
PRESENT

Members:

Mayor Peta Pinson
Councillor Lauren Edwards
Councillor Lisa Intemann
Councillor Nik Lipovac
Councillor Danielle Maltman
Councillor Adam Roberts
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) (Remotely attended)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance Officer (Tania Ellis)

The meeting opened at 10.00am

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

Nil

03 LOCAL GOVERNMENT PRAYER

Pastor David Pym from the Port Macquarie Baptist Church delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Lipovac/Slade

That the Minutes of the Ordinary Council Meeting held on 14 December 2023 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

06 DISCLOSURES OF INTEREST

Councillor Maltman declared a Non-Pecuniary-Less than Significant interest in Item 13.05 Lake Cathie Natural Resource Management Monthly Update Report. 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.

07 MAYORAL MINUTES

07.01 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL

MOTION

MOVED: Pinson

That Council:

1. Determine that the composition of the Chief Executive Officer's Performance Review Panel for the period ending 30 June 2024 to consist of the Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the Chief Executive Officer.
2. Note that Councillor Josh Slade is the Chief Executive Officer's nominated

-
- Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.
3. Delegate to the Chief Executive Officer's Performance Review Panel the process of performance management, including discussions about performance, reporting and performance reviews for the period ending 30 June 2024.
 4. Appoint Councillor Lauren Edwards as the Councillor representative to the Chief Executive Officer's Performance Review Panel for the subject period.

AMENDMENT:

MOVED: Sheppard/Intemann

That Council:

1. Determine that the composition of the Chief Executive Officer's Performance Review Panel for the period ending 30 June 2024 to consist of the Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the Chief Executive Officer.
2. Note that Councillor Josh Slade is the Chief Executive Officer's nominated Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.
3. Delegate to the Chief Executive Officer's Performance Review Panel the process of performance management, including discussions about performance, reporting and performance reviews for the period ending 30 June 2024.
4. Appoint Councillor Lauren Edwards as the Councillor representative to the Chief Executive Officer's Performance Review Panel for the subject period.
5. Determine to engage Local Government NSW as an external facilitator to facilitate the Chief Executive Officer's Performance Review process.

PROCEDURAL MOTION

RESOLVED: Roberts/Slade

THAT THE AMENDMENT BE PUT.

CARRIED: 7/1
FOR: Edwards, Lipovac, Maltman, Pinson, Roberts, Sheppard, and Slade
AGAINST: Intemann

THE AMENDMENT ON BEING PUT WAS LOST

FOR: Edwards, Intemann, Lipovac and Sheppard
AGAINST: Maltman, Pinson, Roberts and Slade
EQUAL: 4/4
CASTING VOTE: Against
LOST

THE MOTION AND ON BEING PUT WAS CARRIED

RESOLVED: Pinson

That Council:

- 1. Determine that the composition of the Chief Executive Officer's Performance Review Panel for the period ending 30 June 2024 to consist of the Mayor, one (1) Councillor nominated by Council and one (1) Councillor nominated by the Chief Executive Officer.**
- 2. Note that Councillor Josh Slade is the Chief Executive Officer's nominated Councillor on the Chief Executive Officer's Performance Review Panel for the subject period.**
- 3. Delegate to the Chief Executive Officer's Performance Review Panel the process of performance management, including discussions about performance, reporting and performance reviews for the period ending 30 June 2024.**
- 4. Appoint Councillor Lauren Edwards as the Councillor representative to the Chief Executive Officer's Performance Review Panel for the subject period.**

CARRIED: 6/2

FOR: Intemann, Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards and Sheppard

07.02 COST SHIFTING ONTO LOCAL GOVERNMENT

RESOLVED: Pinson

That Council:

- 1. Receive and note the findings of Local Government NSW's Cost Shifting report for the 2021-2022 financial year.**
- 2. Request the Chief Executive Officer to place a copy of the cost shifting report on Council's website so that our community can access it.**
- 3. Request the Chief Executive Officer write to the Premier of NSW, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.**

CARRIED: 8/0

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

AGAINST: Nil

**07.03 MAYORAL MINUTE - INDEPENDENT STRATEGIC REVIEW
ON THE INFRASTRUCTURE INVESTMENT PROGRAM -
OXLEY HIGHWAY UPGRADE PROJECT AT WRIGHTS
ROAD AND LAKE ROAD**

RESOLVED: Pinson

That Council:

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1. Note that the Chief Executive Officer has written to The Hon. Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, on 22 November 2023 raising concern regarding the loss of Australian Government funding for the proposed Oxley Highway Upgrade at Wrights Road and Lake Road.
 2. Note that further correspondence from the Chief Executive Officer was provided to The Hon. Catherine King MP requesting a meeting with respect to the matter.
 3. Acknowledge receipt of a response from The Hon. Catherine King MP dated 29 January 2024, advising that the project needed to be identified in the context of regional strategic priorities of the NSW Government for consideration in future budgets of the Australian Government.
 4. Request the Chief Executive Officer write to the Minister for Regional Transport and Roads, The Hon. Jenny Aitchison MP; the Shadow Minister for Regional Transport and Roads, The Hon. Dave Layzell MP; and the Member for Port Macquarie, The Hon. Leslie Williams MP, requesting support for the identification of the Oxley Highway Upgrade Project at Wrights Road and Lake Road as a significant regional strategic priority to ensure the Australian Government is in a position to consider the project for funding as part of future budget preparation.

CARRIED: 8/0

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

AGAINST: Nil

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

RESOLVED: Intemann/Slade

That Council determine that the attachments to Item Numbers 10.06 and 10.12 be considered as confidential, in accordance with section 11(3) of the Local Government Act.

CARRIED: 8/0

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

AGAINST: Nil

09 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Lipovac/Intemann

That Items 10.01, 10.02, 10.06, 10.09, 10.10, 10.11, 10.12, 10.14, 10.15, 10.18, 10.19, 10.21, 10.22, 11.01, 11.02, 11.03, 11.04, 12.01, 13.03, and 13.09 be considered as a block resolution.

CARRIED: 8/0

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

RESOLVED: Roberts/Sheppard

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

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 30 NOVEMBER 2023 TO 31 JANUARY 2024

BLOCK RESOLVED: Roberts/Sheppard

That Council note the Mayoral Discretionary Fund allocations for the period 30 November 2023 to 31 January 2024.

10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Roberts/Sheppard

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

10.06 LEGAL FEES

BLOCK RESOLVED: Roberts/Sheppard

That Council note the information in the Legal Fees report.

10.09 INVESTMENTS AND LOANS - DECEMBER 2023

BLOCK RESOLVED: Roberts/Sheppard

That Council note the Investment and Loans Report for December 2023.

10.10 INVESTMENTS AND LOANS - JANUARY 2024

BLOCK RESOLVED: Roberts/Sheppard

That Council note the Investment and Loans Report for January 2024.

10.11 MONTHLY BUDGET REVIEW - JANUARY 2024

BLOCK RESOLVED: Roberts/Sheppard

That Council:

- 1. Adopt the adjustments in the “January 2024 Adjustments” section of the Monthly Budget Review – January 2024 report and associated attachment.**
 - 2. Amend the 2023-2024 Operational Plan to include all budget adjustments approved in this report.**
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10.12 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2023

BLOCK RESOLVED: Roberts/Sheppard

That Council note the Quarterly Budget Review Statement for the December 2023 Quarter.

10.14 2023-2024 OPERATIONAL PLAN SECOND QUARTER STATUS REPORT AS AT 31 DECEMBER 2023

BLOCK RESOLVED: Roberts/Sheppard

That Council:

- 1. Note the 2023-2024 Operational Plan Second Quarter Status Report as at 31 December 2023.**
 - 2. Authorise the deferral of the following Actions/Projects, with the status of ‘Council approved Action Deferred / Not Progressing’:**
 - SR 22 Laurieton - Apex Park Playground
 - SR 23 Lake Cathie - Endeavour Park Playground Upgrade
 - SR 26 Ellenborough Reserve - Amenities Renewals
 - SR 33 Westport Park Boating Amenities
 - SR 45 Port Macquarie Breakwall - Accessible Fishing Platforms
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10.15 2022-2026 DELIVERY PROGRAM (YEAR 2) - SIX MONTH PROGRESS REPORT AS AT 31 DECEMBER 2023

BLOCK RESOLVED: Roberts/Sheppard

That Council note the progress against the 2022-2026 Delivery Program (Year 2) for the period 1 July 2023 to 31 December 2023.

10.18 MID NORTH COAST JOINT ORGANISATION ANNUAL REQUEST FOR FUNDING

BLOCK RESOLVED: Roberts/Sheppard

That Council endorse and approve the annual request for funding of \$25,000 to continue its membership with the Mid North Coast Joint Organisation.

10.19 GRANT APPLICATIONS BIENNIAL REPORT

BLOCK RESOLVED: Roberts/Sheppard

That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for and/or obtained, for the six-months of the 2023-2024 financial year.

10.21 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

BLOCK RESOLVED: Roberts/Sheppard

That Council note the Development Activity and Assessment System Performance report for the second quarter of 2023-2024.

10.22 CONTRACTS AWARDED UNDER DELEGATION BY THE CHIEF EXECUTIVE OFFICER

BLOCK RESOLVED: Roberts/Sheppard

That Council note the information provided in the Contracts Register.

11.01 PETITION - UNSAFE CONDITION OF CAR PARK, GREENBOURNE NURSERY, HIGH STREET, WAUCHOPE

BLOCK RESOLVED: Roberts/Sheppard

That Council:

- 1. Note the petition received by residents in Wauchope regarding the carpark in front of Greenbourne Nursery High Street Wauchope.**
 - 2. Respond to the organiser of the petition with the outcome of Council's consideration in the matter.**
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11.02 PORT MACQUARIE-HANDA SISTER CITY WORKING GROUP

BLOCK RESOLVED: Roberts/Sheppard

That Council:

- 1. Adopt the proposed operating arrangements for the Port Macquarie-Handa Sister City Working Group Charter, as outlined in the report.**
 - 2. Endorse the membership of the Port Macquarie-Hastings Sister City Working Group, as outlined in the report.**
 - 3. Note the valuable contribution to the Working Group by retiring Working Group member, Chantelle Perkins.**
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11.03 RECOMMENDED ITEMS FROM THE DECEMBER 2023 MEETING OF THE PORT MACQUARIE-HASTINGS SPORTING FUND

BLOCK RESOLVED: Roberts/Sheppard

That Council note the application to Port Macquarie-Hastings Sporting Fund considered at the December 2023 Sub-Committee meeting and endorse payment from the Fund of \$250 to Samuel Young for representation at the Pasifika Youth Rugby Cup.

11.04 DRAFT PLACES TO PLAY PLAN

BLOCK RESOLVED: Roberts/Sheppard

That Council:

- 1. Place the draft Places to Play Plan on public exhibition for a period of not less than 28 days.**
 - 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.**
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12.01 PROGRESS REPORT- SALE OF COUNCIL-OWNED LAND, LOT 1 LAKE INNES DRIVE, LAKE INNES

BLOCK RESOLVED: Roberts/Sheppard

That Council note the information contained within the body of this report.

13.03 SETTLEMENT POINT FERRY OUT OF WATER INSPECTION AND MAINTENANCE (SLIPPING)

BLOCK RESOLVED: Roberts/Sheppard

That Council note the information in the Settlement Point Ferry Out of Water Inspection and Maintenance (Slipping) report.

13.09 SUPPLY OF ELECTRICITY - REGIONAL COUNCILS NSW POWER PURCHASE AGREEMENT

BLOCK RESOLVED: Roberts/Sheppard

That Council:

1. Under the extenuating circumstances provision of s.55(3)(i) of the Local Government Act 1993, not invite open tenders and participate in the Hunter Joint Organisation procurement process to pursue a Power Purchase Agreement for Council's electricity contract for large sites and streetlights.
 2. Give support to pursue a Power Purchase Agreement for Council's electricity contract for large sites and streetlights through the Hunter Joint Organisation tender process with the upfront cost of participation being \$22,385.
 3. Subject to a successful tendering process by the Hunter Joint Organisation, the Chief Executive Officer shall negotiate and enter into a contract for the supply of electricity to Council's large sites and streetlights under existing delegation and present a further report to a future meeting of Council on completion of the process for Council's information.
 4. Note that the contract under a Power Purchase Agreement may be a longer six-year term to attract better pricing and gain long term price certainty compared to the current two-year or previous three-year electricity contract.
 5. Note that a Power Purchase Agreement may also provide a feasible pathway to achieve Council's Long Term Energy Strategy aim to source 100% of its electricity from renewable sources by 2027.
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10.01 Mayoral Discretionary Fund Allocations - 30 November 2023 to 31 January 2024 has been addressed previously within the meeting

10.02 Status of Reports from Council Resolutions, has been addressed previously within the meeting

10.03 AUDIT OF THE RETURNS OF INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS

MOTION

MOVED: Edwards/Intemann

That Council note the information provided within this report.

That Council:

1. Note the information provided within this report.
2. Not accept future returns of interest of Councillors or designated persons that do not address all criteria required in the returns of interest.
3. Determine that where Councillor's returns were found not to have addressed all criteria required, the relevant Councillors be advised of this information by 29 February 2024, and be formally requested to lodge a compliant return by 31 May 2024.
4. That Council receive a report to the June 2024 Ordinary Meeting of Council, which lists those returns identified in clause 3 that remain outstanding as of 31 May 2024.
5. By 31 March 2024, display on the Port Macquarie Hastings Council Register of Returns, a separate PDF file for each Councillor, where each Councillor file contains all returns of interest lodged by that Councillor during this council term.

AMENDMENT

MOVED: Pinson/Roberts

That Council:

1. Note the information provided within this report.
2. Determine that where Councillor's returns were found not to have addressed all criteria required, the relevant councillors be advised of this information by 29 February 2024, and be formally requested to lodge a compliant return by 31 May 2024.

EQUAL: 4/4
FOR: Maltman, Pinson, Roberts and Slade
AGAINST: Edwards, Intemann, Lipovac and Sheppard

CASTING VOTE: For
CARRIED

THE AMENDMENT BECOMES THE MOTION

AMENDMENT

MOVED: Sheppard/Lipovac

That Council:

1. Note the information provided within this report.
2. Not accept future returns of interest of Councillors or designated persons that do not address all criteria required in the returns of interest.
3. Determine that where Councillor's returns were found not to have addressed all criteria required, the relevant councillors be advised of this information by 29 February 2024, and be formally requested to lodge a compliant return by 31 May 2024.

EQUAL: 4/4
FOR: Edwards, Intemann, Lipovac and Sheppard
AGAINST: Maltman, Pinson, Roberts and Slade
CASTING VOTE: Against
LOST

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Pinson/Roberts

That Council:

1. Note the information provided within this report.
2. Determine that where Councillor's returns were found not to have addressed all criteria required, the relevant councillors be advised of this information by 29 February 2024, and be formally requested to lodge a compliant return by 31 May 2024.

FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil
CARRIED: 8/0

10.04 CONSTITUTIONAL REFERENDUM - REDUCTION IN COUNCILLOR NUMBERS

MOTION

MOVED: Roberts/Maltman

That Council approve the wording for the constitutional referendum to consider the reduction in Councillor numbers to be:

'Do you favour a reduction in the number of Port Macquarie-Hastings Councillors from nine to seven, comprising the Mayor and 6 Councillors?'

AMENDMENT:

MOVED: Sheppard/Intemann

That Council:

1. Approve the wording for the constitutional referendum to consider the reduction in Councillor numbers to be:
'Do you favour a reduction in the number of Port Macquarie-Hastings Councillors from nine to seven, comprising the Mayor and 6 Councillors?'
2. Develop and provide an information page on Council's website from 1 August 2024 including supporting information for both the "yes" response and "no" response consisting of comments provided by Councillors supporting each option.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

CASTING VOTE: Against

LOST

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Maltman

That Council approve the wording for the constitutional referendum to consider the reduction in Councillor numbers to be:

'Do you favour a reduction in the number of Port Macquarie-Hastings Councillors from nine to seven, comprising the Mayor and 6 Councillors?'

CARRIED: 7/1

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

AGAINST: Intemann

10.05 NOTICE OF MOTION - CONSTITUTIONAL REFERENDUM - METHOD OF ELECTING THE MAYOR

MOTION

LOST: Lipovac/Sheppard

That Council:

1. In accordance with Section 229 of the Local Government Act engage the Electoral Commissioner to conduct a constitutional referendum at the 2024 Local Government election in September 2024 regarding discontinuing the election of the Mayor by the electors in favour of conducting the election of the Mayor by Councillors from among their number, following the 2028 Local Government election.
2. Note that the estimated costs of conducting this additional constitutional referendum is approximately \$35,000 where funding will be determined during the preparation of the 2024-2025 budget.
3. Receive a further report to the March 2024 Ordinary Council meeting to determine the wording that will be used in the referendum.
4. Develop and provide an information page on Council's website from 1 August 2024 including supporting information for both the "yes" response and "no" response consisting of comments provided by Councillors supporting each option.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

CASTING VOTE: Against

LOST

Item 10.06 Legal Fees, has been addressed previously within the meeting.

10.07 DISCLOSURE OF INTEREST RETURN

RESOLVED: Roberts/Maltman

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

- 1. Business and Performance - Legal Counsel**
- 2. Business and Performance - Executive Lead Finance and Commercial Services**
- 3. Community Infrastructure Planning and Design - Senior Transport Engineer (Strategic)**
- 4. Community Utilities - Sewerage Pump Station Technical Officer**

CARRIED: 8/0

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

AGAINST: Nil

The Chairperson tabled the disclosures of initial returns of those Designated Persons listed above.

10.08 NOTICE OF MOTION - ORGANISATIONAL COST SHIFTING

RESOLVED: Roberts/Pinson

That Council:

- 1. Note the importance of the impact of cost shifting on Council's long term financial sustainability.**
- 2. Request the Chief Executive Officer include in the General Fund Improvement Plan a review of all forms of cost shifting and the estimated cost to Council.**
- 3. Report back to Council the progress of the review as part of the General Fund Improvement Plan - Biannual Reporting in June and December.**
- 4. Note the funding contribution from the State and Federal Government to Council through various grant programs that have provided new and upgraded assets for the benefit of the community.**

CARRIED: 7/1

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

AGAINST: Intemann

Item 10.09 Investments and Loans - December 2023, has been addressed previously within the meeting.

Item 10.10 Investments and Loans - January 2024, has been addressed previously within the meeting.

Item 10.11 Monthly Budget Review - January 2024, has been addressed previously within the meeting.

Item 10.12 Quarterly Budget Review Statement - December 2023, has been addressed previously within the meeting.

10.13 PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2022-2023

MOTION

MOVED: Roberts/Maltman

That Council:

1. Note Council has complied with sections 4.2 and 4.3 of the Guidelines (Regulatory and Assurance Framework for Local Water Utilities) for council dividend payments for water supply or sewerage services and any direction under s.409(6)(b) of the Local Government Act.
2. Authorise the payment of a dividend of \$961,254 to the General Fund from the surplus in Water Supply operations for 2022-2023.
3. Authorise the payment of \$106,806 for tax equivalents to the General Fund from the Water Supply operations for 2022-2023.
4. Authorise the payment of a dividend of \$930,015 to the General Fund from the surplus in the Sewerage Fund for 2022-2023.
5. Authorise the payment of \$103,335 for tax equivalents to the General Fund from the Sewerage Fund for 2022-2023.
6. Note that once the information provision requirements in section 4.4 of the Guidelines is finalised, apply the dividends as noted in Points 2,3,4 and 5, to first hold in reserve the amount required to pay out the loan associated with the Town Centre Master Plan, with any residual amount being the subject of a future report to Council before further allocation.

AMENDMENT

MOVED: Sheppard/Intemann

That Council:

1. Note Council has complied with sections 4.2 and 4.3 of the Guidelines (Regulatory and Assurance Framework for Local Water Utilities) for council dividend payments for water supply or sewerage services and any direction under s.409(6)(b) of the Local Government Act.
2. Authorise the payment of a dividend of \$961,254 to the General Fund from the surplus in Water Supply operations for 2022-2023.
3. Authorise the payment of \$106,806 for tax equivalents to the General Fund from the Water Supply operations for 2022-2023.
4. Authorise the payment of a dividend of \$930,015 to the General Fund from the surplus in the Sewerage Fund for 2022-2023.
5. Authorise the payment of \$103,335 for tax equivalents to the General Fund from the Sewerage Fund for 2022-2023.

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6. Note that once the information provision requirement in section 4.4 of the Guidelines is finalised, a separate report will be provided to Council outlining proposed expenditure of the dividend.

EQUAL: 4/4
FOR: Edwards, Intemann, Lipovac and Sheppard
AGAINST: Maltman, Pinson, Roberts and Slade
CASTING VOTE: Against
LOST

THE AMENDMENT ON BEING PUT WAS LOST

AMENDMENT

MOVED: Sheppard/Intemann

That Council:

1. Note Council has complied with sections 4.2 and 4.3 of the Guidelines (Regulatory and Assurance Framework for Local Water Utilities) for council dividend payments for water supply or sewerage services and any direction under s.409(6)(b) of the Local Government Act.
2. Authorise the payment of a dividend of \$961,254 to the General Fund from the surplus in Water Supply operations for 2022-2023.
3. Authorise the payment of \$106,806 for tax equivalents to the General Fund from the Water Supply operations for 2022-2023.
4. Authorise the payment of a dividend of \$930,015 to the General Fund from the surplus in the Sewerage Fund for 2022-2023.
5. Authorise the payment of \$103,335 for tax equivalents to the General Fund from the Sewerage Fund for 2022-2023.
6. Note that once the information provision requirement in section 4.4 of the Guidelines is finalised, a separate report will be provided to Council outlining proposed expenditure of the dividend including comments in relation to the potential to allocate dividends to payout the loan associated with the Town Centre Master Plan.

LOST: 3/5
FOR: Edwards, Lipovac and Sheppard
AGAINST: Intemann, Maltman, Pinson, Roberts and Slade

THE AMENDMENT ON BEING PUT WAS LOST

ADJOURNMENT

RESOLVED: Pinson/Roberts

That the meeting adjourn for 10 minutes.

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

The Ordinary Council Meeting adjourned at 11.42am

The Ordinary Council Meeting recommenced at 11:59am

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Maltman

That Council:

- 1. Note Council has complied with sections 4.2 and 4.3 of the Guidelines (Regulatory and Assurance Framework for Local Water Utilities) for council dividend payments for water supply or sewerage services and any direction under s.409(6)(b) of the Local Government Act.**
- 2. Authorise the payment of a dividend of \$961,254 to the General Fund from the surplus in Water Supply operations for 2022-2023.**
- 3. Authorise the payment of \$106,806 for tax equivalents to the General Fund from the Water Supply operations for 2022-2023.**
- 4. Authorise the payment of a dividend of \$930,015 to the General Fund from the surplus in the Sewerage Fund for 2022-2023.**
- 5. Authorise the payment of \$103,335 for tax equivalents to the General Fund from the Sewerage Fund for 2022-2023.**
- 6. Note that once the information provision requirements in section 4.4 of the Guidelines is finalised, apply the dividends as noted in Points 2,3,4 and 5, to first hold in reserve the amount required to pay out the loan associated with the Town Centre Master Plan, with any residual amount being the subject of a future report to Council before further allocation.**

EQUAL: 4/4
FOR: Maltman, Pinson, Roberts and Slade
AGAINST: Edwards, Intemann, Lipovac and Sheppard
CASTING VOTE: For
CARRIED

Item 10.14 2023-2024 Operational Plan Second Quarter Status Report as at 31 December 2023, has been addressed previously within the meeting.

Item 10.15 2022-2026 Delivery Program (Year 2) - Six Month Progress Report as at 31 December 2023, has been addressed previously within the meeting.

10.16 IMPACTS AND OPTIONS IN RELATION TO A PROPOSED RATE FREEZE FOR 2024-2025

MOTION

MOVED: Roberts/Pinson

That Council:

- 1. Request the Chief Executive Officer prepare the Draft 2024-2025 Operational Plan with a 0.0% Rate Peg applied to Ordinary and Special Rates, excluding the Town Centre Master Plan component of the Port Macquarie CBD ordinary business rate.**
- 2. Include in the Draft 2024-2025 Operational Plan and resultant communication with ratepayers, a clear understanding of the measures to mitigate all the financial impacts that a 0.0% Rate Peg in the Ordinary and**

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- Special Rates that may apply.
3. Ensure that mitigation measures in dealing with the 0.0% Rate peg in the Draft 2024-2025 minimises the impact on reducing services and projects.

AMENDMENT

MOVED: Sheppard/Lipovac

That Council:

1. Note the information provided in the report below;
2. Note that the draft 2024-2025 Operational Plan is being developed with a 4.6% Rate Peg included; and
3. Note the risk assessment and recommendation of the Director Business and Performance that the Rate Peg be included in the 2024-2025 Draft Operational Plan at the full amount of 4.6% determined by the Independent Pricing and Regulatory Tribunal.

EQUAL: 4/4
FOR: Edwards, Intemann, Lipovac and Sheppard
AGAINST: Maltman, Pinson, Roberts and Slade
CASTING VOTE: Against
LOST

THE AMENDMENT ON BEING PUT WAS LOST

Councillor Edwards left the meeting, the time being 1.08pm.

ADJOURNMENT

RESOLVED: Pinson/Roberts

That the meeting adjourn for 10 minutes.

CARRIED: 5/2
FOR: Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Intemann and Lipovac

The Ordinary Council Meeting adjourned at 1.09pm

The Ordinary Council Meeting recommenced at 1:23pm

Councillor Edwards returned to the meeting, the time being 1.23pm

RESOLVED: Roberts/Pinson

That Council:

1. **Request the Chief Executive Officer prepare the Draft 2024-2025 Operational Plan with a 0.0% Rate Peg applied to Ordinary and Special Rates, excluding the Town Centre Master Plan component of the Port Macquarie CBD ordinary business rate.**
2. **Include in the Draft 2024-2025 Operational Plan and resultant communication with ratepayers, a clear understanding of the measures**

to mitigate all the financial impacts that a 0.0% Rate Peg in the Ordinary and Special Rates that may apply.

3. Ensure that mitigation measures in dealing with the 0.0% Rate peg in the Draft 2024-2025 minimises the impact on reducing services and projects.

EQUAL: 4/4
FOR: Maltman, Pinson, Roberts and Slade
AGAINST: Edwards, Intemann, Lipovac and Sheppard
CASTING VOTE: For
CARRIED

10.17 IMPACTS AND OPTIONS IN RELATION TO THE ABOLITION OF THE TOWN CENTRE MASTER PLAN COMPONENT OF THE PORT MACQUARIE CBD ORDINARY BUSINESS RATE

MOTION

MOVED: Roberts/Pinson

That Council:

1. Prepare as part of the Draft 2024-2025 Operational Plan, the abolition of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Ordinary Business Rate.
2. Include in the Draft 2024-2025 Operational plan details of a potential redistribution of the shortfall in rates from the abolition of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Ordinary Business Rate across all ordinary rate sub-categories.
3. Ensure that any mitigation measures in dealing with the abolition of the TCMP component of the Port Macquarie CBD Ordinary Business Rate minimises the impact on reducing services and projects.
4. Report back to Council in August 2024 a plan on how Council will maintain the Port Macquarie, Wauchope and Laurieton CBD's into the future, including any potential options for a fair and equitable resourcing.

AMENDMENT

MOVED: Sheppard/Edwards

That Council:

1. Note the information provided in the report below;
2. Note the resolution of Council at the 8 December 2022 Ordinary Meeting that Council 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
3. Note that the Draft 2024-2025 Operational Plan is being developed in accordance with the decision of Council noted in 2 above.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard
AGAINST: Maltman, Pinson, Roberts and Slade
CASTING VOTE: Against
LOST

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Pinson

That Council:

- 1. Prepare as part of the Draft 2024-2025 Operational Plan, the abolition of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Ordinary Business Rate.**
- 2. Include in the Draft 2024-2025 Operational plan details of a potential redistribution of the shortfall in rates from the abolition of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Ordinary Business Rate across all ordinary rate sub-categories.**
- 3. Ensure that any mitigation measures in dealing with the abolition of the TCMP component of the Port Macquarie CBD Ordinary Business Rate minimises the impact on reducing services and projects.**
- 4. Report back to Council in August 2024 a plan on how Council will maintain the Port Macquarie, Wauchope and Laurieton CBD's into the future, including any potential options for a fair and equitable resourcing.**

EQUAL: 4/4
FOR: Maltman, Pinson, Roberts and Slade
AGAINST: Edwards, Intemann, Lipovac and Sheppard
CASTING VOTE: For
CARRIED

Item 10.18 Mid North Coast Joint Organisation Annual Request for Funding, has been addressed previously within the meeting.

Item 10.19 Grant Applications Biannual Report, has been addressed previously within the meeting.

10.20 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON GLASSHOUSE PLAN 2020 - 2022 ACTIONS

RESOLVED: Roberts/Slade

That Council:

- 1. Note the information provided in the Glasshouse Biannual Report and Update on Glasshouse Plan 2020-2022 Actions report.**
- 2. Include in the Draft 2024-2025 Operational Plan an action to commence a Strategic Review of the Glasshouse.**
- 3. Provide an ongoing update of the Strategic Review through the Glasshouse Bi-Annual Report to Council.**

CARRIED: 6/2

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

AGAINST: Intemann and Lipovac

Item 10.21 Development Activity and Assessment System Performance, has been addressed previously within the meeting.

Item 10.22 Contracts Awarded under Delegation by the Chief Executive Officer, has been addressed previously within the meeting.

Item 11.01 Petition - Unsafe Condition of Car Park, Greenbourne Nursery, High Street, Wauchope, has been addressed previously within the meeting.

Item 11.02 Port Macquarie-Handa Sister City Working Group, has been addressed previously within the meeting.

Item 11.03 Recommended Items from the December 2023 Meeting of the Port Macquarie-Hastings Sporting Fund, has been addressed previously within the meeting.

Item 11.04 Draft Places to Play Plan, has been addressed previously within the meeting.

11.05 NOTICE OF MOTION - AUSTRALIA DAY

MOTION

MOVED: Roberts/Maltman

That Council request the Chief Executive Officer consider the inclusion of resources in the draft 2024-2025 Operational Plan and budget for the establishment and operation of an Australia Day Committee to plan and deliver activities and events associated with Australia Day.

AMENDMENT

MOVED: Sheppard/Lipovac

That Council:

1. Note the proposal to request that the Chief Executive Officer consider the inclusion of resources in the draft 2024-2025 Operational Plan and budget for the establishment and operation of an Australia Day Committee to plan and deliver activities and events associated with Australia Day.
2. Note that Council currently undertakes organisation and facilitation of the Australia Day Citizenship Awards and associated ceremony.
3. Note that the community grants system can be accessed to facilitate additional Australia Day activities and events.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

CASTING VOTE: Against

LOST

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Maltman

That Council request the Chief Executive Officer consider the inclusion of resources in the draft 2024-2025 Operational Plan and budget for the establishment and operation of an Australia Day Committee to plan and deliver activities and events associated with Australia Day.

CARRIED: 5/3

FOR: Intemann, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Lipovac and Sheppard

Item 12.01 Progress Report - Sale of Council-Owned Land, Lot 1 Lake Innes, has been addressed previously within the meeting.

13.01 ANNUAL DRINKING WATER AND RECYCLED WATER REPORTS 2022-2023

RESOLVED: Pinson/Roberts

That Council:

- 1. Note the information contained within this report regarding the quality performance of drinking and recycled water supplied to the community for the reporting period 1 July 2022 to 30 June 2023.**
- 2. Request the CEO provide a report to the April 2024 Ordinary Council meeting which provides more detail on the current taste and odour issues being experienced in the Water Supply.**

CARRIED: 8/0

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

AGAINST: Nil

13.02 POLICY REVIEW - WASTE SERVICES POLICY

RESOLVED: Pinson/Sheppard

That Council:

- 1. Place on public exhibition the draft Waste Services Policy 2024, commencing Monday 26 February 2024 for a minimum of 28 days.**
- 2. Note that a further report will be tabled at the May 2024 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.**

CARRIED: 8/0

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

AGAINST: Nil

Item 13.03 Settlement Point Ferry Out of Water Inspection and Maintenance (Slipping), has been addressed previously within the meeting.

13.04 PORT MACQUARIE HASTINGS COUNCIL KOALA ACTION PLAN 2023

RESOLVED: Edwards/Sheppard

That Council:

- 1. Note the information contained in the report and submissions received.**
- 2. Adopt the Port Macquarie Hastings Koala Action Plan 2023 which replaces the Recovery Actions listed in Table 1 of the Koala Recovery Strategy 2018 with the addition of a reference to the NSW Department**

of Climate Change, Energy, the Environment and Water's Koala Habitat Information Base Technical Guide in the References section of the Action Plan.

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

13.05 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY UPDATE REPORT

Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in this item. 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: Maltman/Pinson

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

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

**13.06 SANCROX EMPLOYMENT LAND ENVIRONMENTAL LANDS AND SERVICES PLANNING AGREEMENT ASSESSMENT REPORT
APPLICANT: KING AND CAMPBELL
LANDOWNER: EXPRESSWAY SPARES PTY LIMITED AND JAMES JOHN DUNN AND CATHERINE BRIGETTE DUNN**

RESOLVED: Intemann/Pinson

That Council:

- 1. Publicly exhibit the draft amended Second Deed of Variation to Sancrox Employment Land Environmental Lands and Services Planning Agreement for a period of not less than 28 days.**
- 2. Receive a further report following the public exhibition period on any submissions received.**

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

**13.07 POST EXHIBITION REPORT - RAINBOW BEACH CENTRAL CORRIDOR
PLANNING AGREEMENT
APPLICANT: KING AND CAMPBELL
LANDOWNER: ST VINCENT'S FOUNDATION PTY LTD**

RESOLVED: Intemann/Roberts

That Council:

- 1. Revoke the previous Rainbow Beach Central Corridor Voluntary Planning Agreement 2017 entered into between Council and St Vincent's Foundation Pty Ltd on 5 March 2018**
- 2. Enter into and execute the amended Rainbow Beach Central Corridor Planning Agreement (Attachment 2).**
- 3. Note the post exhibition Engagement Summary Report which provides details of the number of persons who accessed the public exhibition material on Council's Have Your Say page.**

CARRIED: 8/0

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

AGAINST: Nil

**13.08 POST EXHIBITION REPORT - 2023 HOUSEKEEPING & AGRITOURISM
AMENDMENT - PORT MACQUARIE-HASTINGS DEVELOPMENT
CONTROL PLAN 2013**

RESOLVED: Pinson/Roberts

That Council:

- 1. Approve the draft Development Control Plan 2013 (Agritourism and Housekeeping Amendment No. 16) with the alterations described in the report and contained in Attachments 1 and 2.**
 - 2. Within 28 days of adoption:**
 - a. Publish a public notice of Council's decision to approve the Development Control Plan 2013 (Agritourism and Housekeeping Amendment No. 16) on its website, in accordance with Clause 14(2) of the Environmental Planning and Assessment Regulation 2021.**
 - b. Upload a copy of the Plan on the NSW Planning Portal for the attention of the NSW Planning Secretary.**
 - 3. The draft Development Control Plan 2013 (Agritourism and Housekeeping Amendment No. 16) will commence on 1 April 2024.**
 - 4. Delegate authority to the Director Community, Planning and Environment to make any inconsequential amendments, if required, in preparation for the commencement of Development Control Plan 2013 (Agritourism and Housekeeping Amendment No. 16).**
-

5. Notify all persons who lodged a submission of Council's decision.

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

Item 13.09 Supply of Electricity - Regional Councils NSW Power Purchase Agreement, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Lipovac/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)(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.

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

RESOLVED: Lipovac/Sheppard

That the Council meeting be closed to the public for the consideration of confidential items for the reason as listed in the reports.

CARRIED: 8/0
FOR: Edwards, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

14.01 BUDGET AND REPORTING APPLICATION

RESOLVED: Roberts/Pinson

That Council:

- 1. Note that the requirements for the budget and reporting application will be considered as part of the Long Term Financial Planning 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 Council 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 Long Term Financial Planning review.**
- 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, Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade

AGAINST: Nil

RESOLVED: Roberts/Sheppard

That the Council Meeting be re-opened to the public

CARRIED: 8/0

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

AGAINST: Nil

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

The meeting closed at 2.22pm

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Peta Pinson
Mayor