OF INTEREST**

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**RECOMMENDATION**

**That Disclosures of Interest be presented**

**DISCLOSURE OF INTEREST DECLARATION**

<b>Name of Meeting:</b>	
<b>Meeting Date:</b>	
<b>Item Number:</b>	
<b>Subject:</b>	
<b>I, the undersigned, hereby declare the following interest:</b>	
<input type="checkbox"/>	<b>Pecuniary:</b> Take no part in the consideration and voting and be out of sight of the meeting.
<input type="checkbox"/>	<b>Non-Pecuniary – Significant Interest:</b> Take no part in the consideration and voting and be out of sight of the meeting.
<input type="checkbox"/>	<b>Non-Pecuniary – Less than Significant Interest:</b> May participate in consideration and voting.
<b>For the reason that:</b>	
<b>Name:</b> <b>Signed:</b>	<b>Date:</b>
<b>Please submit to the Governance Support Officer at the Council Meeting.</b>	

*(Refer to next page and the Code of Conduct)*

**Pecuniary Interest**

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- your interest, or
  - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- Your "relative" is any of the following:
    - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
  - "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

**Non-Pecuniary**

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

**Managing non-pecuniary conflicts of interest**

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

**SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION**

*This form must be completed using block letters or typed.  
If there is insufficient space for all the information you are required to disclose,  
you must attach an appendix which is to be properly identified and signed by you.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]*

**Councillor's Signature:** ..... **Date:** .....

*This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting*

Last Updated: 3 June 2019

**Important Information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest

**Item: 08**

**Subject: CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL  
MEETING**

**Presented by: Chief Executive Officer, Dr Clare Allen**

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**Alignment with Delivery Program**

1.3.2 Build trust and improve Council's public reputation through transparency, good decision making and living Council's Values.

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

# 1 Leadership and Governance

## What we are trying to achieve

A community that works together in decision making that is defined as ethically, socially and environmentally responsible.

## What the result will be

We will have:

- A community that has the opportunity to be involved in decision making
- Open, easy, meaningful, regular and diverse communication between the community and decision makers
- Partnerships and collaborative projects, that meet the community's expectations, needs and challenges
- Knowledgeable, skilled and connected community leaders
- Strong corporate management that is transparent

## How we will get there

- 1.1 Inform and engage with the community about what Council does using varied communication channels
- 1.2 Maintain strong partnerships between all stakeholders - local, state and federal — so that they are affective advocates for the community
- 1.3 Demonstrate leadership
- 1.4 Use innovative, efficient and sustainable practices
- 1.5 Ensure strong corporate and financial management that is transparent and accountable

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Item: 09.01

Subject: CREATION OF OFFICE OF DEPUTY MAYOR

Presented by: Chief Executive Officer, Dr Clare Allen

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### Alignment with Delivery Program

1.4.4 Promote the visibility and profile of Councillors through improved access by the community.

### RECOMMENDATION

#### That Council:

1. Create the Office of Deputy Mayor.
2. Set the term of the Office of Deputy Mayor to expire 4 December 2021, or the date of the next Local Government elections, whichever is the later.
3. Elect the Deputy Mayor by way of preferential ballot, ordinary ballot or open voting, if more than one nomination for Deputy Mayor is received.

### Executive Summary

Council can determine to create the Office of Deputy Mayor, under Section 231 of the *Local Government Act 1993*, for a period coinciding with the Mayoral term or a shorter period.

On the assumption that Councillors will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been prepared and is provided with this report.

### Discussion

Council can determine to create the Office of Deputy Mayor for a period coinciding with the Mayoral term or a shorter period.

Section 231 of the *Local Government Act 1993* ("the Act"), provides the following:

- 231 (1) *The Councillors may elect a person from among their number to be the Deputy Mayor.*
- (2) *The person may be elected for the Mayoral term or a shorter term.*
- (3) *The Deputy Mayor may exercise any functions of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.*
- (4) *The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this Section, or if no Deputy Mayor has been elected.*

On the assumption that Councillors will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been prepared and is provided as Attachment 1 to this report.

Nomination papers may be delivered or sent to the Chief Executive Officer either prior to or at the Council Meeting. Additionally, Council will also be required to determine the term of the Office of Deputy Mayor.

Should there be only one (1) Councillor nominated for the Office of Deputy Mayor, in accordance with Schedule 7 Section 3(1) of the Local Government (General) Regulation 2005 that Councillor is elected as Deputy Mayor and no vote is required.

Should there be more than one (1) Councillor nominated for the Office of Deputy Mayor, Council is to determine whether the election is to be by preferential ballot, by ordinary ballot or by open voting.

The current term of the Office of the Deputy Mayor expires 4 September 2021 being the day appointed for the next ordinary election of councillors prior to the elections being postponed. It is recommended that the upcoming term of Deputy Mayor, should Council resolve to create the office of Deputy Mayor, expire on 4 December 2021 or the date of the next Local Government election, whichever is the later, should there be another unexpected postponement of the election.

### Election Methods

#### *Preferential Ballot*

This method utilises ballot-papers. Councillors are to mark their votes by placing the numbers "1", "2" and so on against the candidate names so as to indicate the order of their preference for all the candidates.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If an absolute majority is not achieved, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes, whom is then elected.

If, on any count of votes, there are two candidates in, or remaining in, the election and the numbers of votes cast for the two candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If, on any count of votes, there are three or more candidates in, or remaining in, the election and the numbers of votes cast for two or more candidates are equal and

those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

#### *Ordinary Ballot*

This method utilises ballot-papers. The Returning Officer decides the manner in which votes are to be marked on the ballot-papers.

If there are only two candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If there are three or more candidates, a vote is taken, the candidate with the lowest number of votes is excluded. If three or more candidates still remain further votes are taken with the candidate receiving the lowest number of votes being excluded until two candidates remain.

A further vote is taken of the two remaining candidates, the candidate with the higher number of votes is elected. If there are only two candidates and they are tied, the one elected is to be chosen by lot.

If at any stage during a count two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

#### *Open Voting*

This method utilises a show of hands. The election procedure is the same as for the ordinary ballot method.

#### *Definitions*

**Absolute majority:** In relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

**Ballot:** In the context of this type of election has the meaning of a secret ballot.

**Chosen by lot:** If two candidates are tied (having equal numbers of votes) their names are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the candidate names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

#### Timing of Election

The election for Office of Deputy Mayor is to take place at the Council Meeting at which the Council determines the method of voting.

#### **Options**

Council can determine to create, or not create the Office of Deputy Mayor.

**Community Engagement and Internal Consultation**

Community Engagement

There has been no external community engagement required for the subject of this report.

Internal Consultation

- Chief Executive Officer.
- Group Manager Governance.

**Planning and Policy Implications**

There are no planning or policy implications as a result of this report.

**Financial and Economic Implications**

There are no financial or economic implications as a result of this report.

**Attachments**

1.  Deputy Mayor Nomination Paper

# 4 Your Natural and Built Environment

## What we are trying to achieve

A connected, sustainable, accessible community and environment that is protected now and into the future.

## What the result will be

We will have:

- Effective management and maintenance of essential water, waste and sewer infrastructure
- A community that is prepared for natural events and climate change
- Sustainable and environmentally sensitive development outcomes that consider the impact on the natural environment
- Accessible transport network for our communities
- Infrastructure provision and maintenance that meets community expectations and needs
- Well planned communities that are linked to encourage and manage growth
- Accessible and protected waterways, foreshores, beaches and bushlands
- An environment that is protected and conserved for future generations
- Renewable energy options that are understood and accessible by the community

## How we will get there

- 4.1 Provide (appropriate) infrastructure and services including water cycle management, waste management, and sewer management
- 4.2 Aim to minimise the impact of natural events and climate change, for example, floods, bushfires and coastal erosion
- 4.3 Facilitate development that is compatible with the natural and built environment
- 4.4 Plan for integrated transport systems that help people get around and link our communities
- 4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area
- 4.6 Restore and protect natural areas
- 4.7 Provide leadership in the development of renewable energy opportunities
- 4.8 Increase awareness of issues affecting our environment, including the preservation of flora and fauna



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Item: 12.01

Subject: **PETITION - SUPPORT FOR FLUORIDATION OF THE WATER SUPPLY AND PROPOSED COMMUNITY POLL ON FLUORIDATION OF THE WATER SUPPLY**

Presented by: Chief Executive Officer, Dr Clare Allen

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### Alignment with Delivery Program

1.1.1 Use a variety of tools to engage with the community in a manner that is transparent, effective, relevant and inclusive.

### RECOMMENDATION

#### That Council:

1. **Note the petition received by residents regarding the fluoridation of the water supply and proposed community poll on fluoridation of the water supply at the Local Government Election on 4 December 2021.**
2. **Respond to the organiser of the petition with the outcome of Council's consideration in the matter.**

#### Discussion

A petition has been received by Council from Dr Roshan Abraham on behalf of approximately 137 residents containing health professionals and scientists regarding fluoridation of the water supply and proposed community poll on fluoridation at the Local Government elections on 4 December 2021. Signatories on the petition indicate that they:

- Note the Council resolution to conduct a Community Poll in conjunction with the Local Government elections to read "Yes or No: Would you prefer that Council stop adding fluoride (hydrofluorosilicic acid) to the public water supply?"  
*NOTE: The wording of this question was amended by Council at the 4 August Ordinary Council meeting.*
- Recognise that dental health is a key foundation of overall health and wellbeing.
- Support the ongoing fluoridation of the PMHC water supply as an important public health measure which is effective in reducing tooth decay.
- Do not support a Community Poll as a useful or appropriate tool in decision making regarding public health measures like water fluoridation.
- Hold serious concerns about the spending of \$90,000 of hard-earned ratepayers' money on a Poll that is non-binding when this money could be spent on other important projects for the Port Macquarie-Hastings community.
- Hold serious concerns regarding the proposed wording of the Poll and the misleading and inaccurate claims of harm and ineffectiveness of water

fluoridation made by the "Yes" information sheet provided to the public on the PMHC website.

- Note the advice given to the Council by Minister for Health and Medical Research Brad Hazzard to reword the poll question to read "Do you agree with adding fluoride to the water supply to try and prevent tooth decay?"

The petition then requests Council to:

- Recognise the support of the undersigned health professionals and scientists for the ongoing fluoridation of the PMHC water supply.
- Revoke its decision to undertake a community poll on the matter of water fluoridation.
- Request council staff to seek expert review of the fluoride information sheets provided to the public on the PMHC website, and remove all misleading and inaccurate claims of harm and ineffectiveness of water fluoridation from the Council website.
- If unable or unwilling to revoke its decision on the Community Poll, amend the wording of the poll to align with those used in other communities "Do you agree with adding fluoride to the water supply to try and prevent tooth decay?"

In accordance with Council's "Petitions Policy", petitions lodged with Council containing 100 signatures or more will be included on the agenda of the next available Ordinary Council Meeting of Council where the agenda has not already been determined with a recommendation for notation.

### **Options**

Council may resolve to note the petition or resolve in some other manner as appropriate.

### **Planning and Policy Implications**

There are no planning and policy implications in relation to this report.

### **Financial and Economic Implications**

There are no financial and economic implications in relation to this report.

### **Attachments**

1.  Petition in Support of Fluoridation of Town Water Supply

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Item: 12.02

Subject: RESCISSION MOTION - COMMUNITY POLL ON FLUORIDATION

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Councillors Intemann, Turner and Hawkins have given notice of their intention to move the following motion:

### RECOMMENDATION

That the undermentioned motion adopted at the August 2021 Ordinary Council meeting held on 4 August 2021:

#### **12.01 NOTICE OF MOTION - COMMUNITY POLL ON FLUORIDATION**

*That Council:*

1. *Note the correspondence of Minister for Health & Medical Research, the Hon Brad Hazzard MP.*
2. *Note the postponement of Local Government elections on 4 September 2021, as Gazetted by the Minister for Local Government, the Hon Shelly Hancock MP.*
3. *Note the intended Yes or No Poll for continuing the addition of Fluoride in the Port Macquarie-Hastings drinking water as resolved by Council.*
4. *Word the new Poll to ask: "Do you want Port Macquarie-Hastings Council to permanently cease adding fluoride (hydrofluorosilicic acid) to the drinking water supply"?*
5. *Request the Chief Executive Officer make arrangements for the Fluoridation Poll to be held at the Local Government elections on 4 December 2021, allowing the voting community to have their say.*

be rescinded.

Should the rescission motion be successful, it is the Councillors' intention to move the following motion:

That Council:

1. Accept the public invitation by the Hon Leslie Williams MP, for Council to engage in direct talks with NSW Health regarding water fluoridation locally, rather than hold a community poll.
2. Resolve not to hold a Community Poll on fluoridation as had been planned in conjunction with the upcoming Local Government elections.
3. Request the Chief Executive Officer to:
  - a) Advise the Electoral Commission and the community that Council will not be holding a community poll in conjunction with the local government election.
  - b) Invite Councillors to provide within two weeks any questions they would want asked of NSW Health, to be conveyed to the Hon Leslie Williams MP and the Secretary of the Director of NSW Health.
  - c) Advise Councillors of replies as received, and consult with the new Council on this matter as part of their initial briefings.

- d) Provide a report to the October Ordinary Council meeting on the community poll process to date including financials.

**Comments by Councillors (if provided)**

Nil.

**Attachments**

Nil