
PRESENT

Members:

Mayor Peta Pinson
Councillor Lauren Edwards
Councillor Lisa Intemann (Remote)
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)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Governance Officer (Tania Ellis)
Legal Counsel (Anthea Gilmore)

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

RESOLVED: Edwards/Lipovac

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

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

03 LOCAL GOVERNMENT PRAYER

Reverend Samuel Gittins from the Wauchope Presbyterian Church delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Roberts/Slade

That the Minutes of the Ordinary Council Meeting held on 15 February 2024 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

Nil.

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

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

Councillor Intemann left the meeting due to technical issues the time being 10.10am.

09 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Roberts/Slade

That Items 10.01, 10.02, 10.09, 10.10, 10.12, 10.15, 10.16, 10.17, 10.18, 10.19, 10.20, 10.21, 10.22, 10.23, 11.01, 13.02, 13.03, 13.04 and 13.08 be considered as a block resolution

CARRIED: 7/0

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

AGAINST: Nil

MOTION

MOVED: Sheppard/Lipovac

That the meeting to be adjourned to address technical issues.

LOST: 3/4

FOR: Edwards, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

RESOLVED: Roberts/Maltman

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

CARRIED: 7/0

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

AGAINST: Nil

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 1 FEBRUARY TO 6 MARCH 2024

BLOCK RESOLVED: Roberts/Maltman

That Council note the Mayoral Discretionary Fund allocations for the period 1 February to 6 March 2024.

10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Roberts/Maltman

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

10.09 INVESTMENTS AND LOANS - FEBRUARY 2024

BLOCK RESOLVED: Roberts/Maltman

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

10.10 MONTHLY BUDGET REVIEW - FEBRUARY 2024

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Adopt the adjustments in the “February 2024 Adjustments” section of the Monthly Budget Review – February 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 INTERNAL AUDIT CHARTER

BLOCK RESOLVED: Roberts/Maltman

That Council adopt the Port Macquarie-Hastings Council Internal Audit Charter attached to this report.

10.15 POLICY REVIEW - INVESTMENT POLICY

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Place the revised draft Investment Policy on public exhibition for 28 days, from 25 March 2024 until 22 April 2024.**
 - 2. Note that a further report will be presented at the May 2024 meeting of Council, detailing the submissions received from the public during the exhibition period.**
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**10.16 POLICY REVIEW - DRAFT STRATEGIC PROPERTY INVESTMENT
POLICY - FOLLOWING PUBLIC EXHIBITION**

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Adopt the draft Strategic Property Investment Policy.**
 - 2. Thank members of the public who made submissions and advise them of Council's determination in this matter.**
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**10.17 POLICY REVIEW - DRAFT DETERMINING APPLICATIONS LODGED BY
COUNCILLORS AND STAFF POLICY**

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Place the draft Determining Applications Lodged by Councillors and Staff Policy on public exhibition for a minimum of 28 days.**
 - 2. Note that a further report be presented to the May 2024 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.**
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10.18 POLICY REVIEW - DRAFT POLICY FRAMEWORK

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Place on public exhibition the draft Policy Framework for a minimum of 28 days.**
 - 2. Note that a further report will be tabled at the May 2024 meeting of Council, detailing the submissions received from the public during the exhibition period.**
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**10.19 POLICY REVIEW - DRAFT UNREASONABLE CUSTOMER CONDUCT
POLICY**

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Place on public exhibition as soon as practicable for a period of not less than 28 days, the draft Unreasonable Customer Conduct Policy and actively seek community feedback.**
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2. **Note that a further report be considered by Council in June 2024, detailing the submissions received from the public during the exhibition period and presenting a final draft for adoption.**
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10.20 POLICY REVIEW - DRAFT DATA BREACH POLICY AND PRIVACY MANAGEMENT PLAN

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Adopt the draft Data Breach Policy.**
 - 2. Adopt the draft Privacy Management Plan.**
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10.21 POLICY REVIEW - DRAFT LEGISLATIVE COMPLIANCE POLICY

BLOCK RESOLVED: Roberts/Maltman

That Council adopt the draft Legislative Compliance Policy.

10.22 LABORATORY MEDIA SUPPLY

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Under the extenuating circumstances provision of 55(3)(i) of the Local Government Act 1993, not invite tenders, as a satisfactory outcome would not be achieved for the reason of limited availability of competitive suppliers for the supply of specific pre-prepared laboratory media and kits as detailed in the report.**
 - 2. Enter into negotiations with Thermo Fisher Scientific Australia Pty Ltd, Edwards Group Pty Ltd and IDEXX Laboratories Pty Limited with a view of entering into a contract for the supply of pre-prepared laboratory media and kits commencing April 2024 and expiring April 2029.**
 - 3. Note that the Chief Executive Officer, under existing delegation to the General Manager, will execute the necessary contract documents.**
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10.23 COMMUNITY UTILITIES LEGISLATIVE REQUIREMENTS UNDERTAKINGS ANNUAL REPORT

BLOCK RESOLVED: Roberts/Maltman

That Council note the information contained within this report regarding the Annual performance reporting of Council's drinking and recycled water supply, wastewater systems and waste management services for the reporting period 1 July 2022 to 30 June 2023.

11.01 POLICY REVIEW - SMOKE FREE ENVIRONMENT POLICY - FOLLOWING PUBLIC EXHIBITION

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. **Adopt the draft Smoke Free Environments Policy.**
2. **Thank those that made submissions and advise them of Council's determination in this matter.**

13.02 POLICY REVIEW - DEVELOPMENT CONTRIBUTIONS ASSESSMENT POLICY

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. **Publicly exhibit the revised draft Development Contributions Assessment Policy for a period of not less than 28 days.**
2. **Note that a further report will be tabled at the June 2024 meeting of Council after the public exhibition period, detailing any submissions received from the public during the exhibition period.**

13.03 POLICY REVIEW - PLANNING AGREEMENTS POLICY

BLOCK RESOLVED: Roberts/Maltman

That Council:

1. **Publicly exhibit the revised draft Planning Agreements Policy for a period of not less than 28 days.**
2. **Note that a further report will be tabled at the June 2024 meeting of Council after the public exhibition period, detailing any submissions received from the public during the exhibition period.**

13.04 POLICY REVIEW - CONTRIBUTIONS FOR PATHS KERB AND GUTTER POLICY

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Place on public exhibition the Draft Contributions for Paths Kerb and Gutter Policy for a period of not less than 28 days.**
 - 2. Note that a further report will be provided to the May 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.**
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13.08 DRAFT INTEGRATED WATER CYCLE MANAGEMENT STRATEGY - PUBLIC EXHIBITION

BLOCK RESOLVED: Roberts/Maltman

That Council:

- 1. Place on public exhibition the Draft Integrated Water Cycle Management Strategy, commencing Wednesday 27 March 2024 for a minimum of 28 days.**
 - 2. Note that active engagement with the community on the Draft Integrated Water Cycle Management Strategy development has commenced, and will continue through the exhibition period.**
 - 3. Note that a further report will be tabled at the June 2024 Ordinary Council meeting, detailing the submissions received from the public during the exhibition and engagement sessions and presenting the final Integrated Water Cycle Management Strategy for adoption.**
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10.03 NOTICE OF MOTION - CASTING VOTE

MOTION

MOVED: Pinson/Roberts

That the Chief Executive Officer be requested to provide a report to the April 2024 Ordinary Council Meeting that details the purpose of a casting vote, use of the casting vote, as included in the Local Government Act and the Office of Local Government Model Code of Meeting Practice, how the Mayor has the casting vote, what happens if the casting vote is not used in the event of equality of votes of a matter.

AMENDMENT

MOVED: Sheppard/Lipovac

That item 10.03 be deferred until the April 2024 Ordinary Council Meeting.

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

THE AMENDMENT ON BEING PUT WAS LOST

PROCEDURAL MOTION

MOVED: Sheppard/Edwards

That the meeting to be adjourned to address technical issues.

LOST: 3/4
FOR: Edwards, Lipovac and Sheppard
AGAINST: Maltman, Pinson, Roberts and Slade

PROCEDURAL MOTION

MOVED: Sheppard

That a motion of dissent against the ruling of the chairperson be adopted.

LOST: 3/4
FOR: Edwards, Lipovac and Sheppard
AGAINST: Maltman, Pinson, Roberts and Slade

Councillor Intemann rejoined the meeting the time being 10.39am.

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Pinson/Roberts

That the Chief Executive Officer be requested to provide a report to the April 2024 Ordinary Council Meeting that details the purpose of a casting vote, use of the casting vote, as included in the Local Government Act and the Office of Local Government Model Code of Meeting Practice, how the Mayor has the casting vote and what happens if the casting vote is not used in the event of equality of votes of a matter.

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

10.04 NOTICE OF MOTION - AUDIT, RISK AND IMPROVEMENT COMMITTEE.

LOST: Intemann/Sheppard

That Council:

1. Replace Councillor Adam Roberts with Councillor Lisa Intemann to be the non-voting Councillor member to the Audit, Risk and Improvement Committee.
2. Re-appoint Councillor Danielle Maltman as an alternate non-voting Councillor representative to attend the Audit, Risk and Improvement Committee meeting as the Councillor representative whenever the primary non-voting Councillor representative is unable to attend.

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

10.05 NOTICE OF MOTION - RETURNS OF INTEREST

MOTION

MOVED: Edwards/Sheppard

That Council:

1. Amend the Code of Conduct by including additional supplementary provisions as detailed below:
 - 4.23A The Chief Executive Officer, or delegate, is authorised to decline to accept a return from a Councillor or Designated Person that, in the opinion of the Chief Executive Officer or delegate, is visibly incomplete, contains unclear responses, is illegible or otherwise non-compliant with the requirements of completing the return. It is noted that the analysis with respect to the measure of completeness is based on examination of whether individuals have completed all parts of the returns of interest form. This does

not examine whether the information provided in the forms is in fact accurate. It is further noted that the responsibility of completing the return correctly lies with the Councillor or Designated Person and not the Chief Executive Officer, or delegate.

4.23B In any circumstance where Council accepts lodgement of a visibly incomplete disclosure of returns, that this is documented in the associated report in which the disclosure is presented to Council, identifying which disclosure is incomplete and how.

2. Advocate to the Office of Local Government that the Model Code of Conduct for Local Councils in NSW be amended to include provisions that requires councils not to accept visibly incomplete disclosures.

AMENDMENT

MOVED: Pinson/Roberts

That Council request the Chief Executive Officer advocate to the Office of Local Government that the Model Code of Conduct for Local Councils in NSW be amended to include provisions that requires councils not to accept visibly incomplete disclosures.

CARRIED: 5/3

FOR: Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Intemann and Sheppard

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

RESOLVED: Pinson/Roberts

That Council request the Chief Executive Officer advocate to the Office of Local Government that the Model Code of Conduct for Local Councils in NSW be amended to include provisions that requires councils not to accept visibly incomplete disclosures.

CARRIED: 7/1

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

AGAINST: Sheppard

10.06 DISCLOSURE OF INTEREST RETURN

RESOLVED: Sheppard/Edwards

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

1. **Mayor Peta Pinson**
2. **Councillor Adam Roberts**
3. **Councillor Danielle Maltman**
4. **Councillor Rachel Sheppard**

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

The Chairperson tabled the disclosures of interest returns of those Councillors listed above.

10.07 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

RESOLVED: Sheppard/Lipovac

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

- 1. Business and Performance - Procurement Manager**
- 2. Community Planning and Environment - Development Assessment Planner**
- 3. Community Infrastructure Planning and Design - Civil Designer**
- 4. Community Utilities - Network Construction and Integration Manager**

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

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

10.08 QUESTION WITH NOTICE - CODE OF MEETING PRACTICE OR CODE OF CONDUCT

MOTION

MOVED: Intemann/Sheppard

That the Chief Executive Officer be requested to assess against the Risk Appetite Statement the question of significant expenditure being decided at a Council meeting without relevant Council staff advice and consider an appropriate amendment for inclusion in the next review of the Code of Meeting Practice.

PROCEDURAL MOTION

MOVED: Maltman/Slade

That the motion be put.

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

CASTING VOTE: For
CARRIED

THE MOTION ON BEING PUT WAS LOST

LOST: Intemann/Sheppard

That the Chief Executive Officer be requested to assess against the Risk Appetite Statement the question of significant expenditure being decided at a Council meeting without relevant Council staff advice and consider an appropriate amendment for inclusion in the next review of the Code of Meeting Practice.

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

Item 10.09 Investments and Loans - February 2024, has been addressed previously within the meeting.

Item 10.10 Monthly Budget Review - February 2024, has been addressed previously within the meeting.

**10.11 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE
MEETING HELD 7 MARCH 2024**

RESOLVED: Sheppard/Roberts

That Council note the report of the Audit, Risk and Improvement Committee held 7 March 2024.

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

Item 10.12 Internal Audit Charter, has been addressed previously within the meeting. Councillor Edwards left the meeting, the time being 11:57am.

**10.13 OPPORTUNITY FOR LOCAL FIRMS TO DO BUSINESS WITH PORT
MACQUARIE-HASTINGS COUNCIL**

RESOLVED: Lipovac/Pinson

That Council:

- 1. Note the information provided in this report.**
- 2. Request that a report be presented to the April 2024 Ordinary Council meeting that summarises Council's commitment to supporting local business through their tendering and purchasing process during the previous 12 months.**

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- 3. Note a future report will be presented annually to the October Ordinary Council meeting, commencing October 2024, that details Council's commitment to supporting local business through its tendering and purchasing process during the previous financial year.**

CARRIED: 7/0
FOR: Intemann, Lipovac, Maltman, Pinson, Roberts, Sheppard and Slade
AGAINST: Nil

Councillor Edwards returned to the meeting, the time being 11:59am.

10.14 NOTICE OF MOTION - OPPORTUNITIES FOR LOCAL FIRMS TO DO BUSINESS WITH PORT MACQUARIE-HASTINGS COUNCIL

The notice of motion was withdrawn at the request of Councillor Lipovac

Item 10.15 Policy Review - Investment Policy, has been addressed previously within the meeting.

Item 10.16 Policy Review - Draft Strategic Property Investment Policy - Following Public Exhibition, has been addressed previously within the meeting.

Item 10.17 Policy Review - Draft Determining Applications Lodged by Councillors and Staff Policy, has been addressed previously within the meeting.

Item 10.18 Policy Review - Draft Policy Framework, has been addressed previously within the meeting.

Item 10.19 Policy Review - Draft Unreasonable Customer Conduct Policy, has been addressed previously within the meeting.

Item 10.20 Policy Review - Draft Data Breach Policy and Privacy Management Plan, has been addressed previously within the meeting.

Item 10.21 Policy Review - Draft Legislative Compliance Policy, has been addressed previously within the meeting.

Item 10.22 Laboratory Media Supply, has been addressed previously within the meeting.

Item 10.23 Community Utilities Legislative Requirements Undertakings Annual Report, has been addressed previously within the meeting.

Item 11.01 Policy Review - Smoke Free Environment Policy - Following Public Exhibition, has been addressed previously within the meeting.

11.02 NOTICE OF MOTION - SIGNAGE CODING SYSTEM TO IMPROVE EMERGENCY RESPONSE TIMES

RESOLVED: Pinson/Roberts

That Council:

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1. **Seek feedback from the Local Emergency Management Committee (LEMC) regarding the benefits or otherwise relating to the potential introduction of an Emergency Signage Coding System to improve emergency responses.**
 2. **Upon receipt of the feedback from the LEMC, request the Chief Executive Officer to write to the NSW Ministers for Emergency Services and Resilience requesting consideration of a State-wide Emergency Response Signage Coding System to improve emergency responses similar to the systems implemented in Victoria and Western Australia.**

CARRIED: 8/0

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

AGAINST: Nil

11.03 QUESTION WITH NOTICE - COMMUNITY ENERGY UPGRADE - GRANTS ROUND 1.

RESOLVED: Edwards/Lipovac

That Council request the Chief Executive Officer provide an update, by way of written report to Council no later than the May 2024 Ordinary Council meeting, on the progress being made to determine suitable Council-owned land and asset sites that could accommodate renewable energy projects such as battery storage and or mid-scale solar projects which could be pursued utilising current grant opportunities.

CARRIED: 8/0

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

AGAINST: Nil

11.04 RECOMMENDED ITEMS FROM THE FEBRUARY 2024 MEETING OF THE PORT MACQUARIE-HASTINGS SPORTING FUND

RESOLVED: Lipovac/Sheppard

That Council endorse the Port Macquarie-Hastings Sporting Fund Committee recommendations to award funding as follows:

1. **\$750 to Lane Jordan for representation at the U16 Cricket Australia National Championships.**
2. **\$750 to Taj McIntosh for representation at the U18 Hockey Australia Indoor Hockey National Championships.**
3. **\$750 to Bear Farmer for representation at the U13 Hockey Australia Indoor Hockey National Championships.**

CARRIED: 8/0

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

12.01 RESCISSION MOTION - PAYMENT OF WATER FUND AND SEWER FUND DIVIDEND FOR THE YEAR 2022-2023
ITEM 10.13 OF THE FEBRUARY ORDINARY COUNCIL MEETING 2024

LOST: Sheppard/Lipovac

That the undermentioned motion adopted at the Ordinary Council Meeting held on 15 February 2024:

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.

be rescinded.

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

Councillor Slade left the meeting, the time being 12:13pm.

Councillor Slade returned to the meeting, the time being 12:16pm.

Councillor Maltman left the meeting, the time being 12:16pm.

Councillor Maltman returned to the meeting, the time being 12:19pm.

Councillor Roberts left the meeting, the time being 12:27pm.

Councillor Roberts returned to the meeting, the time being 12:28pm.

13.01 NOTICE OF MOTION - FERRY SERVICE OPERATIONS - RESPONSE FROM THE MINISTER FOR REGIONAL TRANSPORT AND ROADS

RESOLVED: Pinson/Maltman

That Council:

- 1. Note the response received from The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads, regarding the operation of the two vehicular ferries over the Hastings River and Council's request for the NSW Government to take over the operation of the service or provide funding support.**
- 2. Note that this decision of the NSW Government will result in Port Macquarie-Hastings Council continuing to fund ferry services across the Hastings River, whilst most other vehicular ferry services in NSW are provided by the NSW Government or receive funding support.**
- 3. Continue advocacy for NSW Government funding for the ferry services that connects public roads.**

CARRIED: 8/0

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

AGAINST: Nil

Item 13.02 Policy Review - Development Contributions Assessment Policy, has been addressed previously within the meeting.

Item 13.03 Policy Review - Planning Agreements Policy, has been addressed previously within the meeting.

Item 13.04 Policy Review - Contributions for Paths Kerb and Gutter Policy, has been addressed previously within the meeting.

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 did 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 WORKS IN KIND AGREEMENT - THE SANCTUARY - 344 JOHN OXLEY DRIVE THRUMSTER
APPLICANT - KING AND CAMPBELL PTY LTD
LANDOWNER - BIRD IN THE HAND NO.2 PTY LTD

RESOLVED: Lipovac/Sheppard

That Council:

- 1. Approve the application for road works in John Oxley Drive, Thrumster on the basis that the work will provide material public benefit pursuant to section 7.11(5)(b) of the Environmental Planning and Assessment Act 1979, subject to the applicant entering into a Works in Kind Agreement.**
- 2. Note that the Chief Executive Officer will execute the Works in Kind Agreement in item 1 above under existing delegation.**
- 3. Endorse the exception to clause 6 of the Works in Kind Policy, to retrospectively approve the works on John Oxley Drive, Thrumster.**

CARRIED: 8/0

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

AGAINST: Nil

13.07 WORKS IN KIND - DEVELOPER WORKS DEED AGREEMENT
DA2014/114

RESOLVED: Sheppard/Lipovac

That Council:

- 1. Note the sewer works undertaken by Bird in the Hand No. 2 Pty Ltd under and associated with Development Consent DA2014/114 includes works above what is required to solely service the development.**
- 2. Note that the works are to provide additional capacity in the sewer pumping station, rising main and trunk gravity main to serve other future development growth in the area and as such constitutes works-in-kind.**
- 3. Endorse the exception to Clause 6 of the Works in Kind Policy to retrospectively approve to enter into a Developer Deed Agreement with Bird in the Hand No. 2 Pty Ltd for payment covering the additional sewer works delivered as detailed in this report.**
- 4. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a Developer Deed Agreement contract with Bird in the Hand No. 2 Pty Ltd.**

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5. **Note that a budget adjustment will be presented to a future Council Meeting as per the current monthly budget adjustment procedure to adjust the 2023-2024 Budget with funds from the Sewer Developer contribution reserves, for the required amount under the deed.**
 6. **Note that the cost of additional works provided have been identified in the draft Development Servicing Plan, to be adopted in mid-2024, and therefore are part of the calculation for future developer contribution charges, which will facilitate Council recouping the costs from future development when it occurs.**

CARRIED: 8/0

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

AGAINST: Nil

Item 13.08 Draft Integrated Water Cycle Management Strategy - Public Exhibition, has been addressed previously within the meeting.

The meeting closed at 12.54pm

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Peta Pinson
Mayor