

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 10.00am.

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

John Bews from the Seventh-Day Adventist Church, Port Macquarie delivered the Local Government Prayer.

04 APOLOGIES

Nil.

05 CONFIRMATION OF MINUTES

RESOLVED: Lipovac/Roberts

That the Minutes of the Ordinary Council Meeting held on 18 April 2024 be confirmed.

CARRIED: 8/0

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

AGAINST: Nil

06 DISCLOSURES OF INTEREST

Councillor Edwards declared a Pecuniary, Significant interest in Item 11.04 Temporary Licence - Voodie Foods Van - Licence Renewal. The reason being is that she is the applicant in this matter. Councillor Edwards intends to leave the meeting and take no part in consideration of this item.

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.

Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in Item 13.06 Lake Cathie Entrance Management. 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

RESOLVED: Roberts/Sheppard

That Council determine that the attachments to Item 10.10 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: Edwards/Slade

That Items 10.01, 10.02, 10.06, 10.09, 10.10, 10.15, 11.01, 12.01, 13.01, 13.02, 13.03, 13.04, 13.08, 13.09 and 13.11 be considered as a block resolution.

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

RESOLVED: Lipovac/Roberts

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 - 4 APRIL TO 1 MAY 2024

BLOCK RESOLVED: Lipovac/Roberts

That Council note the Mayoral Discretionary Fund allocations for the period 4 April to 1 May 2024.

10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

BLOCK RESOLVED: Lipovac/Roberts

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

10.06 POLICY REVIEW - DRAFT DETERMINING APPLICATIONS LODGED BY COUNCILLORS AND STAFF POLICY - FOLLOWING PUBLIC EXHIBITION

BLOCK RESOLVED: Lipovac/Roberts

That Council adopt the draft Determining Applications Lodged by Councillors and Staff Policy.

10.09 POLICY REVIEW - INVESTMENT POLICY - FOLLOWING PUBLIC EXHIBITION

BLOCK RESOLVED: Lipovac/Roberts

That Council adopt the draft Investment Policy.

10.10 LEGAL FEES

BLOCK RESOLVED: Lipovac/Roberts

That Council note the information in the Legal Fees report.

10.15 MONTHLY BUDGET REVIEW - APRIL 2024

BLOCK RESOLVED: Lipovac/Roberts

That Council:

- 1. Adopt the adjustments in the April 2024 Adjustments section of the Monthly Budget Review – April 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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11.01 RECOMMENDED ITEMS FROM THE APRIL 2024 MEETING OF THE PORT MACQUARIE-HASTINGS SPORTING FUND

BLOCK RESOLVED: Lipovac/Roberts

That Council note the application to Port Macquarie-Hastings Sporting Fund considered at the April 2024 Sub-Committee meeting and endorse payment from the fund of \$1,000 to Blake Morgan for representation at the Chemist Warehouse Australian Athletics Championships.

12.01 CLASSIFICATION OF COUNCIL LAND - 99 WILLIAM STREET, PORT MACQUARIE

BLOCK RESOLVED: Lipovac/Roberts

That Council:

- 1. Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify Lot 1 DP 1012667, 99 William Street, Port Macquarie as operational land by placing on public exhibition for a minimum of 28 days, the proposed resolution, "It is intended to classify Lot 1 DP 1012677 99 William Street, Port Macquarie as operational land."**
 - 2. Note that a further report will be tabled at a future Council meeting following public exhibition detailing any submissions received during the exhibition period.**
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13.01 RENEWABLE ENERGY PROJECT SITES UPDATE

BLOCK RESOLVED: Lipovac/Roberts

That Council note the progress report on determining suitable Council owned land and asset sites that could accommodate renewable energy projects such as battery storage and or mid-scale solar projects with current grant opportunities.

13.02 EASEMENT CREATION - 5130 PACIFIC HIGHWAY KEW

BLOCK RESOLVED: Lipovac/Roberts

That Council:

- 1. Consent to granting an easement for a Right of Access across the Council sewer fund land, 5130 Pacific Highway, the Kew Sewer**
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- Treatment Plant, Lot 10 DP 1105535, to adjoining property owners, Gary, and Yolande Williams of 5120 Pacific Highway Kew.
2. Accept the payment of \$3,268.00 as compensation from G and Y Williams for granting the easement.
 3. Note that all survey, registration, and legal costs for the creation of the easement are to be paid by G and Y Williams.

13.03 EASEMENT CREATION - PART BAIN PARK WAUCHOPE

BLOCK RESOLVED: Lipovac/Roberts

That Council grant consent to an easement over part of Council's property, part Lot 1 DP 745953, part Bain Park Wauchope, to the owners of 56 Oxley Highway Wauchope to permit the existing minor encroaching structure to remain.

13.04 COUNCIL EASEMENT ACQUISITION - LOT 51 DP 1035553, 1 CLARKE LANE WAUCHOPE

BLOCK RESOLVED: Lipovac/Roberts

That Council:

1. Proceed to acquire an easement to drain water and an easement to drain sewerage over Lot 51 DP 1035553, 1 Clarke Lane Wauchope.
2. Pay compensation in the amount of \$20,000 (GST exclusive) to the owners of Lot 51 DP 1035553, 1 Clarke Lane Wauchope, GD and SR Hamilton, for the granting of the easements.
3. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowners legal (property and conveyancing) expenses reasonably incurred arising from the easement acquisitions.

13.08 POLICY REVIEW - UNSEALED ROADS POLICY

BLOCK RESOLVED: Lipovac/Roberts

That Council:

1. Place the draft Unsealed Roads Policy on public exhibition for 28 days.
2. Note that a further report will be provided to the July 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.

13.09 POLICY REVIEW - WASTEWATER SERVICES POLICY

BLOCK RESOLVED: Lipovac/Roberts

That Council:

- 1. Place on public exhibition the draft Wastewater Services Policy, commencing no later than 27 May 2024 for a minimum of 28 days.**
 - 2. Note that a further report will be tabled at a future Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.**
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13.11 POLICY REVIEW - CONTRIBUTION FOR PATHS KERB AND GUTTER - FOLLOWING PUBLIC EXHIBITION

BLOCK RESOLVED: Lipovac/Roberts

That Council adopt the Contribution for Paths, Kerb and Gutter Policy.

10.03 NOTICE OF MOTION - USE OF BORROWINGS AND/OR RESERVES TO MITIGATE IMPACTS OF A RATE FREEZE

MOTION

MOVED: Sheppard/Lipovac

That Council determine that if a rate freeze is adopted in the 2024-2025 Operational Plan and associated documents, and determines not to adopt the mitigation measures placed on public exhibition, then the following measures not be considered by council as alternative mitigation measures

1. Borrowings;
2. Use of additional reserves to those which have already been allocated and placed on public exhibition.
3. Significant new cuts to allocations, which have not been placed on public exhibition.

AMENDMENT

MOVED: Roberts/Pinson

That Council,

1. Note that:
 - a. The engagement process for the Draft Operational Plan 2024-2025 is still in progress and it would be inappropriate to adopt any position whilst still seeking feedback from the community on a very important, structured and legislated process.
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- b. The proponents rationale for adopting a 0.0% rate peg is to ensure Council is focused on becoming more efficient with the expenditure of Ratepayer funds and to also support the Port Macquarie-Hastings community keep more money in their pockets to circulate through the economy during the well documented, current cost of living crisis.
- c. The Draft Operational Plan outlines robust spending on Road Maintenance, Footpaths and Parks Maintenance - in addition Councillors have received supplementary information that shows the spend has increased from 2023-2024.

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: Intemann/Edwards

That Council determine that if a rate freeze is adopted in the 2024-2025 Operational Plan and associated documents, and determines not to adopt the mitigation measures placed on public exhibition, then the following measures not be considered by Council as alternative mitigation measures:

- Cuts in budget allocation to staffing, emergency management, economic development, sustainability, natural resource management or land use planning.

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

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Pinson

That Council:

1. Note that:

- a. **The engagement process for the Draft Operational Plan 2024-2025 is still in progress and it would be inappropriate to adopt any position whilst still seeking feedback from the community on a very important, structured and legislated process.**
- b. **The proponents rationale for adopting a 0.0% rate peg is to ensure Council is focused on becoming more efficient with the expenditure of Ratepayer funds and to also support the Port Macquarie-Hastings community keep more money in their pockets to circulate through the economy during the well documented, current cost of living crisis.**

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- c. **The Draft Operational Plan outlines robust spending on Road Maintenance, Footpaths and Parks Maintenance - in addition Councillors have received supplementary information that shows the spend has increased from 2023-2024.**

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

10.04 NOTICE OF MOTION - RATES FREEZE MITIGATION MEASURES

MOVED: Intemann/Sheppard

That Council request the Chief Executive Officer to consider including in the report to the June 2024 Ordinary Council meeting, relating to the consideration of the 2024-2025 Draft Operational Plan and Budget, a proposal for cuts to the following services in mitigation of the rate freeze proposal, giving details of impact to the services, risks arising, and how those proposed cuts relate to the adopted Risk Appetite Statement:

- building maintenance
- public tree maintenance
- road resealing and maintenance

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

10.05 POLICY REVIEW - DRAFT POLICY FRAMEWORK - FOLLOWING PUBLIC EXHIBITION

RESOLVED: Edwards/Sheppard

That Council defer the adoption of the Draft Policy Framework to the July 2024 Ordinary Council meeting following a briefing to be held with Councillors in June 2024 to discuss the associated Policy Framework procedure.

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

Item 10.06 Policy Review - Draft Determining Applications Lodged by Councillors and Staff Policy - Following Public Exhibition, has been addressed previously within the meeting.

10.07 POLICY REVIEW - DRAFT UNREASONABLE CUSTOMER CONDUCT POLICY - FOLLOWING PUBLIC EXHIBITION

RESOLVED: Intemann/Sheppard

That Council

- 1. Adopt the draft Unreasonable Customer Conduct policy.**
- 2. Request the Chief Executive Officer to separately provide to Councillors the procedure associated with this policy.**

CARRIED: 8/0

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

AGAINST: Nil

10.08 POLICY REVIEW - PROCUREMENT POLICY

RESOLVED: Edwards/Intemann

That Council:

- 1. Publicly exhibit the draft Procurement Policy for a period of not less than 28 days including the addition of the Port Macquarie-Hastings Council's Code of Conduct in the Port Macquarie-Hastings Council's Policies, procedures, strategies, codes section of the draft Procurement Policy.**
- 2. Note that a further report will be tabled at the July 2024 meeting of Council, 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 10.09 Policy Review - Investment Policy - Following Public Exhibition, has been addressed previously within the meeting.

Item 10.10 Legal Fees, has been addressed previously within the meeting.

10.11 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

RESOLVED: Pinson/Roberts

That Council note the Disclosure of Interest return for the following positions.

- 1. Finance and Commercial Operations - Internal Auditor**
- 2. Community Infrastructure Planning and Design - Transport Engineer**
- 3. Community Infrastructure Project Delivery - Civil Designer**
- 4. Community Infrastructure Planning and Design - Investigations Project Officer**

CARRIED: 8/0

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

AGAINST: Nil

The Chairperson tabled the disclosures of returns of the Designated Person listed above.

10.12 2023-2024 OPERATIONAL PLAN THIRD QUARTER STATUS REPORT AS AT 31 MARCH 2024

RESOLVED: Intemann/Sheppard

That Council:

- 1. Note the 2023-2024 Operational Plan Third Quarter Status Report as at 31 March 2024.**
- 2. Authorise the deferral of the following Actions/Projects, with the Status of Council approved Action Deferred/Not Progressing**
 - AP 07 Port Macquarie Airport Master Plan Review Community Infrastructure Transport**
 - TR 13 Traffic modelling for the Thrumster/Sancrox/Fernbank Creek Transport Network Plan**
 - TR 31 Pembroke Road and Stoney Creek Road Upgrade**
 - TR 43 Timber Bridge Replacement Program - King Creek Bridge Upgrade**
 - WS 20 Koree Island Rock Ramp to secure water level at Koree Island Pump Station's Intake Pool - Construction**

CARRIED: 8/0

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

AGAINST: Nil

10.13 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2024

RESOLVED: Edwards/Lipovac

That Council note the Quarterly Budget Review Statement for the March 2024 Quarter.

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

10.14 INVESTMENTS AND LOANS - APRIL 2024

RESOLVED: Edwards/Roberts

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

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

Item 10.15 Monthly Budget Review - April 2024, has been addressed previously within the meeting.

10.16 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

RESOLVED: Edwards/Sheppard

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

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

**10.17 DA2014/114 THRUMSTER BUSINESS PARK - WORKS IN KIND -
DEVELOPER WORKS DEED AGREEMENT - SEWER WORKS**

RESOLVED: Intemann/Sheppard

That Council:

- 1. Note the sewer works to be undertaken by Thrumster Business Park 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 and trunk gravity mains to serve other future development growth in the area and as such constitutes works-in-kind.**
- 3. Under the extenuating circumstances provision of 55(3)(i) of the Local Government Act 1993, resolve not to call tenders for the construction of the Sewerage Pump Station and associated works at the Thrumster Business Park as it considers that a satisfactory result would not be achieved by inviting tenders due to extenuating circumstances for the reason of the works being associated with and linked to a development consent as outlined in this report.**
- 4. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a Developer Deed contract following negotiations with Thrumster Business Park Pty Ltd, and present a further report to a future meeting of Council on completion of the works for Council's information.**
- 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 budget with funds from the Sewer Developer contribution reserves, for the final amount under the deed.**
- 6. Note that the estimated cost of additional works has been identified in the draft Development Servicing Plan, due 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 11.01 Recommended Items from the April 2024 Meeting of the Port Macquarie-Hastings Sporting Fund, has been addressed previously within the meeting.

11.02 CAMDEN HEAD LOOKOUT RESERVE PROPOSED MASTER PLAN AND VOLUNTEER MANAGEMENT

MOTION

MOVED: Roberts/Pinson

That Council:

1. Note the tabled petition as presented to the May 2024 Ordinary Council Meeting and the information in the report regarding previous engagement activities and responses.
2. Endorse the Draft Master Plan (as attached) for the purpose of public exhibition for a period of not less than 28 days.
3. Include in the exhibition, for feedback, the Draft Staged Concept Design (Camden Head Masterplan) submitted by Mr Blair Maxwell as presented to Councillors at the 13 May 2024 Public Forum.
4. Request the Chief Executive Officer prepare detailed information regarding land tenure, zoning and environmental constraints that apply to Camden Head as detailed in the April 2024 Councillor Briefing to support the public exhibition.
5. Seek expressions of interest through the engagement process for community members in becoming a member of "Friends of Camden Head".
6. Provide a report to the July 2024 Ordinary Council meeting with the outcome from the engagement and proposed way forward.

AMENDMENT

MOVED: Lipovac/Sheppard

That Council:

1. Note the tabled petition as presented to the May 2024 Ordinary Council Meeting and the information in the report regarding previous engagement activities and responses.
2. Endorse the Draft Master Plan for the purpose of public exhibition for a period of not less than 28 days.
3. Seek expressions of interest through the engagement process for community members in becoming a member of "Friends of Camden Head".
4. Provide a report to the July 2024 Ordinary Council meeting with the outcome from the engagement and proposed way forward.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

LOST

THE AMENDMENT ON BEING PUT WAS LOST

AMENDMENT

MOVED: Sheppard/Edwards

That Council:

1. Note the Information in the report regarding previous engagement activities and responses.
2. Note the receipt of the petition as presented to the May 2024 Ordinary Council Meeting.
3. Note that Councillors received a briefing on Vegetation Management - Coastal Headlands and Camden Head on 11 April 2024 which included details on the land tenure, zoning and environmental constraints affecting Coastal Headlands and Camden Head.
4. Endorse the Draft Master Plan (as attached) for the purpose of public exhibition for a period of not less than 28 days.
5. Include in the exhibition, for feedback, the Draft Staged Concept Design (Camden Head Masterplan) submitted by Mr Blair Maxwell as presented to Councillors at the 13 May 2024 Public Forum.
6. Request the Chief Executive Officer prepare detailed information regarding land tenure, zoning and environmental constraints that apply to Camden Head as detailed in the April 2024 Councillor Briefing to support the public exhibition.
7. Seek expressions of interest through the engagement process for community members in becoming a member of "Friends of Camden Head".
8. Provide a report to the July 2024 Ordinary Council meeting with the outcome from the engagement and proposed way forward.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

LOST

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Pinson

That Council:

1. **Note the tabled petition as presented to the May 2024 Ordinary Council Meeting and the information in the report regarding previous engagement activities and responses.**
2. **Endorse the Draft Master Plan (as attached) for the purpose of public exhibition for a period of not less than 28 days.**
3. **Include in the exhibition, for feedback, the Draft Staged Concept Design (Camden Head Masterplan) submitted by Mr Blair Maxwell as presented to Councillors at the 13 May 2024 Public Forum.**
4. **Request the Chief Executive Officer prepare detailed information regarding land tenure, zoning and environmental constraints that apply to Camden Head as detailed in the April 2024 Councillor Briefing to support the public exhibition.**

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5. **Seek expressions of interest through the engagement process for community members in becoming a member of “Friends of Camden Head”.**
 6. **Provide a report to the July 2024 Ordinary Council meeting with the outcome from the engagement and proposed way forward.**

CARRIED: 8/0

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

Against: Nil

The Chairperson tabled the petition as listed above.

ADJOURN MEETING

MOVED: Sheppard/Edwards

That the Ordinary Council Meeting adjourn for 5 minutes.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

LOST

Councillor Edwards left the meeting, the time being 12:05pm.

Councillor Edwards returned to the meeting, the time being 12:07pm.

11.03 COMMUNITY ENGAGEMENT SYSTEMS, STRUCTURES, AND FUNCTIONS

MOTION

MOVED: Sheppard/Intemann

1. That Council note the information contained with the report.
2. In relation to the November 2023 resolution to undertake a review of committees, subcommittees, and steering groups (committees) that were disbanded in February 2022 pending review, that Council.
 - a. Note that a review of disbanded committees has not been undertaken.
 - b. Be provided a draft committee structure for consideration at the November 2024 Ordinary Council meeting, and that this report includes a review of Council committees and working groups, which addresses both current committees and working groups, and those discontinued during the current term of Council.
 - c. Determine that this review include but not be limited to consideration of the governance, functions, and effectiveness of each of the current and discontinued committees and working groups.

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3. In relation to development of a Community Engagement Strategy, that Council note that staff are currently developing a Community Engagement Strategy to meet Council's current and future engagement needs.
 4. Council be provided with a briefing in October 2024, which
 - a. Details the progress on the review of committees and working groups detailed in 2b and 2c, and
 - b. Details the status of development of the Community Engagement Strategy, including how it meets criteria for Community Engagement Strategies as described the Office of Local Government Integrated Planning and Reporting Handbook (2021).

AMENDMENT

MOVED: Roberts/Pinson

That Council note the information contained within the report.

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

THE AMENDMENT ON BEING PUT WAS CARRIED

THE AMENDMENT BECAME THE MOTION AND ON BEING PUT WAS CARRIED

RESOLVED: Roberts/Pinson

That Council note the information contained within the report.

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

11.04 TEMPORARY LICENCE - VOODIE FOODS VAN - LICENCE RENEWAL

Councillor Edwards declared a Pecuniary, Significant interest in this item. The reason being is that she is the applicant in this matter. Councillor Edwards took no part in the consideration or voting and was out of sight for consideration of this matter.

RESOLVED: Intemann/Roberts

That Council approve the renewal of the Outdoor Business Licence application from Lauren Edwards to operate the mobile food van, Voodie Foods, on a part time basis at John Downes remembrance Park and at Shelley Beach Port Macquarie for a three (3) year term.

CARRIED: 6/1

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

Councillor Sheppard left the meeting, the time being 12:24pm.

Councillor Sheppard returned to the meeting, the time being 12:26pm.

Item 12.01 Classification Of Council Land - 99 William Street, Port Macquarie, has been addressed previously within the meeting.

12.02 PETITION - REQUEST FOR REVIEW OF OUTDOOR DINING POLICY IN RELATION TO RETRACTABLE BLINDS

MOTION

MOVED: Pinson/Maltman

That Council:

1. Note the petition received from Brett Matthews requesting a review of Council's Outdoor Dining Policy in relation to the installation of retractable blinds in association with footpath dining.
2. Request the Chief Executive Officer to undertake a review Council's Outdoor Dining Policy to consider the inclusion of Council approved retractable blinds in association with footpath dining and that a report come back to the June 2024 Council Meeting following the review of the policy for further consideration.
3. Respond to the organiser of the petition with the outcome of Council's consideration in the matter.

AMENDMENT

MOVED: Intemann/Sheppard

Council note the review of the Management of Public Spaces Policy due to be undertaken in June 2024 and request the Chief Executive Officer to ensure that the petition received from Brett Matthews in relation to retractable blinds associated with footpath dining be considered in the review.

EQUAL: 4/4

FOR: Edwards, Intemann, Lipovac and Sheppard

AGAINST: Maltman, Pinson, Roberts and Slade

LOST

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Pinson/Maltman

That Council:

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1. **Note the petition received from Brett Matthews requesting a review of Council's Outdoor Dining Policy in relation to the installation of retractable blinds in association with footpath dining.**
 2. **Request the Chief Executive Officer to undertake a review Council's Outdoor Dining Policy to consider the inclusion of Council approved retractable blinds in association with footpath dining and that a report come back to the June 2024 Council Meeting following the review of the policy for further consideration.**
 3. **Respond to the organiser of the petition with the outcome of Council's consideration in the matter.**

CARRIED: 8/0

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

AGAINST: Nil

Councillor Edwards left the meeting, the time being 12:28pm.

Councillor Edwards returned to the meeting, the time being 12:30pm.

Item 13.01 Renewable Energy Project Sites Update, has been addressed previously within the meeting.

Item 13.02 Easement Creation - 5130 Pacific Highway Kew, has been addressed previously within the meeting.

Item 13.03 Easement Creation - Part Bain Park Wauchope, has been addressed previously within the meeting.

Item 13.04 Council Easement Acquisition - Lot 51 DP 1035553, 1 Clarke Lane Wauchope, has been addressed previously within the meeting.

Councillor Slade left the meeting, the time being 12:40pm.

Councillor Slade returned to the meeting, the time being 12:41pm.

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/Lipovac

That Council:

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- 1. 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.**
 - 2. Note Council's ongoing physical responsibilities for the management of the Lake Cathie waterbody are strictly limited to the responsibilities of flood mitigation, stormwater drainage and community protection only.**

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

13.06 LAKE CATHIE ENTRANCE MANAGEMENT

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: Lipovac/Edwards

That Council note the information provided in the Lake Cathie Entrance Management report related to the dry berm scrape undertaken 3 May 2024.

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

13.07 DRAFT WASTE AND RESOURCE RECOVERY STRATEGY 2024 - 2034

RESOLVED: Edwards/Lipovac

That Council:

- 1. Place the Draft Waste and Resource Recovery Strategy 2024 - 2034 on public exhibition no later than 27 May 2024 for a minimum of 28 days.**
- 2. Note that a further report will be tabled at a future 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 13.08 Policy Review - Unsealed Roads Policy, has been addressed previously within the meeting.

Item 13.09 Policy Review - Wastewater Services Policy, has been addressed previously within the meeting.

13.10 POLICY REVIEW - DRAFT WASTE SERVICES POLICY - FOLLOWING PUBLIC EXHIBITION

RESOLVED: Intemann/Edwards

That Council:

- 1. Adopt the Waste Services Policy.**
- 2. Note the responses to feedback on the Draft Waste Services Policy included in the Engagement Summary Report.**
- 3. Thank the community for their feedback.**

CARRIED: 8/0

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

AGAINST: Nil

Item 13.11 Policy Review - Contribution for Paths Kerb and Gutter - Following Public Exhibition, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Sheppard/Intemann

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 2024.004 Flood Recovery Works - Rock Supply

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

3. That the resolutions made by 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: Edwards/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 2024.004 FLOOD RECOVERY WORKS - ROCK SUPPLY

RESOLVED: Intemann/Lipovac

That Council:

- 1. In accordance with section 178(1) of the *Local Government (General) Regulation 2021*, decline to accept any tenders submitted for 2024.004 Flood Recovery Works - Rock Supply, 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 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 tender(s) for 2024.004 Flood Recovery Works - Rock Supply 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 2024.004 Flood Recovery Works - Rock Supply.**

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

RESOLVED: Edwards/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 12.56pm

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Peta Pinson
Mayor