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## **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)  
Director Business and Performance (Keith Hentschke)  
Director Community, Planning and Environment (Melissa Watkins)  
Director Community Infrastructure (Robert Fish)  
Director Community Utilities (Jeffery Sharp)  
Group Manager Governance (Michael Ferguson)  
Governance Officer (Tania Ellis)

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The meeting opened at 10:00am.

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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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Mr Eden McGregor from the Hope Community Church delivered the Local Government Prayer.

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#### **04 APOLOGIES**

Nil

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

*RESOLVED: Sheppard/Lipovac*

That the Minutes of the Ordinary Council Meeting held on 17 November 2022 be confirmed.

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

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

Councillor Lipovac declared a Non-Pecuniary, Less Than Significant interest in Item 10.09 Business Rating Model Independent Review, the reason being that Councillor Lipovac meets with local business owners in the Port Macquarie CBD and the Hastings, Macleay and Nambucca Valleys. Councillor Lipovac intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

Councillor Slade declared a Non-Pecuniary, Less than significant in Item 10.09 Business Rating Model Independent Review. The reason being immediate family owns property and businesses in the Wauchope CBD. Councillor Slade intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

Councillor Maltman declared a Non-Pecuniary, Less than significant interest in Item 13.04 Lake Cathie Natural Resource Management Monthly Update November 2022. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence her decision making in the matter.

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**07 MAYORAL MINUTE**

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**07.01 RECOGNITION OF SERVICE - MARK "STRAWNY" STRACHAN OAM**

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*RESOLVED: Pinson*

That Council congratulate and recognise the contribution of 33 years to the local media industry of Mark "Strawny" Strachan OAM and wish him well on his retirement.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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NIL

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Slade/Sheppard*

That Standing Orders be suspended to allow Items, 10.01, 10.02, 10.05, 10.06, 10.07, 10.10, 10.11, 10.12, 11.02, 11.03, 13.08 and 13.09 to be brought forward and considered next.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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**09 ITEMS TO BE DEALT WITH BY EXCEPTION**

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*RESOLVED: Sheppard/Lipovac*

That items 10.01, 10.02, 10.05, 10.06, 10.07, 10.10, 10.11, 10.12, 11.02, 11.03, 13.08 and 13.09 be considered as a block resolution.

That all recommendations listed in the block resolution be adopted by Council.

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

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#### **10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 3 TO 23 NOVEMBER 2022**

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*BLOCK RESOLVED: Sheppard /Lipovac*

That Council note that there have been no Mayoral Discretionary Fund allocations for the period 3 to 23 November 2022 inclusive.

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

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

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*BLOCK RESOLVED: Sheppard/Lipovac*

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

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#### **10.05 LEGISLATIVE COMPLIANCE 2021-2022**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council note the Legislative Compliance 2021 - 2022 report.

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#### **10.06 CODE OF CONDUCT COMPLAINT STATISTICS**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council note the Code of Conduct Complaint Statistics for the period 1 September 2021 to 31 August 2022.

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## **10.07 POLICY REVIEW - COMMUNITY LEASING AND LICENSING POLICY**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council:

1. Endorse the draft Community Leasing and Licensing Policy Place for the purpose of public exhibition from 12 December 2022 to 28 February 2023
  2. Note that a further report will be brought to the March 2023 Council meeting, detailing the submissions received from the public during the exhibition period.
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## **10.10 MONTHLY BUDGET REVIEW - NOVEMBER 2022**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council:

1. Adopt the adjustments in the "November 2022 Adjustments" section of the Monthly Budget Review – November 2022 report and associated attachment.
  2. Amend the 2022-2023 Operational Plan to include all budget adjustments approved in this report.
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## **10.11 INVESTMENTS - NOVEMBER 2022**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council note the Investment Report for the month of November 2022.

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## **10.12 PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2021-2022**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council:

1. Note that Council has been deemed compliant with the new Regulatory and Assurance Framework for Local Water Utilities
  2. Authorise the application to the NSW Government for approval to pay a dividend of \$954,315 to the General Fund from the surplus in Water Supply operations for the 2021-2022 financial year.
  3. Authorise the payment of \$106,035 for tax equivalents to the General Fund from the Water Supply operations for the 2021-2022 financial year.
  4. Authorise the application to the NSW Government for approval to pay a dividend of \$910,818 to the General Fund from the surplus in the Sewerage Fund for the 2021-2022 financial year.
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5. Authorise the payment of \$101,202 for tax equivalents to the General Fund from the Sewerage Fund for the 2021-2022 financial year.
  6. Note that if successful in its application, a separate report will be brought back to Council outlining the proposed expenditure of the dividend.
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#### **11.02 DRAFT PORT MACQUARIE HASTINGS COUNCIL INTERPRETATION POLICY AND GUIDELINES**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council:

1. Endorse the draft Port Macquarie Hastings Council Interpretation Policy and Guidelines for the purposes of public exhibition for a period of not less than 28 days
  2. Note that a further report will be presented to Council for consideration following the public exhibition period and consideration of any submissions.
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#### **11.03 RECREATION ACTION PLAN REPORT ON PUBLIC EXHIBITION**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council:

1. Note the information contained in the report
  2. Note that a further report detailing the establishment of a Sporting Infrastructure and Priorities Working Group will be presented to the February 2023 Ordinary Council meeting as resolved by Council in October 2022
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#### **13.08 POLICY REVIEW - PLANNING PROPOSAL POLICY**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council:

1. Publicly exhibit the draft Planning Proposal Policy for a period of not less than 28 days.
  2. Note that a further report will be tabled at a meeting of Council in April 2023, detailing any submissions received from the public during the exhibition period.
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**13.09 POLICY REVIEW OF CONFLICT OF INTEREST - COUNCIL-RELATED DEVELOPMENT APPLICATIONS. POST EXHIBITION REPORT.**

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*BLOCK RESOLVED: Sheppard/Lipovac*

That Council;

1. Note that no submissions were received in respect of the draft Policy.
2. Adopt the amendments to the Conflict of Interest Policy - Council-Related Development Applications.

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**10.03 NOTICE OF MOTION - LOCAL GOVERNMENT REMUNERATION ANNUAL REVIEW 2023**

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*MOVED: Pinson/Roberts*

That Council:

1. Request the Chief Executive Officer make a submission to the Local Government Remuneration Tribunal requesting that amendments be made to the criteria regarding the Regional Strategic Area that include:
  - a) Removal of criteria that the residential population will typically have a residential population above 200,000.
  - b) Removal of criteria that there be a proximity to Sydney which generates economic opportunities.
2. Request the Chief Executive Officer make a submission to the Local Government Remuneration Tribunal requesting that Port Macquarie-Hastings Council be reclassified as a Regional Strategic Area.

*LOST: 4/5*

*FOR: Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Griffiths, Intemann, Lipovac and Sheppard*

#### 10.04 UPCOMING STATE ELECTION FUNDING PRIORITIES

*RESOLVED: Intemann/Griffiths*

That Council:

1. Endorse the priority projects that are recommended and included in the table below for external funding through potential State Government election commitments.

Priority	Electorate	Township	Project	Cost Estimate	Details
1A	Oxley	Wauchope	Hastings Regional Sports Fields	\$42 million	Construction of: <ul style="list-style-type: none"> <li>• Touch football fields.</li> <li>• Cricket fields - with both turf and synthetic pitches.</li> <li>• Multi-purpose sports fields.</li> <li>• Field lighting, irrigation and sports field drainage.</li> <li>• A grandstand facility including change rooms, accessible amenities, canteen and storerooms.</li> <li>• Multiple car park areas for up to 500 vehicles.</li> <li>• Bus access and pick-up/drop-off zones.</li> </ul>
Or 1B	Oxley	Wauchope	Hastings Regional Sports Fields Stage 1	\$20 million	Construction of: <ul style="list-style-type: none"> <li>• Cricket fields, including a junior cricket oval.</li> <li>• 1 car park.</li> <li>• Shared footpath.</li> </ul>
2	Port Macquarie	Port Macquarie	Lake Road Upgrades	\$20 - 25 million	Construction of the following stages: <ul style="list-style-type: none"> <li>• Duplication of Lake Road from Ocean Drive to Chestnut Road, including: <ul style="list-style-type: none"> <li>• Intersection capacity and safety improvements.</li> <li>• Path linkage.</li> </ul> </li> <li>• Signalisation of Lake Road at Jindalee Road.</li> </ul>



					Concept design completed for duplication project. Adjustment of National Park boundary and development consent due to coastal SEPP incursions required. Signalisation project design undertaken. Works Authorisation Deed required via TfNSW and land acquisitions.
3	Oxley / Port Macquarie	Comboyne	Lorne Road - sealing	\$26.7 million	Construction and bitumen sealing of the remaining 13.5km of gravel road. Work currently funded via Council and Federal Government to seal to approximately Koppin Yarratt Road, with detailed design progressing. Concept design under way for the remaining section, with an application for \$26.7 million made under the NSW Fixing Country Roads grant (awaiting outcome).
4	Port Macquarie	Thrumster	Thrumster Sporting Complex	\$15 million	Construction of: <ul style="list-style-type: none"> <li>• New premier multi-use sporting field.</li> <li>• Six x 5-a-side synthetic soccer pitches.</li> <li>• Clubhouse, toilets, change rooms, canteen, storerooms</li> <li>• Car parking, access road, footpath.</li> </ul> Application for \$15 million made via NSW Accelerated Infrastructure Fund (awaiting outcome), with a \$5.5 million PMHC co-contribution.
5	Port Macquarie	Port Macquarie	Hastings River Drive Duplication (Hughes to Boundary Street) and	\$37.5 million	Hastings River Duplication construction of: <ul style="list-style-type: none"> <li>• Dual carriageway of 540m of duplication of HRD</li> </ul>

			Boundary Street Upgrades		<ul style="list-style-type: none"> <li>• 1 in 20-year flood immunity to match existing road surface</li> </ul> <p>Boundary Street Upgrades construction of:</p> <ul style="list-style-type: none"> <li>• Duplication of Boundary Street to airport and associated business park</li> <li>• Pavement and drainage improvements</li> <li>• Future proofing 1 in 20-year flood immunity</li> </ul> <p>Protect will improve access, connectivity, reduce maintenance costs, increase amenity and connectivity and enhance economic opportunities for business and tourism.</p>
6	Port Macquarie	Lake Cathie	Ocean Drive Corridor Upgrades as per the MR538 and MR600 Corridor Strategy	<p>\$18 million for Stage Project 15.</p> <p>\$19 million for Project 16.</p>	<ul style="list-style-type: none"> <li>• Construction of Project 15 - Ocean Drive: Ernest Street to Miala Street: Ocean Drive upgrade between Ernest Street and Miala Street (median divided two-lane cross section with bicycle lanes and various intersection upgrades)</li> <li>• Construction of Project 16 Ocean Drive / Woolworths Access (Lake Cathie): Upgrade to traffic signals</li> </ul> <p>Concept designs are complete. Detailed designs and environmental assessments would be required to progress to a point of being construction ready.</p>
7	Oxley	Yippin Creek Wauchope	Beechwood Road Upgrade, including	\$6 million	Construction of Beechwood Road upgrade between Yippin

			Flood Free Access		<p>Creek Road and Waugh Street, providing for:</p> <ul style="list-style-type: none"> <li>• Flood free access to unlock area for housing development.</li> <li>• Replacement of ageing timber bridge</li> <li>• Intersection and alignment improvements</li> </ul> <p>Received \$5 million via Australian Government Bridge Renewal Program, with PMHC providing a \$400k co-contribution. Application made for \$6 million under the NSW Government Accelerated Infrastructure Fund (awaiting outcome) to enable project to progress.</p>
8	Port Macquarie	Port Macquarie	Ocean Drive Duplication	\$10 million	<p>Construction of:</p> <ul style="list-style-type: none"> <li>• Duplication of Ocean Drive from 2 to 4 lanes between Matthew Flinders Drive and Greenmeadows Drive.</li> <li>• Five intersection upgrades.</li> <li>• Utility upgrades.</li> <li>• Shared path.</li> <li>• Fauna provisions.</li> </ul> <p>Contract for construction awarded with work recently commenced. \$111 million total project cost estimate, with a \$60 million NSW Government grant, \$8.24 million from PMHC water reserve &amp; \$5.5 million PMHC reserves committed to date. Additional \$15.5 million required to complete construction, with a request for funding made to the NSW Government, awaiting outcome.</p>

9	Port Macquarie	Port Macquarie	Port Macquarie Aquatic Centre	\$30 million	Possible elements to include in the final design: <ul style="list-style-type: none"> <li>• Outdoor 50m pool with 10 lanes.</li> <li>• A heated indoor 25m pool.</li> <li>• Outdoor splash pad, leisure pool and slide.</li> <li>• Café or kiosk, amenities, administration building and plant rooms.</li> </ul>
10	Port Macquarie	Lake Cathie / Bonny Hills	Rainbow Beach Sporting Fields Stage 2	\$3 million	Construction of amenities, change rooms, toilets and additional courts to compliment the recently completed stage 1.

2. That the list of priority projects be made available to all Port Macquarie and Oxley electorate State election candidates.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item 10.05 Legislative Compliance 2021-2022, has been addressed previously within the meeting.

Item 10.06 Code of Conduct Complaint Statistics, has been addressed previously within the meeting.

Item 10.07 Policy Review - Community Leasing and Licensing Policy, has been addressed previously within the meeting.

## **10.08 IMPROVEMENT PLAN 2022-2026 - GENERAL FUND OPERATING PERFORMANCE.**

*RESOLVED: Pinson/Griffiths*

That Council:

1. Note the update provided in this Improvement Plan 2022-2026 – General Fund Operating Performance report.
2. Request the Chief Executive Officer to provide a briefing in the first quarter of 2023 to step through each initiative in the improvement plan.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **10.09 BUSINESS RATING MODEL - INDEPENDENT REVIEW**

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Councillor Lipovac declared a Non-Pecuniary, Less Than Significant Interest in Item 10.09 Business Rating Model Independent Review, the reason being that Councillor Lipovac meets with local business owners in the Port Macquarie CBD and the Hastings, Macleay and Nambucca Valleys. Councillor Lipovac remained in the meeting, participated and voted in the matter as this perceived conflict will not influence his decision making in the matter.

Councillor Slade declared a Non-Pecuniary, Less than significant in Item 10.09 Business Rating Model Independent Review. The reason being immediate family owns property and businesses in the Wauchope CBD. Councillor Slade remained in the meeting, participated and voted in the matter as this perceived conflict will not influence his decision making in the matter.

*MOTION: Roberts/Pinson*

That Council:

1. Note the Independent Review Report and the stakeholder and community engagement undertaken on the Business Rating Model.
2. Request the CEO prepare a draft 2023-2024 Operational Plan, Long Term Financial Plan and Revenue Policy with the removal of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD ordinary business rate, with the reports including alternate financial arrangements to deal with options relating to;
  - a) Paying out the existing Council loan funding TCMP initiatives
  - b) Ongoing maintenance of the Port Macquarie CBD
  - c) Delivery of any outstanding projects funded by the TCMP reserve

*LOST: 4/5*

*FOR: Maltman, Pinson, Roberts and Slade*

*AGAINST: Edwards, Griffiths, Intemann, Lipovac and Sheppard*

## **THE MOTION ON BEING PUT WAS LOST**

*RESOLVED: Sheppard / Griffiths*

That Council:

1. Note the findings of the independent review and stakeholder and community engagement undertaken in relation to Council's current business rating model as outlined in this Business Rating Model - Independent Review report.
2. Thank stakeholders and members of the community who provided feedback during the Business Rating Model - Independent Review engagement period.
3. With regard to the Port Macquarie CBD ordinary business rate, endorse a 32% reduction in the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD ordinary business rate through to 2027 and a 45% reduction thereafter, and request the Chief Executive Officer prepare a draft 2023-2024 Operational Plan, Long Term Financial Plan and Revenue Policy in line with the corresponding reduction.

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4. Note that the 32% reduction in the TCMP component of the Port Macquarie CBD ordinary business rate as referred to in Recommendation 3 above, will provide significant relief to business rate payers in the Port Macquarie CBD while retaining existing maintenance service standards and funding for existing TCMP related loan repayments through to 2027.
  5. Request the Chief Executive Officer develop a communications plan to address the stakeholder concerns identified in the Business Rating Model - Independent Review report with regard to transparency, access to information and governance regarding the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD ordinary business rate.
  6. With regard to the potential future options for the Port Macquarie CBD ordinary business rate and ordinary business rates levied in the Wauchope and Laurieton town centres as part of the Defined Urban Centre business rate, request the Chief Executive Officer give further consideration to funding options and associated management structures in conjunction with future development and / or reviews of the Port Macquarie, Wauchope and Laurieton town centre master plans respectively, with such considerations to be developed in consultation with stakeholders and the community.
  7. Request the Chief Executive Officer provide a further report to the May 2023 Council Meeting detailing a possible governance structure for the establishment and operation of a Working Group or Sub- Committee that would provide for the following:
    - (a) Representation/Membership from a cross section of the community and stakeholders and tenure of members
    - (b) Transparent decision making
    - (c) Oversight by Council
    - (d) Clear communications on purpose, responsibilities and recommendations to Council
    - (e) Engagement protocols
    - (f) Clarity of roles and responsibilities in the development, prioritisation and implementation of a Central Business District (CBD) Improvement Plan

*CARRIED: 5/4*

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

Item 10.10 Monthly Budget Review - November 2022, has been addressed previously within the meeting.

Item 10.11 Investments - November 2022, has been addressed previously within the meeting.

Item 10.12 Payment of Water Fund and Sewer Fund Dividend for the Year 2021-2022, has been addressed previously within the meeting.

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### **11.01 RECOMMENDED ITEMS FROM MAYOR'S SPORTING FUND SUB-COMMITTEE MEETING NOVEMBER 2022**

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*RESOLVED: Lipovac/ Pinson*

That Council:

1. Adopt the name "Port Macquarie-Hastings Sporting Fund Sub-Committee" in preference to the "Mayor's Sporting Fund Sub-Committee".
2. Endorse the Sub-Committee recommendation that Scott Hodgson receive \$250 for representation in State Rugby.
3. Endorse the Sub-Committee recommendation that Flynn Daly receive \$750 for representation in Australian All Schools Track and Field Championships in Adelaide in December 2022.
4. Accept the resignations of members Sue Reid and Jo-Anne Border.
5. Note the eight (8) applications received for membership to the Sub-Committee and appoint the following applicants:
  - Cathy Walsh
  - Clayton Pickworth
  - Troy Highlands
  - David Barnes
  - Claudia Buckby
  - Simon Thresher
  - Ben Ismay
  - Belinda Gaunt
6. Review the Charter at the next Meeting and update it to reflect the amended membership.

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item 11.02 Draft Port Macquarie Hastings Council Interpretation Policy & Guidelines, has been addressed previously within the meeting.

Item 11.03 Recreation Action Plan Report on Public Exhibition, has been addressed previously within the meeting.

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### **12.01 NOTICE OF MOTION - ALTERNATIVE ROUTES IN THE HEALTH AND EDUCATION PRECINCT**

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*RESOLVED: Intemann/Roberts*

That Council note the significant congestion of Lake Road and Wrights Road/Oxley Highway, and

1. Prioritise actions to complete negotiations with NSW National Parks and Wildlife Service and NSW Crown Lands regarding land in the vicinity and westward of Lake Road and Ocean Drive.



2. Note the potential opportunity to reduce congestion via alternative routes through the Industrial Area to the Health and Education Precinct.
3. Request the Chief Executive Officer provide a report to the April 2023 Ordinary Council Meeting on the status of progress in the matters raised in points 1 and 2 above.

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

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## **12.02 NOTICE OF MOTION - ASSETS ROADS, BRIDGES AND PATHS**

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**RESOLVED:** Griffiths/Lipovac

That Council request the Chief Executive Officer provide an overview of transport assets (roads, bridges and paths) within the Port Macquarie-Hastings Local Government Area to support consideration of the 2023-2024 budget by Council as part of the annual Operational Plan development cycle, including for each sub category within transport assets:

1. The value and length of the assets
2. A summary of overall asset condition and breakdown of the infrastructure backlog
3. Renewal expenditure from past and current years as may be readily available
4. Planned renewal expenditure for 2023-2024 and within the Long Term Financial Plan
5. A summation of what will be achieved via planned expenditure in 2023-2024 and the Long Term Financial Plan
6. Advice on the extent at which backlog will be addressed via that planned expenditure and options that may exist for how Council distributes its infrastructure spend.

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

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## **12.03 NOTICE OF MOTION - COUNCIL'S LONG TERM ENERGY STRATEGY**

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**RESOLVED:** Edwards/Sheppard

That Council:

1. Note Port Macquarie Hastings Council's Long Term Energy Strategy as adopted in 2017, and points 1 and 2 of the Strategy which state that Council aims to source 100% of its electricity from renewable sources by 2027, and to implement one or more mid-scale solar projects when this technology becomes cost efficient to install and operate in the medium to long term.
2. Request the Chief Executive Officer provide a report to Council, no later than the March 2023 Ordinary Council Meeting, on suitable Council owned land



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and asset sites that could accommodate renewable energy projects such as a mid-scale solar plant and/or community battery projects.

*CARRIED: 5/4*

*FOR: Edwards, Griffiths, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

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#### **12.04 PORT MACQUARIE AIRPORT - PILOT TRAINING AND AIRCRAFT NOISE - FLY NEIGHBOURLY AGREEMENT TRIAL - SIX MONTH REVIEW**

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*RESOLVED: Intemann/Roberts*

That Council:

1. Note the information provided in this Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement Trial - Six Month Review report;
2. Note that a further report will be presented at the Ordinary Council Meeting to be held in June 2023.

*CARRIED: 8/1*

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

*AGAINST: Griffiths*

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#### **13.01 NOTICE OF MOTION - FRIENDS OF CAMDEN HAVEN HEADLAND VOLUNTEER GROUP**

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*MOVED: Pinson/Roberts*

That Council:

1. Resolve to commence the process for the establishment a Friends of Camden Haven Headland volunteer group to assist in the enhancement of the Council Managed Crown Reserve at the Camden Haven Headland.
2. Request the Chief Executive Officer to provide a report to the February 2023 Ordinary Council meeting outlining the steps involved in establishing this volunteer group.

*AMENDMENT: Sheppard/Edwards*

That Council:

1. Note the request to commence the process for the establishment of a Friends of Camden Haven Headland volunteer group to assist in the enhancement of the Council Managed Crown Reserve at the Camden Haven Headland.
  2. Note that a draft Volunteer Policy is currently under development by Council, and request the Chief Executive Officer to give consideration to the inclusion of a project for the development of a 'Friends of...' community volunteer
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framework, as part of the development of the draft 2023-2024 Operational Plan.

3. In consideration of point 2 above, request the Chief Executive Officer to undertake engagement with existing volunteer groups working on the Camden Haven Headland, nearby residents and the Camden Haven community in considering the "Friends of" volunteer framework.

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

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

Councillor Maltman left the meeting, the time being 12:06pm.

Councillor Maltman returned to the meeting, the time being 12:08pm.

### **THE AMENDMENT THEN BECAME THE MOTION AND ON BEING PUT WAS CARRIED**

**RESOLVED:** Sheppard/Edwards

That Council:

1. Note the request to commence the process for the establishment of a Friends of Camden Haven Headland volunteer group to assist in the enhancement of the Council Managed Crown Reserve at the Camden Haven Headland.
2. Note that a draft Volunteer Policy is currently under development by Council, and request the Chief Executive Officer to give consideration to the inclusion of a project for the development of a 'Friends of...' community volunteer framework, as part of the development of the draft 2023-2024 Operational Plan.
3. In consideration of point 2 above, request the Chief Executive Officer to undertake engagement with existing volunteer groups working on the Camden Haven Headland, nearby residents and the Camden Haven community in considering the "Friends of" volunteer framework.

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

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### **13.02 NOTICE OF MOTION - SIGNIFICANT KOALA HABITAT WITHIN PRIVATE NATIVE FORESTRY**

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*MOVED: Edwards/Sheppard*

That Council:

1. Note the Port Macquarie Hastings Local Government Area Biodiversity Management Strategy acknowledges that some 15,330 hectares of the private native forestry licences issued were located on Preferred Koala Habitat.
2. Note the NSW Koala Strategy and specifically Pillar 1 which affords over \$20 million to work with private landholders with high-quality koala habitat in populations for immediate investment will be supported to permanently conserve their koala habitat. Support will be targeted towards stronghold areas and will occur via two programs administered by the Biodiversity Conservation Trust: Conservation Partners Program, and in-perpetuity conservation agreements with annual payments.
3. Request the Chief Executive Officer to write to all Private Native Forestry licence holders in the Port Macquarie Hastings Local Government Area that Council has received notification of to inform them of the significant koala habitat understood to be within Private Native Forestry approved landscapes and of the opportunity available to apply to make such an agreement where the land holder can receive payment to protect koala habitat as outlined in point 2 above.

**THE MOTION WAS WITHDRAWN**

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### **ADJOURN MEETING**

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*RESOLVED: Pinson/Roberts*

The Ordinary Council Meeting adjourned at 12:47pm

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

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### **RESUME MEETING**

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The Ordinary Council Meeting resumed at 13:04pm

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### **13.03 NOTICE OF MOTION - SOUTHERN BREAKWALL UPGRADE PROJECT**

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*MOVED: Intemann/Griffiths*

That Council:

1. Supports in principle the proposed Port Macquarie Southern Breakwall Upgrade Project, to be completed in 2023 and fully funded by the NSW Government, the primary purpose being to maintain this critical maritime asset and improve the public amenity of the Breakwall surrounds, noting its many other benefits as a tourist attraction as well as supporting economic activity and community health and wellbeing.
2. Notes the significant community concerns expressed, including the need for the project, loss of items of cultural significance, and perceived risk from the works to the point and surf break, and that Council is awaiting further information and a requested meeting with Transport for NSW.

*AMENDMENT: Pinson/Roberts*

That Council:

1. Note the resolution of Council at the Ordinary Council Meeting held on 17 November 2022:

*RESOLVED: Roberts/Pinson*

That Council:

1. Note the information provided in this report.
2. Request the Chief Executive Officer, write to the Hon Premier of New South Wales, Dominic Perrottet, advising of Council's significant concerns in relation to the Port Macquarie Southern Breakwall project, due to the need for further information and to address significant concerns expressed by the community, and request the NSW Government:
  - a. undertake a thorough independent review of the community engagement process and the engineering and arborist reports.
  - b. comprehensively address in writing, the numerous questions raised by the Port Macquarie Hastings community, that have been previously provided to the State Member for Port Macquarie, Leslie Williams.
  - c. request Transport for NSW to urgently provide to council the high resolution multi-beam hydro survey and point cloud-drone survey which was used to produce cross sectional 3d model of the southern breakwall.

*CARRIED: 7/2*

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

*AGAINST: Lipovac and Sheppard*

2. Note that no further information from Transport for NSW or The Hon Leslie Williams MP has been provided.

3. Note that the current proposal is a project of Transport for NSW and supported by Member for Port Macquarie, The Hon Leslie Williams MP.
4. Note the significant community concerns expressed, including the loss of cultural significance which includes removal of painted memorial rocks, felling of mature trees which include mature Norfolk Pines and perceived risks from the planned work to the point of the Breakwall which could destroy the world renowned surf break.
5. Support a widening of the Breakwall footpath via a reviewed concept design and detailed design following community engagement and consultation.
6. Note the tabled petition of 1350 signatures collected in opposition to the current State Government proposal with an additional 1500 signatures captured in an online petition unable to be tabled due to Council's petition policy.
7. Request the Chief Executive Officer to place the interview between Damian King and Angus Gordon on Council's website as a matter of public interest.
8. Request the Chief Executive Officer to provide a copy of the interview between Damian King and Angus Gordon to The Hon. Leslie Williams MP and Transport for NSW.

**PROCEDURAL MOTION:**

*RESOLVED: Edwards/Griffiths*

*That the amendment be put.*

*CARRIED: 9/0*

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

**THE AMENDMENT ON BEING PUT WAS LOST**

*LOST: 4/5*

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

**THE MOTION WAS PUT AND CARRIED**

*RESOLVED: Intemann/Griffiths*

That Council:

1. Supports in principle the proposed Port Macquarie Southern Breakwall Upgrade Project, to be completed in 2023 and fully funded by the NSW Government, the primary purpose being to maintain this critical maritime asset and improve the public amenity of the Breakwall surrounds, noting its many other benefits as a tourist attraction as well as supporting economic activity and community health and wellbeing.
2. Notes the significant community concerns expressed, including the need for the project, loss of items of cultural significance, and perceived risk from the works to the point and surf break, and that Council is awaiting further information and a requested meeting with Transport for NSW.

*CARRIED: 5/4*

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

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**13.04 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY  
UPDATE DECEMBER 2022**

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Councillor Maltman declared a Non-Pecuniary, Less than significant in Item 13.04 Lake Cathie Natural Resource Management Monthly Update November 2022. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman remained in the meeting, participated and voted in the matter as this perceived conflict will not influence her decision making in the matter.

*RESOLVED: Roberts/Slade*

That Council note the progress of natural resource management projects / initiatives within the Lake Cathie, Lake Innes and Cathie Creek waterways and progression of the Coastal Management Program.

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

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**13.05 POST EXHIBITION REPORT - PLANNING PROPOSAL PP-2022-981 11  
AND 33 MUMFORD STREET, PORT MACQUARIE**

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*RESOLVED: Pinson/Roberts*

That Council:

1. Note the submissions received during public exhibition of the Planning Proposal PP-2022-981 11 and 33 Mumford Street, Port Macquarie.
2. Note the Gateway Determination (Attachment B) granted by the Department of Planning and Environment on 15 May 2022.
3. Note implementation of the Employment Zones Reform Package in December 2022, and translation of zone B5 Business Development to E3 Productivity Support under the reforms.
4. As a result of the consideration of submissions, and Government agency responses:
  - a) endorse the Planning Proposal as publicly exhibited (Attachment C) under section 3.35 of the Environmental Planning & Assessment Act 1979 in relation to 11 and 33 Mumford Street, Port Macquarie, and
  - b) 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 (Map Amendment) to give effect to the revised Planning Proposal.
5. Delegate authority to the Director Community, Planning and Environment to make inconsequential or minor administrative amendments to the Planning Proposal prior to forwarding it to the Department for finalisation.
6. Notify Council's decision to all persons who lodged a submission.

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

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**13.06 POST EXHIBITION REPORT - PLANNING PROPOSAL PP-2021-6399  
BLACKWOOD STREET, PORT MACQUARIE.**

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RESOLVED: Sheppard/Griffiths

That Council:

1. Note the submissions received during public exhibition of the Planning Proposal (PP) - Blackwood Street, Port Macquarie.
2. Note the Gateway Alteration request (Attachment C) submitted to the Department of Planning and Environment on 17 November 2022.
3. Note the updated provisional Koala Plan of Management prepared by the proponent and submitted 22 November 2022 (Attachment B).
4. Note the additional capacity demand (up to 72+ equivalent persons) on the Port Macquarie Waste Water Treatment Plant, which is known and modelled demand consistent with Council's decision at the Ordinary Council Meeting held on 18 August 2022.
5. Note that under the NSW Government Local Environmental Plan Making Guideline (September 2022), Council must comply with the timeframes set by the NSW Government for completing the Planning Proposal.
6. As a result of the consideration of submissions, and Government agency responses:
  - a) endorse the updated provisional Koala Plan of Management, and forward the plan to the Minister for Planning and Minister for Homes for approval;
  - b) endorse the Planning Proposal as publicly exhibited (Attachment D) under section 3.35 of the Environmental Planning & Assessment Act 1979 in relation to Lot 497 DP1258597, Blackwood Street, and
  - c) 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 (Map Amendment) to give effect to the revised Planning Proposal, and
  - d) request the Minister as the LPMA for the Planning Proposal, to make the plan.
7. Delegate authority to the Chief Executive Officer to make inconsequential or minor administrative amendments to the Planning Proposal prior to forwarding it to the Department for finalisation.
8. Notify Council's decision to all persons who made a submission.

CARRIED: 7/2  
FOR: Edwards, Griffiths, Lipovac, Maltman, Roberts, Sheppard and Slade  
AGAINST: Intemann and Pinson

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### **13.07 POLICY REVIEW - CLIMATE CHANGE RESPONSE POLICY - POST PUBLIC EXHIBITION**

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*RESOLVED: Sheppard/Intemann*

That Council:

1. Note the submissions and feedback relating to the draft Climate Change Response Policy received during public exhibition period.
2. Adopt the revised draft Climate Change Response Policy to include minor amendment to, 1. Objective, Point 2, to insert the word "towards" before the words "net zero".
3. Thank those people who provided feedback during public exhibition period and advise on the outcome of Council's consideration of this matter.
4. Incorporate climate adaptation and resilience strategies in the development of the draft Sustainability Strategy (currently under development), with a view to expedite progress to action planning and implementation.
5. Request the Chief Executive Officer to provide a workshop with Councillors to work through the structure and focus of the draft Sustainability Strategy, in the first quarter 2023.

*CARRIED: 5/4*

*FOR: Edwards, Griffiths, Intemann, Lipovac and Sheppard*

*AGAINST: Maltman, Pinson, Roberts and Slade*

Item 13.08 Policy Review - Planning Proposal Policy, has been addressed previously within the meeting.

Item 13.09 Policy Review of Conflict of Interest - Council-related Development Applications. Post Exhibition Report., has been addressed previously within the meeting.

Councillor Slade left the meeting, the time being 03:01pm.

Councillor Lipovac left the meeting, the time being 03:01pm.

Councillor Maltman left the meeting, the time being 03:01pm.

Councillor Slade returned to the meeting, the time being 03:02pm.

Councillor Maltman returned to the meeting, the time being 03:03pm.

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### **13.10 ENVIRONMENTAL LAND REZONING - COUNCIL OWNED LANDS**

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*RESOLVED: Intemann/Griffiths*

That Council:

1. Endorse the draft Planning Proposal (Attachment 1), for environmental lands prepared under section 3.33 of the Environmental Planning and Assessment Act 1979.
2. Forward the draft Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the



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- Gateway Determination authorise Council to be the local plan-making authority.
3. Delegate authority to the Chief Executive Officer to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.
  4. Receive a report following the public exhibition period on any submissions received.

*CARRIED: 8/0*

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

*AGAINST: Nil*

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### **13.11 REGIONAL INTEGRATED TRANSPORT STRATEGY**

*RESOLVED: Intemann/Griffiths*

That Council:

1. Endorse the draft Regional Integrated Transport Strategy 2022-2042 for the purpose of public exhibition.
2. Endorse the draft Engagement Plan, noting that it is intended to place on public exhibition together, the draft Blueprint for Generational Equity, the draft Infrastructure Strategy and the draft Regional Integrated Transport Strategy, if endorsed, in recognition of the strategic importance and inter-relationships between the documents.
3. Place the draft Regional Integrated Transport Strategy on public exhibition for a period of not less than 28 days in accordance with the Engagement Plan.
4. Note that three (3) further reports will be presented to the April 2023 Ordinary Council Meeting following the public exhibition period, detailing the submissions received and any recommended changes to the three (3) draft documents for consideration by Council.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Lipovac returned to the meeting, the time being 03:05pm.

Councillor Sheppard left the meeting, the time being 03:06pm.

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### **CONFIDENTIAL SESSION**

*RESOLVED: Roberts / Sheppard*

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 Budget and Reporting Application

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.

Item 14.02 Electricity Contracts

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 14.03 Purchase of Tuffins Lane Sports Precinct Land, Port Macquarie

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 14.04 Tender T-22-61 Aviation Security Screening Services, Port Macquarie Airport

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 14.05 Materials Recovery Facility and Recycling Processing Options

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.

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.

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## **14.01 BUDGET AND REPORTING APPLICATION**

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*RESOLVED: Roberts/Lipovac*

That Council:

1. Note that the requirements for the budget and reporting application will be considered as part of the Enterprise Resource Planning system review.
2. In accordance with section 55(3)(i) of the Local Government Act 1993, not invite tenders for council's budget and reporting application due to extenuating circumstances for the reasons that councils seeks to extend the contract with Jedox Pty Ltd for the budget and reporting application for a further renewal period(s) to align with the Enterprise Resource Planning system review.

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3. Maintain the confidentiality of the consideration in respect of the budget and reporting application procurement matter outlined in this report.

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Sheppard returned to the meeting, the time being 03:08pm.

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## **14.02 ELECTRICITY CONTRACTS**

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*RESOLVED: Griffiths/Roberts*

That Council:

1. In accordance with section 55(3)(i) of the Local Government Act 1993, not invite tenders for the supply of electricity to Council's sites and facilities due to extenuating circumstances for the reasons that a satisfactory outcome would not be achieved by openly advertising the invitation of tenders.
2. Decide to undertake a selective tendering method, requesting pricing from retailers as detailed in this report.
3. Subject to successful selective tendering process, the Chief Executive Officer shall accept the tender of the successful tenderer, under existing delegation to the Chief Executive Officer and present a further report to a future meeting of Council on completion of the selective tendering process for Council's information.
4. Maintain the confidentiality of the consideration in respect of the procurement processes for the supply of electricity outlined in this report.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## **14.03 PURCHASE OF TUFFINS LANE SPORTS PRECINCT LAND, PORT MACQUARIE**

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*RESOLVED: Roberts/Pinson*

That Council:

1. In accordance with the Council resolution of 20 October 2022 to purchase the land as described as follows, pay the amount of \$1,512,500 (including GST) to the owner of Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696, The Trustees of the Roman Catholic Church for the Diocese of Lismore, for the acquisition of Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696, associated with the Tuffins Lane Sports Precinct, Port Macquarie.
2. As required, pursuant to Section 34 of the Local Government Act 1993 commence the process to classify Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696 as "operational land" by

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- placing on public exhibition the proposed resolution “It is intended to classify Lots 103, 104, 132 and 203 in Deposited Plan 754434 and Lot 102 in Deposited Plan 1181696 (land situated at 10 - 20 Tuffins Lane, Port Macquarie) as operational land” from 9 December 2022 for a minimum period of 28 days and allowing for the Christmas holiday period.
3. Note that a further report will be tabled at the February 2023 Ordinary Council meeting detailing any submissions received during the exhibition period relating to the classification of the land.
  4. Adopt a budget adjustment for the land acquisition referred to in Resolution 1 above, in the amount of \$1,375,000 (excluding GST).
  5. Enter into total borrowings of \$1,375,000 (excluding GST) for the land acquisition referred to in Resolution 1 above.

*CARRIED: 7/2*

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

*AGAINST: Griffiths and Intemann*

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#### **14.04 TENDER T-22-61 AVIATION SECURITY SCREENING SERVICES, PORT MACQUARIE AIRPORT**

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*RESOLVED: Griffiths/Roberts*

That Council:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for Request for Tender T-22-61 Aviation Security Screening Services, Port Macquarie Airport.
2. In accordance with section 178(3)(e) of the Local Government (General) Regulation 2021 enter into negotiations with MSS Security Pty Ltd and Sydney Night Patrol and Inquiry Co Pty Ltd with a view to entering into a contract in relation to the subject matter of the contract.
3. In accordance with section 178(4)(a) and (b) of the Local Government (General) Regulation 2021, decline to invite fresh tenders for the reason that the evaluation panel considers that the organisations identified in Recommendation 2 above have the demonstrated capability, capacity and experience to meet the requirements of the contract.
4. Note the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for T-22-61 Aviation Security Screening Services, Port Macquarie Airport following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.
5. Maintain the confidentiality of the documents and consideration in respect of Tender T-22-61 Aviation Security Screening Services, Port Macquarie Airport.

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### **14.05 MATERIALS RECOVERY FACILITY AND RECYCLING PROCESSING OPTIONS**

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*RESOLVED: Roberts/Pinson*

That Council:

1. Note the continued intention to align future waste management contracts in 2026.
2. Note the difficulty experienced in establishing short term contract terms as resolved in February 2022, for the Processing of Dry Recycling at the Cairncross Materials Recovery Facility.
3. In accordance with Section 55(3)(i) of the Local Government Act, 1993, due to the extenuating circumstances to allow sufficient time to plan for Council's long term recycling infrastructure and alignment, not to call public tenders for the Processing of Dry Recycling at the Cairncross Materials Recovery Facility at this time.
4. Request the Chief Executive Officer to enter into negotiations to vary contract number S.600.119.05.02 for the Processing of Dry Recycling at the Cairncross Materials Recovery Facility with JR Richards Pty Limited for a further period expiring 31 August 2026 in accordance with the terms and conditions specified in the contract.
5. Delegate to the Chief Executive Officer the authority to negotiate and sign the contract deed of variation with JR Richards Pty Limited expiring 31 August 2026 in accordance with the terms and conditions specified in the contract.
6. Note the approach proposed for the establishment a new Materials Recovery Facility with best available technology at the Cairncross Waste Management Facility.
7. Note that a further report will be tabled providing the negotiated rates/fees accepted for the contract variation.
8. Maintain the confidentiality of the documents and consideration in respect of this contract.

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

*RESOLVED: Lipovac/Roberts*

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*

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The meeting closed at 3:26pm.

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Peta Pinson  
Mayor