

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)
Director Community Utilities (Jeffery Sharp)
Group Manager Governance (Michael Ferguson)
Legal Counsel (Anthea Gilmore)
Governance Officer (Tania Ellis)

The meeting opened at 10.03am.

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.

In addition to the Acknowledgement of Country, the Mayor separately acknowledged migrants and members, and returned members, of the armed and emergency services for their contributions to the Country.

02 REMOTE ATTENDANCE AT MEETING

Nil

03 LOCAL GOVERNMENT PRAYER

Pastor Duncan Moody from the North Haven Baptist Church delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Roberts/Pinson

That the Minutes of the Ordinary Council Meeting held on 20 June 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 13.06 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.

Mayor Pinson declared a Non-Pecuniary, Significant interest in Item 14.05 Code of Conduct Matter. The reason being is that she authored the complaint in this matter. Mayor Pinson intends to leave the meeting and take no part in consideration of this item.

Councillor Sheppard declared a Non-Pecuniary, Less than Significant interest in Item 14.05 Code of Conduct Matter. The reason being that she intends to run a group of candidates with the respondent of the Code of Conduct matter, in the upcoming Local Government Election in September 2024. Councillor Sheppard sought and received advice from Council's Governance staff on this matter, clause 5.3 of Council's Code of Conduct, specifies that political views of a Council official do not constitute a private interest under the non-pecuniary provisions of the Code

of Conduct and do not require her to declare this interest. However, in the spirit and interest of transparency, she made the declaration. Councillor Sheppard 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 RECOGNITION OF THE LATE LEONARD RAYMOND COOPER OAM

RESOLVED: Pinson

That Council:

- 1. Formally recognise the contribution to the local community of the late Alderman and Mayor, Leonard Raymond Cooper, OAM.**
- 2. Hold a minute's silence in memory of Mr Cooper.**

CARRIED: 8/0

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

AGAINST: Nil

07.02 CORRESPONDENCE FROM MINISTER FOR PLANNING & PUBLIC SPACES - UPDATED MINISTERIAL STATEMENT OF EXPECTATIONS ORDER

RESOLVED: Pinson

That Council note the updated Ministerial Statement of Expectations Order from the Minister for Planning and Public Spaces, the Hon Paul Scully MP, dated 3 July 2024.

CARRIED: 8/0

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

AGAINST: Nil

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Nil

09 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Roberts/Slade

That Items 10.01, 10.02, 10.05, 10.07, 10.08, 10.10, 12.01, 13.05, 13.09, and 13.10 be considered as a block resolution.

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

RESOLVED: Sheppard/Lipovac

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

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts/Maltman

That Standing Orders be suspended to allow Item 13.02 to be brought forward and considered following Item 10.03.

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

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 6 JUNE TO 3 JULY 2024

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the Mayoral Discretionary Fund allocations for the period 6 June to 3 July 2024 inclusive.

10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Sheppard/Lipovac

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

10.05 REVISED AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

BLOCK RESOLVED: Sheppard/Lipovac

That Council adopt the Audit, Risk and Improvement Committee Charter as attached to this report.

10.07 CONTRACTS AWARDED UNDER DELEGATION BY THE CHIEF EXECUTIVE OFFICER

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the information provided in the Contracts Register.

10.08 INVESTMENTS AND LOANS - JUNE 2024

BLOCK RESOLVED: Sheppard/Lipovac

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

10.10 POLICY REVIEW - DRAFT PROCUREMENT POLICY - FOLLOWING PUBLIC EXHIBITION

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Adopt the Draft Procurement Policy.**
- 2. Thank members of the public who made submissions and advise them of Council's determination in this matter.**

12.01 PORT MACQUARIE AIRPORT - PILOT TRAINING AND AIRCRAFT NOISE - FLY NEIGHBOURLY AGREEMENT TRIAL - 12 MONTH REVIEW

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Note the information provided in this Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement Trial - 12 Month Review report.**

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- 2. Endorse the extension of the Fly Neighbourly Agreement for a further 12 months as an effective method of managing circuit movements at the Airport to minimise impact on the local community, with a further report to be presented at the July 2025 Ordinary Council Meeting.**
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13.05 DRAFT DEVELOPMENT SERVICING PLAN (DSP), 2024 - PUBLIC EXHIBITION

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Note the Information in the Draft Port Macquarie-Hastings Development Servicing Plan 2024 Report and Audit Report.**
 - 2. Note that a cross subsidy option for Comboyne, Long Flat and Telegraph Point service areas has been applied.**
 - 3. Endorse the Draft Port Macquarie-Hastings Development Servicing Plan 2024 to be placed on public exhibition for a minimum of 30 days in accordance with legislative requirements.**
 - 4. Include a copy of the exhibited draft Development Contributions Assessment Policy in the public exhibition material for the Draft Port Macquarie-Hastings Development Servicing Plan 2024.**
 - 5. Receive a report back to the November 2024 Ordinary Council meeting following the public exhibition.**
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13.09 UPDATE REPORT - CAIRNCROSS WASTE MANAGEMENT FACILITY LEACHATE PRE-TREATMENT TEMPORARY SYSTEM - SINGLE SELECT PROCUREMENT

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Note the information provided in this report relating to the challenges implementing an interim leachate pre-treatment system.**
 - 2. Note the action listed in the 2024-2025 Operational Plan to commence the planning for a permanent leachate management system for the Cairncross Waste Management Facility.**
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13.10 STRATEGY REVIEW - DRAFT WASTE AND RESOURCE RECOVERY STRATEGY 2024-2034 - POST PUBLIC EXHIBITION

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Note the information in the Draft Waste and Resource Recovery Strategy Community Engagement Report.**
 - 2. Note that no amendments have been made to the draft Strategy.**
 - 3. Adopt the Waste and Resource Recovery Strategy 2024-2034.**
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10.03 NOTICE OF MOTION - FORMALISATION OF "ACKNOWLEDGEMENT OF COUNTRY" AT COUNCIL MEETINGS, COUNCIL EVENTS AND IN FORMAL SPEECHES

Item 10.03 Notice Of Motion Formalisation Of "Acknowledgement Of Country" At Council Meetings, Council Events And In Formal Speeches was withdrawn at the request of Mayor Pinson

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

RESOLVED: Pinson/Roberts

That Council:

- 1. Revoke the First Deed of Variation to the Sancrox Employment Land Environmental Lands and Services Planning Agreement entered into between Council and Expressway Spares Pty Limited and James John Dunn and Catherine Brigitte Dunn on 16 January 2017.**
- 2. Enter into and execute the Second Deed of Variation Sancrox Employment Land Environmental Lands and Services Planning Agreement (Attachment 2).**
- 3. Note the post exhibition Engagement Summary Report which provides details of the two submissions and the number of persons who accessed the public exhibition material on Council's Have Your Say page.**
- 4. 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

10.04 CONSTITUTIONAL REFERENDUM - REDUCTION IN COUNCILLOR NUMBERS SUPPORTING INFORMATION

RESOLVED: Sheppard/Edwards

That Council note the information contained within this report.

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

Item 10.05 Revised Audit, Risk and Improvement Committee Charter, has been addressed previously within the meeting.

10.06 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 28 JUNE 2024

RESOLVED: Roberts/Edwards

That Council note the report of the Audit, Risk and Improvement Committee held 28 June 2024.

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

Item 10.07 Contracts Awarded under Delegation by the Chief Executive Officer, has been addressed previously within the meeting.

Item 10.08 Investments and Loans - June 2024, has been addressed previously within the meeting.

10.09 PAYMENT OF TOWN CENTRE MASTER PLAN LOAN FROM TOWN CENTRE MASTER PLAN RESERVE

MOTION

MOVED: Pinson/Roberts

That Council authorise payment of the Town Centre Master Plan loan from the Working Capital Reserve.

AMENDMENT

MOVED: Sheppard/Edwards

That Council

1. Include in the December 2024 General Fund Improvement Report, details of the costs, benefits and other relevant implications of directing the funds that are currently allocated to the TCMP to instead fund currently unfunded and underfunded improvement initiatives.
2. Defer consideration of this item, to be considered alongside the report detailed in point 1.
3. Continue to make TCMP loan repayments from the TCMP reserve.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT CARRIED

RESOLVED: Pinson/Roberts

That Council authorise payment of the Town Centre Master Plan loan from the Working Capital Reserve.

EQUAL: 4/4

FOR: Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Intemann, Lipovac and Sheppard

CASTING VOTE: FOR

CARRIED

Item 10.10 Policy Review - Draft Procurement Policy - Following Public Exhibition, has been addressed previously within the meeting.

11.01 CAMDEN HEAD LOOKOUT MASTER PLAN ENGAGEMENT OUTCOMES - POST EXHIBITION REPORT

MOTION

MOVED: Roberts/Pinson

That Council:

1. Note the information contained within the Camden Head Lookout Master Plan Community Engagement Report – July 2024
2. Endorse the Establishment of a 'Friends of Camden Head Lookout' volunteer group and proceed to establish the group by November 2024
3. Immediately proceed to undertake 'preliminary works' to tidy up the site as noted in this Report.
4. Adopt for the purposes as a starting point, the Individual Stakeholder Proposed Master Plan, to be further developed by the 'Friends of Camden Head Lookout' to be presented to Council for adoption, including a detailed scope of medium to long term works, project costings and likely legislated planning assessment pathway(s).

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5. Thank submitters and advise them of the outcome of Council's consideration of this matter.
 6. Upon establishment of the 'Friends of Camden Head Lookout' group provide a Bi-Monthly Report to Council on the progress of the group development, preliminary works and progress towards the longer term works on the site.

AMENDMENT

MOVED: Sheppard/Edwards

That Council:

1. Note the Staff recommendation to Adopt the Amended Camden Head Lookout Reserve Master Plan included in Attachment 5.
2. Undertake a communication plan of the information contained within the report.
3. Defer this item until the communication plan has been developed.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

THE AMENDMENT ON BEING PUT WAS LOST

AMENDMENT

MOVED: Sheppard/Edwards

That Council:

1. Note the information contained within the Camden Head Lookout Master Plan Community Engagement Report - July 2024
2. Note the support of Government Authorities for the endorsed draft Camden Head Master Plan and opposition to the individual stakeholder master plan.
3. Note the majority of community feedback being in support of the endorsed draft Camden Head Master Plan
4. Undertake a communication plan of the information contained within the report.
5. Defer this item until the communication plan has been developed.
6. Immediately proceed to undertake 'preliminary works' to tidy up the site as noted in this Report.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Pinson

That Council:

1. **Note the information contained within the Camden Head Lookout Master Plan Community Engagement Report – July 2024**

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2. **Endorse the Establishment of a 'Friends of Camden Head Lookout' volunteer group and proceed to establish the group by November 2024**
 3. **Immediately proceed to undertake 'preliminary works' to tidy up the site as noted in this Report.**
 4. **Adopt for the purposes as a starting point, the Individual Stakeholder Proposed Master Plan, to be further developed by the 'Friends of Camden Head Lookout' to be presented to Council for adoption, including a detailed scope of medium to long term works, project costings and likely legislated planning assessment pathway(s).**
 5. **Thank submitters and advise them of the outcome of Council's consideration of this matter.**
 6. **Upon establishment of the 'Friends of Camden Head Lookout' group provide a Bi-Monthly Report to Council on the progress of the group development, preliminary works and progress towards the longer term works on the site.**

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

Councillor Edwards left the meeting, the time being 11:21am.

ADJOURN MEETING

RESOLVED: Pinson/Sheppard

That the meeting adjourn for 10 minutes.

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

The Ordinary Council Meeting adjourned at 11.23am

The Ordinary Council Meeting resumed at 11.34am

Councillor Edwards returned to the meeting, the time being 11:34am.

11.02 LANK BAIN STAND NAMING REQUEST

RESOLVED: Pinson/Lipovac

That Council:

1. **Note the information in the report.**
2. **Endorse the proposed naming of the stand at Lank Bain as "The Athol Lank Bain Stand" for the purpose of exhibition to seek community feedback on the proposed name.**
3. **Place the naming proposal on public exhibition for a period of 14 days.**

4. Request the Chief Executive Officer to provide a report to the August 2024 Ordinary Council meeting to consider any submissions.

CARRIED: 8/0

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

AGAINST: Nil

11.03 HASTINGS YOUTH VOICE - END OF TERM REPORT

RESOLVED: Sheppard/Lipovac

That Council note the 2023-2024 Hastings Youth Voice End of Term report.

CARRIED: 8/0

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

AGAINST: Nil

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

RESOLVED: Lipovac/Slade

That Council endorse the Port Macquarie-Hastings Sporting Fund Sub-Committee recommendations as follows:

- 1. Payment of \$250.00 to Shakilyah Chatfield to attend the NSW Harts Junior State Netball Titles in Sydney on 5 - 8 July 2024.**
- 2. Payment of \$250.00 to Gemirah Fernando to attend the NSW Harts Junior State Netball Titles in Sydney on 5 - 8 July 2024.**
- 3. Payment of \$750.00 to Stephanie Dun to attend the Australian Schools Orienteering Championships in Armidale on 28 September - 6 October 2024.**
- 4. Payment of \$750.00 to Jessica Dun to attend the Australian Schools Orienteering Championships in Armidale on 28 September - 6 October 2024.**

CARRIED: 8/0

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

AGAINST: Nil

Item 12.01 Port Macquarie Airport - Pilot Training and Aircraft Noise - Fly Neighbourly Agreement Trial - 12 Month Review, has been addressed previously within the meeting.

13.01 POLICY REVIEW - PLANNING AGREEMENTS POLICY - POST EXHIBITION REPORT

RESOLVED: Edwards/Sheppard

That Council:

- 1. Adopt the amended Planning Agreements Policy with the recommended changes.**
- 2. Delegate authority to the Director Community, Planning and Environment to make any minor amendments to any numerical, typographical, interpretation and formatting errors, if required, in preparation for the commencement of the amended Planning Agreements Policy.**
- 3. Advise the local planning and development industry of the commencement of the amended Planning Agreements Policy and publish the new Policy on Council's website.**

CARRIED: 8/0

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

AGAINST: Nil

Item 13.02 Post Exhibition Report - Sancrox Employment Land Environmental Lands and Services Planning Agreement Applicant: King and Campbell and owner: Expressway Spares Pty Limited and James John Dunn and Catherine Brigette Dunn, has been addressed previously within the meeting.

13.03 URBAN GROWTH MANAGEMENT STRATEGY UPDATE

RESOLVED: Sheppard/Roberts

That Council:

- 1. Note the progress of actions from Council's Urban Growth Management Strategy as detailed within this report.**
- 2. Note the information and associated timeframes contained within this report, in relation to the proposed continued progression of actions as detailed within Council's Urban Growth Management Strategy.**

CARRIED: 8/0

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

AGAINST: Nil

13.04 UPDATE REPORT - SECONDARY DWELLINGS IN RURAL ZONES

RESOLVED: Edwards/Sheppard

That Council note the update report on Secondary Dwellings in Rural Zones

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

Item 13.05 Draft Development Servicing Plan (DSP), 2024 - Public Exhibition, has been addressed previously within the meeting.

13.06 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY REPORT

Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in this item. The reason being is that she 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 the progress of the Coastal Management Program.

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

13.07 THRUMSTER WASTEWATER TREATMENT PLANT FLOOD PLANNING

RESOLVED: Sheppard/Edwards

That Council:

- 1. Note the planning and concept design for the Thrumster Wastewater Treatment Plant is all but complete and the Environmental Impact Statement will be submitted to the Department of Planning in the coming weeks.**
- 2. Note that the site for the new plant is within the flood planning area for the Hastings River and the design has been undertaken in accordance**

with Council's current Flood Policy 2018, and current adopted Flood Planning Levels.

3. **Note that the Hastings River and Camden Haven River Flood Studies are currently being revised and the Flood Policy will be updated following the flood study updates and Council endorsement.**
4. **Note that due to the significance of this project, it will not be delayed pending Council's endorsement of the revised flood studies and subsequent policy update.**

CARRIED: 8/0

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

AGAINST: Nil

13.08 POLICY REVIEW - WASTEWATER POLICY - POST PUBLIC EXHIBITION

RESOLVED: Roberts/Lipovac

That Council:

1. **Note that no relevant submissions were received on the Draft Wastewater Services Policy during the exhibition period.**
2. **Note that minor amendments, as detailed in this report, were made to the Draft Policy following further internal review to improve readability and provide improved clarity for several sections.**
3. **Adopt the Wastewater Services Policy.**

CARRIED: 8/0

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

AGAINST: Nil

Item 13.09 Update Report - Cairncross Waste Management Facility Leachate Pre-Treatment Temporary System - Single Select Procurement, has been addressed previously within the meeting.

Item 13.10 Strategy Review - Draft Waste and Resource Recovery Strategy 2024-2034 - Post Public Exhibition, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Lipovac/Roberts

1. That pursuant to section 10A subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Confidential Session of Council on the basis that items to be considered are of a confidential nature.
2. That Council move into Closed Session to receive and consider the following items

Item 14.01 T-22-04 Water SCADA

This item is considered confidential under Section 10A(2)(d(i)) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 14.02 2024.049 Dunbogan Bridge Scour Repair And Pile Protection Works

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 14.03 2024.098 Monday.com Licencing

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 14.04 General Waste Red Bin Rubbish Collection Over Summer

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 Code of Conduct Matter

This item is considered confidential under Section 10A(2)(i) of the Local Government Act 1993, as it contains alleged contraventions of any Code of Conduct requirements applicable under Section 440.

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: Slade/Lipovac

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 T-22-04 WATER SCADA

RESOLVED: Roberts/Pinson

That Council:

- 1. In accordance with section 178(1) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for T-22-04 Water SCADA, and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into contracts in relation to the subject matter of the contract.**
- 2. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021, decline to invite fresh tenders since the evaluation panel considers that the market has not significantly changed and inviting fresh tenders likely will not achieve a satisfactory result.**
- 3. Note that the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for T-22-04 - Water SCADA following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.**
- 4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender T-22-04 Water SCADA**

CARRIED: 8/0

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

AGAINST: Nil

14.02 2024.049 DUNBOGAN BRIDGE SCOUR REPAIR AND PILE PROTECTION WORKS

RESOLVED: Pinson/Maltman

That Council:

- 1. In accordance with section 178(1) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for 2024.049 Dunbogan Bridge Scour Repair and Pile Protection Works, and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.**
- 2. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021, decline to invite fresh tenders for the reasons that the evaluation panel considers that the market has not significantly changed and inviting fresh tenders likely will not achieve a satisfactory result.**
- 3. Note that the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for 2024.049 Dunbogan Bridge Scour Repair and Pile Protection Works following successful**

negotiations, and present a further report to a future meeting of Council after contract award for Council's information.

4. **Maintain the confidentiality of the documents and consideration in respect of Request for Tender 2024.049 Dunbogan Bridge Scour Repair and Pile Protection Works.**

CARRIED: 8/0

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

AGAINST: Nil

14.03 2024.098 MONDAY.COM LICENCING

RESOLVED: Lipovac/Roberts

That Council:

1. **Under the extenuating circumstances provision of section 55(3)(i) of the Local Government Act 1993, not invite tenders for the licensing for the project management platform Monday.com through Amazon Web Services Inc due to the unavailability of competitive tenders.**
2. **Procure Monday.com licenses through the Amazon Web Services Inc on an annual basis for three years at an approximate annual cost of \$140,000 (excluding GST), commencing 17 July 2024 with the option for two further annual renewals at Council's discretion.**
3. **Maintain the confidentiality of the consideration in respect of the 2024.098 Monday.com Licensing procurement matter outlined in this report.**

CARRIED: 8/0

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

AGAINST: Nil

14.04 GENERAL WASTE RED BIN RUBBISH COLLECTION OVER SUMMER

RESOLVED: Roberts/Pinson

That Council:

1. **Note the implications of changing to a weekly general waste bin collection over summer as detailed in this report.**
2. **Implement a trial of a weekly Red bin collection between 24 December 2024 and 1 Feb 2025 inclusive.**
3. **Allocate funding for this trial (approximately \$140,000) from the Waste Reserve, noting the impact on future capital projects if future revenue is not raised to recover these costs.**
4. **Note the funding allocation will be included in August 2024-2025 monthly budget adjustment report.**

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5. **Request the Chief Executive Officer to prepare a communications plan detailing this is a trial, education on the use of various bins and costs associated with increased bin services.**
 6. **Report back to Council with trial period data following the trial period.**

CARRIED: 6/2
FOR: Intemann, Lipovac, Maltman, Pinson, Roberts and Slade
AGAINST: Edwards and Sheppard

Mayor Pinson left the meeting, the time being 12.15pm

The Mayor vacated the Chair and an election of chairperson was conducted for this item.

ELECTION OF CHAIRPERSON

The Chief Executive Officer, acting as Returning Officer, called for nominations for Chairperson.

The Returning Officer, advised that a nomination for Chairperson had been received for Councillor Edwards.

As there was only one nomination, Councillor Edwards was elected chairperson.

Councillor Edwards assumed the chair.

14.05 CODE OF CONDUCT MATTER

Mayor Pinson declared a Non-Pecuniary, Significant interest in this item. The reason being is that she is the complainant in this matter. Mayor Pinson took no part in the consideration or voting and was out of sight for consideration of this matter.

Councillor Sheppard declared a Non-Pecuniary, Less than Significant interest in this item. The reason being that she intends to run a group of candidates with the respondent of the code of conduct matter, in the upcoming Local Government Election in September 2024. Councillor Sheppard sought and received advice from Council's Governance staff on this matter, that clause 5.3 of Council's Code of Conduct, specifies that political views of a Council official do not constitute a private interest under the non-pecuniary provisions of the Code of Conduct and do not require her to declare this interest. However, in the spirit and interest of transparency, Cr Sheppard made this declaration. Councillor Sheppard remained in the meeting, participated and voted in the matter as this perceived conflict will not influence her decision making in the matter.

Prior to leaving the meeting and in accordance with Clause 7.49 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, Councillor Intemann provided a verbal submission to the Council.

Councillor Intemann left the meeting, the time being 12.29pm

RESOLVED: Sheppard/Lipovac

That Council:

1. **Defer consideration of this matter under clause 7.52(b) of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW and seek an opinion from the Office of Local Government in relation to whether formal Censure is warranted,**
 - a) **with respect to the Investigation Report considering**
 - **seriousness of the conduct**
 - **harm or cost to Council or other individuals**
 - **damage to Council's reputation**
 - **consideration of mitigating circumstances**
 - **appropriateness of mediation between the respondent and complainant.**
 - b) **with respect to the Preliminary Assessment.**
2. **Provide a copy of the Preliminary Assessment with the request for opinion of the Office of Local Government.**
3. **Receive a further report detailing the opinion obtained from the Office of Local Government once received to determine an outcome in this matter.**

EQUAL: 3/3

FOR: Edwards, Lipovac and Sheppard

AGAINST: Maltman, Roberts and Slade

CASTING VOTE: FOR

CARRIED

Mayor Pinson returned to the meeting, the time being 1.03pm

Councillor Intemann returned to the meeting, the time being 1.03pm

Councillor Edwards vacated the Chair and Mayor Pinson resumed the Chair.

RESOLVED: Slade/Lipovac

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 were read to the meeting by the Group Manager Governance.

The meeting closed at 1.15pm.

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Peta Pinson
Mayor