
PRESENT

Members:

Mayor Peta Pinson (Mayor)
Councillor Adam Roberts (Deputy Mayor)
Councillor Lauren Edwards
Councillor Sharon Griffiths
Councillor Lisa Intemann
Councillor Nik Lipovac
Councillor Danielle Maltman
Councillor Rachel Sheppard
Councillor Josh Slade

Other Attendees:

Chief Executive Officer (Dr Clare Allen)
Acting Director Business and Performance (Ashley Grummitt)
Acting Director Community, Planning and Environment (Duncan Coulton)
Director Community Infrastructure (Dan Bylsma)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Executive Assistant to Mayor (Linda Kocis)

The meeting opened at 5:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

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

02 REMOTE ATTENDANCE AT MEETING

There were no requests to attend by remote means.

03 APOLOGIES

Nil.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05.01 ILLAROO ROAD, LAKE CATHIE - STORMWATER REDIRECTION PROJECT

RESOLVED: Pinson

That Council:

1. Defer commencement of works in relation to the Illaroo Road Stormwater Redirection Project until an assessment of the coastal hazard protection options has been identified.
2. Request the Chief Executive Officer to facilitate an urgent briefing with Councillors to consider the coastal hazard protection options for Lake Cathie and Illaroo Road and specifically the Illaroo Road Stormwater Redirection Project.
3. Note that there are varying community views regarding the Illaroo Stormwater Redirection Project in particular, and that urgent community engagement on this project is required.
4. Request the Chief Executive Officer to undertake urgent community engagement on the Illaroo Road Stormwater Redirection Project.

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

06.01 RESCISSION MOTION - COUNCIL COMMITTEES, WORKING PARTIES AND GROUPS

MOTION

MOVED: Intemann/Lipovac

That the undermentioned motion adopted at the Ordinary Council Meeting held on 16 February 2022:

That Council:

1. Discontinue the following Council Committees/Working Parties/Groups with community and Councillor representatives pending a future review of Council's Committee structure:
 - Airport Advisory Group
 - Coast, Estuary and Floodplain Advisory Sub-Committee
 - Community Inclusion Committee

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- Cultural Steering Group
 - Economic Development Steering Group
 - Hastings Bushfire Management Committee
 - Port Macquarie Transport Network Community Consultative Committee
 - Sustainability Advisory Sub-Committee
 - Town Centre Master Plan Sub-Committee.
2. Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:
 - Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths as Councillor representative)
 - Marrungbalbu Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
 - Development Assessment Panel
 - Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
 - Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
 - Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)
 - Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).
 3. Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.
 4. Maintain existing hall and facility management committees at the discretion of the Chief Executive Officer.
 5. Continue to provide support to community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.
 6. Formally thank all outgoing Committee members for their invaluable contribution to Council's Committees and Working Groups.
 7. Determine to rescind the Councillor Portfolio Protocol.
 8. Not re-establish the Councillor Portfolio system.
 9. Amend the charters for the following Program Level Steering Groups to remove the requirement for a Councillor representative being consistent with the removal of the Councillor Portfolio Protocol as in Points 7 and 8 above:
 - Transport and Stormwater Program Steering Group
 - Water and Sewer Program Steering Group
 - Recreation, Buildings and other Assets Program Steering Group

BE RESCINDED.

MOVED: Roberts/Maltman

It was moved that the motion be put.

CARRIED: 5/4
FOR: Griffiths, Maltman, Pinson, Roberts and Slade
AGAINST: Edwards, Intemann, Lipovac and Sheppard

THE MOTION WAS PUT AND LOST

LOST: 4/5

FOR: *Edwards, Lipovac, Intemann and Sheppard*
AGAINST: *Griffiths, Maltman, Pinson, Roberts and Slade*

MOTION

MOVED: Roberts/Maltman

That Council:

1. Note the petition provided to and received by the Mayor of Port Macquarie-Hastings Council regarding the TCMP, in part acknowledging the inequity of the TCMP Rating Model, hardship experienced by businesses over recent years due to natural disasters and the Pandemic.
2. Pending the outcome of the TCMP Review, through the Chief Executive Officer, undertake extensive consultation with the greater business community across the Local Government Area regarding a new model of business rating.
3. As part of the consultation as outlined in Item 2, develop in conjunction with the broader business community an economic recovery strategy to assist businesses and employment across the LGA.

ADJOURNMENT OF MEETING

RESOLVED: Pinson/Roberts

That the Ordinary Council meeting be adjourned for Councillors to view documents.

CARRIED: 9/0

FOR: *Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade*
AGAINST: *Nil*

The Meeting adjourned at 5:57pm and resumed at 6.09pm.

AMENDMENT

MOVED: Sheppard/Lipovac

That Council:

1. Note the petition provided to and received by the Mayor of Port Macquarie-Hastings Council regarding the TCMP, in part expressing concerns about inequity of the TCMP Rating Model, hardship experienced by businesses over recent years due to natural disasters and the Pandemic.
 2. Note the submissions to Council from the PMQ Chamber of Commerce, Greater PMQ Tourism Association and the former members of the TCMP Committee representing hundreds of businesses in our community.
 3. Pending the outcome of the TCMP Review, through the Chief Executive Officer, undertake extensive consultation with the greater business community, including the above noted organisations in Item 2, across the Local Government Area regarding a new model of business rating.
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4. As part of the consultation as outlined in Item 3, develop in conjunction with the broader business community an economic recovery strategy to assist businesses and employment across the LGA.

THE AMENDMENT WAS PUT AND LOST

LOST: 3/6

FOR: Edwards, Lipovac and Sheppard

AGAINST: Griffiths, Intemann, Maltman, Pinson, Roberts and Slade

THE MOTION WAS PUT AND CARRIED

RESOLVED: Roberts/Maltman

That Council:

1. Note the petition provided to and received by the Mayor of Port Macquarie-Hastings Council regarding the TCMP, in part acknowledging the inequity of the TCMP Rating Model, hardship experienced by businesses over recent years due to natural disasters and the Pandemic.
2. Pending the outcome of the TCMP Review, through the Chief Executive Officer, undertake extensive consultation with the greater business community across the Local Government Area regarding a new model of business rating.
3. As part of the consultation as outlined in Item 2, develop in conjunction with the broader business community an economic recovery strategy to assist businesses and employment across the LGA.

CARRIED: 5/4

FOR: Griffiths, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Intemann, Lipovac and Sheppard

07.01 NOTICE OF MOTION - BAIN PARK MASTERPLAN - STAGES 1 AND 2

RESOLVED: Griffiths/Maltman

That Council not proceed to commence works for the Bain Park Masterplan Stages 1 or 2 until the following has occurred:

1. An urgent briefing is provided to Councillors on the Bain Park Masterplan to consider amendments to the adopted Masterplan at the earliest possible time, noting this project is time critical against external funding conditions.
2. A further report being provided to Council detailing any proposed amendments to the Masterplan at the earliest possible time, noting this project is time critical against external funding conditions.

CARRIED: 5/4

FOR: Griffiths, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Intemann, Lipovac and Sheppard

CONFIDENTIAL SESSION

RESOLVED: Roberts/Sheppard

1. That pursuant to Section 10A Sub-Sections 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 Confidential Session to receive and consider the following items:

Item 10.01 Update on Legal Matter

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 10.02 Notice of Motion - Potential Purchase of Land

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 10.03 T-21-44 Management and Operation of Four Council Owned Pools

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

CARRIED: 9/0
FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

Councillor Intemann left the meeting, the time being 06:59pm.

Councillor Intemann returned to the meeting, the time being 07:01pm.

10.01 UPDATE ON LEGAL MATTER

RESOLVED: Griffiths/Roberts

That Council:

1. In accordance with Special Condition 3.3. of the Contract for Sale dated 4 June 2021 for Lot 101 DP1244390 and subject to the Purchaser being unable to obtain Development Consent by the Sunset Date (as defined in the Contract for Sale), rescind the Contract for Sale for Lot 101 DP1244390.
2. In respect of 1. above, issue the attached Notice of Rescission by Vendor in relation to the Contract for Sale for Lot 101 DP1244390 to the Purchaser on or before 11 March 2022 (time being of the essence).
3. Elect not to proceed with the sale of Lot 102 DP1244390 and provide notice in writing of Council's decision to all relevant parties.
4. Request the Chief Executive Officer present a report to a future meeting of Council to consider options for the Council-owned operational land Lot 101 and Lot 102 DP1244390, Pacific Drive, Port Macquarie.

CARRIED: 9/0

*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,
Sheppard and Slade*

AGAINST: Nil

10.02 NOTICE OF MOTION - POTENTIAL PURCHASE OF LAND

RESOLVED: Pinson/Roberts

That Council request the Chief Executive Officer provide a report to the May 2022 Ordinary Meeting of Council providing advice on the potential purchase of the subject land as contained within the body of this report.

CARRIED: 9/0

*FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts,
Sheppard and Slade*

AGAINST: Nil

10.03 T-21-44 MANAGEMENT AND OPERATION OF FOUR COUNCIL OWNED POOLS

RESOLVED: Roberts/Slade

That Council:

1. Accept the Tender from Young Men's Christian Association of Sydney trading as YMCA NSW for \$4,275,659 (exclusive of GST) for the operation and management of four Council owned swimming pools, commencing 28

March 2022, for an initial term of 5 years with the option of an extension period of 2 years to be exercised at the sole discretion of Council.

2. Adopt additional budget to cover the costs of the accepted tender for the next 5 years and four months.
3. Maintain the confidentiality of the documents and consideration in respect to Request for Tender T-21-44.
4. Fund the shortfall of \$40,139 between contracts for the 2021/22 financial year.

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

RESOLVED: Roberts/Shepard

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

CARRIED: 9/0

FOR: Edwards, Griffiths, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

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

The meeting closed at 7.31pm

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Peta Pinson
Mayor