
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.

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

Phil Thomson from the Divergent 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 18 July 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 13.13 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

RESOLVED: Roberts/Edwards

That Council determine that the attachments to Item 10.08 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: Sheppard/Maltman

That Items 10.01, 10.03, 10.08, 10.09, 10.11, 10.16, 10.17, 10.18, 10.19, 10.21, 11.10, 11.11, 13.01, 13.02, 13.03, 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

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 10.02 to deferred to follow Item 13.13.

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

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 4 JULY TO 31 JULY 2024

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the Mayoral Discretionary Fund allocations for the period 4 July to 31 July 2024 inclusive.

10.03 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.

10.08 LEGAL FEES

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the information in the Legal Fees report

10.09 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 1 AUGUST 2024

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the report of the Audit, Risk and Improvement Committee held 1 August 2024.

10.11 GRANT APPLICATIONS BIENNIAL REPORT

BLOCK RESOLVED: Sheppard/Lipovac

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

10.16 INVESTMENTS AND LOANS - JULY 2024

BLOCK RESOLVED: Sheppard/Lipovac

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

10.17 MONTHLY BUDGET REVIEW - JULY 2024

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Adopt the adjustments in the July 2024 Adjustments section of the Monthly Budget Review – July 2024 report and associated attachment.**
 - 2. Amend the 2024-2025 Operational Plan to include all budget adjustments approved in this report.**
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10.18 PAYMENT OF GLASSHOUSE LOAN FROM THE SECTION 7.11 RESERVE

BLOCK RESOLVED: Sheppard/Lipovac

That Council authorise the finalisation and payment of Glasshouse Loans from the Developer Contributions (General Fund) Reserve.

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

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Note the information provided in the Glasshouse Biennial Report and Update on Glasshouse Plan 2020-2022 Actions report (Attachment 1 and Attachment 2).**
 - 2. Endorse the proposed plan for the Glasshouse Strategic Review (Attachment 3).**
 - 3. Adopt minor amendments to, and the extension of, the existing Glasshouse Plan 2020-2022, to 31 December 2025 (Attachments 4 and 5).**
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**10.21 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM
PERFORMANCE**

BLOCK RESOLVED: Sheppard/Lipovac

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

**11.10 MANAGEMENT OF PUBLIC SPACES POLICY - POST PUBLIC
EXHIBITION**

BLOCK RESOLVED: Sheppard/Lipovac

That Council adopt the Management of Public Spaces Policy.

**11.11 RECOMMENDED ITEMS FROM THE JULY 2024 MEETING OF THE
PORT MACQUARIE-HASTINGS SPORTING FUND**

BLOCK RESOLVED: Sheppard/Lipovac

That Council note the application to Port Macquarie-Hastings Sporting Fund considered at the July 2024 Sub-Committee meeting and endorse payment from the fund of \$1,000 to Mia Szumowski for representation at the World Junior Wushu Championships.

13.01 POLICY REVIEW - STORMWATER MANAGEMENT POLICY

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Place the draft Stormwater Management Policy on public exhibition for a period of 28 days.**
 - 2. Note that a further report will be provided by the December 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.**
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13.02 POLICY REVIEW - ROADS POLICY SUITE

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Place on public exhibition the draft Roads Policy Suite including Road Reserve and Public Roads Management Policy, Sealed Roads Policy, Roadside Vegetation Management Policy, and Bridge and Culverts Policy for a period of 28 days.**
 - 2. Note that a further report will be provided by the December 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.**
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13.03 POLICY REVIEW - UNSEALED ROADS POLICY - POST PUBLIC EXHIBITION

BLOCK RESOLVED: Sheppard/Lipovac

That Council adopt the draft Unsealed Roads Policy.

13.05 CLASSIFICATION OF COUNCIL LAND - LOT 50 WAAPANGAL PLACE THRUMSTER

BLOCK RESOLVED: Sheppard/Lipovac

That Council pursuant to Section 34 of the Local Government Act 1993 classify Lot 50 DP 1299688 Waapangal Road, Thrumster as operational land.

13.09 LAND ACQUISITION - MARIA RIVER ROAD LIMEBURNERS CREEK

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

- 1. Pay compensation in the amount of \$2,000 (ex GST) to the owners of Lot 24 DP 754451, Timothy Willsallen Superannuation Pty Ltd, for the acquisition of that part of Lot 24 DP 754451 more particularly described as Lots 1 and 2 in the plan of acquisition Deposited Plan 1293813.**
 - 2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation Act) 1991, pay the landowner's property conveyancing costs.**
 - 3. Pursuant to Section 10 of the Roads Act 1993, dedicate Lots 1 and 2 DP 1293813 as public road.**
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13.10 LAND ACQUISITIONS - LORNE ROAD COMBOYNE

BLOCK RESOLVED: Sheppard/Lipovac

That Council:

1. Pay compensation in the amount of \$45,435.00 plus GST to the owner of Lot 1 Deposited Plan 866401 and Lot 102 Deposited Plan 1150364, Philip Borham, for the acquisition of 4 parts of Lot 1 Deposited Plan 866101 and 5 parts of Lot 102 Deposited Plan 1150364, more particularly described as Lots 1, 2, 3, 4, 6, 7, 8, 9, and 10 in the plan of acquisition Deposited Plan 1305509.
2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay Mr Borham's property conveyancing costs.
3. Pursuant to Section 10 of the Roads Act 1993, dedicate Lots 1, 2, 3, 4, 6, 7, 8, 9, and 10 Deposited Plan 1305509 as public road.
4. Pay compensation in the amount of \$55,963.00 plus GST to the owners of Lot 1 Deposited Plan 701091, Michael and Jennifer Hurrell, for the acquisition of parts of Lot 1 Deposited Plan 701091, more particularly described as Lots 13, 14, 15, 16 and 17 in the plan of acquisition Deposited Plan 1305509.
5. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay Mr and Mrs Hurrell's property conveyancing costs.
6. Pursuant to Section 10 of the Roads Act 1993, dedicate Lots 13, 14, 15 16 and 17 Deposited Plan 1305509 as public road.

Item 10.03 Status of Reports From Council Resolutions, has been addressed previously within the meeting.

10.04 STATUS OF COUNCIL POLICIES

RESOLVED: Edwards/Sheppard

That Council note the information provided in the Status of Council Policies report.

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

**10.05 POLICY REVIEW - DRAFT POLICY FRAMEWORK - FOLLOWING
PUBLIC EXHIBITION**

MOTION

MOVED: Edwards/Lipovac

That Council adopt the draft Policy Framework.

AMENDMENT

MOVED: Edwards/Sheppard

That Council:

1. Defer consideration of the Draft Policy Framework until the October 2024 Ordinary Council meeting.
2. Request the Chief Executive Officer provide the Draft Policy Framework Procedure in conjunction with the Draft Policy Framework to the October 2024 Ordinary Council meeting for the consideration of Council

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 defer consideration of the Draft Policy Framework until the October 2024 Ordinary Council meeting.

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

THE AMENDMENT ON BEING PUT WAS CARRIED.

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

RESOLVED: Sheppard/Edwards

**That Council defer consideration of the Draft Policy Framework until the
October 2024 Ordinary Council meeting.**

CARRIED: 8/0

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

10.06 MID NORTH COAST JOINT ORGANISATION END OF TERM REPORT

RESOLVED: Edwards/Pinson

That Council noted the information contained in the Mid North Coast Joint Organisation End of Term report.

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

10.07 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

RESOLVED: Pinson/Roberts

That Council note the Disclosure of Interest return for the following position:

1. Enterprise Applications Manager

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.

Item 10.08 Legal Fees, has been addressed previously within the meeting.

Item 10.09 Report of the Audit, Risk and Improvement Committee Meeting Held 1 August 2024, has been addressed previously within the meeting.

10.10 AUDIT, RISK AND IMPROVEMENT COMMITTEE - ANNUAL REPORT 2023-2024

RESOLVED: Sheppard/Roberts

That Council:

- 1. Note the Audit, Risk and Improvement Committee Annual Chairperson's Report for the period 2023-2024.**
- 2. Request the ARIC Chairperson to provide a comprehensive assessment of all the matters listed in Schedule 1 of the Guidelines for Risk Management and Internal Audit for Local Government in NSW to the**

governing body and Chief Executive Officer no later than 31 October 2024.

- 3. Request the Chief Executive Officer engage a suitably qualified external assessor to conduct a review of the effectiveness of the Audit Risk and Improvement Committee, as required by the Guidelines for Risk Management and Internal Audit for Local Government in NSW for a report to be presented to Council in December 2024.**

CARRIED: 8/0

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

AGAINST: Nil

Item 10.11 Grant Applications Biannual Report, has been addressed previously within the meeting.

10.12 2024-2025 LONG-TERM FINANCIAL PLAN

MOTION

MOVED: Sheppard/Lipovac

That Council:

1. Note the Office of Local Government has directed that the 2024-2025 Long-Term Financial Plan be provided to the August 2024 Ordinary Council Meeting for noting and then placed on the Council's website.
2. Note the 2024-2025 Long-Term Financial Plan which is based on the 2024-2025 budget adopted by Council and Council's 10-year Works Program.
3. Note that the Audit Risk and Improvement Committee:
 - (a) Noted the 2024-2025 Long-Term Financial Plan (2024-2025 LTFP) which will be provided to the Ordinary Council Meeting for noting on 15 August 2024.
 - (b) Expressed concern at the deteriorating position over the long term.
 - (c) Encourages Council to consider each of the proposed actions to address the issue and leverage other opportunities.
4. Note that the 2024-2025 LTFP projects key financial issues including:
 - (a) Substantial cash shortfalls in the Sewer, Water, and General funds in the next term of Council.
 - (b) Substantial operating losses in the Sewer, Water and General funds in the next term and remainder of the decade.
 - (c) Shortfall on meeting several financial performance measures prescribed by the Office of Local Government (OLG) through the Integrated Planning and Reporting Framework.
5. Note the actions required to address key financial issues identified in the 2024-2025 Long-Term Financial Plan, including but not limited to:
 - (a) Prepare a proposal to 'catch up' all foregone rating revenue in 2025-2026 to address worsening General Fund operating losses.
 - (b) Until further notice, no dividend will be proposed to be paid from the Water or Sewer Funds to the General Fund under section 409(5) of the Local Government Act.

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- (c) Urgent review and prioritisation of Sewer and Water projects in the Works Program to determine what can be delivered with the cash projected to be available in the 2024-2025 LTFFP.
 - (d) Investigation of revenue and loan options for any proposed Sewer and Water projects in the Works Program that cannot be delivered within the cash projected to be available in the 2024-2025 LTFFP.

AMENDMENT

MOVED: Roberts/Pinson

That Council:

1. Note the Office of Local Government has directed that the 2024-2025 Long-Term Financial Plan be provided to the August 2024 Ordinary Council Meeting for noting and then placed on the Council's website.
2. Note the 2024-2025 Long-Term Financial Plan which is based on the 2024-2025 budget adopted by Council and Council's 10-year Works Program.
3. Agree the 2024-2025 Long-Term Financial Plan be placed on the Council website as directed by the Office of Local Government.
4. Note the actions to address key financial issues identified in the 2024-2025 Long-Term Financial Plan are staff suggestions and are not a decision of Council.

CARRIED: 5/3

FOR: Intemann, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Lipovac and Sheppard

THE AMENDMENT ON BEING PUT WAS CARRIED

THE AMENDMENT THEN BECAME THE MOTION

AMENDMENT

MOVED: Intemann/Sheppard

That Council:

1. Note the Office of Local Government has directed that the 2024-2025 Long-Term Financial Plan be provided to the August 2024 Ordinary Council Meeting for noting and then placed on the Council's website.
2. Note the 2024-2025 Long-Term Financial Plan which is based on the 2024-2025 budget adopted by Council and Council's 10-year Works Program.
3. Agree the 2024-2025 Long-Term Financial Plan be placed on the Council website as directed by the Office of Local Government.
4. Note the actions to address key financial issues identified in the 2024-2025 Long-Term Financial Plan are staff suggestions and are not a decision of Council.
5. Note that the Audit Risk and Improvement Committee:
 - (a) Noted the 2024-2025 Long-Term Financial Plan (2024-2025 LTFFP) which will be provided to the Ordinary Council Meeting for noting on 15 August 2024.
 - (b) Expressed concern at the deteriorating position over the long term.

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- (c) Encourages Council to consider each of the proposed actions to address the issue and leverage other opportunities.

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 Office of Local Government has directed that the 2024-2025 Long-Term Financial Plan be provided to the August 2024 Ordinary Council Meeting for noting and then placed on the Council's website.**
- 2. Note the 2024-2025 Long-Term Financial Plan which is based on the 2024-2025 budget adopted by Council and Council's 10-year Works Program.**
- 3. Agree the 2024-2025 Long-Term Financial Plan be placed on the Council website as directed by the Office of Local Government.**
- 4. Note the actions to address key financial issues identified in the 2024-2025 Long-Term Financial Plan are staff suggestions and are not a decision of Council.**

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

10.13 2023-2024 OPERATIONAL PLAN FULL YEAR STATUS REPORT AS AT 30 JUNE 2024

RESOLVED: Edwards/Pinson

That Council note the 2023-2024 Operational Plan Full Year Status Report as at 30 June 2024.

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

**10.14 2022-2026 DELIVERY PROGRAM (YEAR 2) - SIX MONTH PROGRESS
REPORT AS AT 30 JUNE 2024**

RESOLVED: Pinson/Edwards

**That Council note the progress against the 2022-2026 Delivery Program
(Year 2) for the period 1 January 2024 to 30 June 2024.**

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

10.15 2023-2024 CARRY-OVER PROJECTS

RESOLVED: Pinson/Roberts

That Council:

- 1. Adopt the 2023-2024 carry-over projects outlined in this report for inclusion in the 2024-2025 budget.**
- 2. Amend the 2024-2025 one-year Operational Plan to include all projects approved to be carried over as individual action items.**

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

Item 10.16 Investments and Loans - July 2024, has been addressed previously within the meeting.

Item 10.17 Monthly Budget Review - July 2024, has been addressed previously within the meeting.

Item 10.18 Payment of Glasshouse Loan from the Section 7.11 Reserve, has been addressed previously within the meeting.

Item 10.19 Glasshouse Biannual Report and Update on Glasshouse Plan 2020-2022 Actions, has been addressed previously within the meeting.

10.20 DRAFT PROCUREMENT STRATEGY

MOTION

MOVED: Roberts/Maltman

That Council:

1. Remove Page 9 of the Draft Procurement Strategy.
2. Publicly exhibit the Draft Procurement Strategy for a period of not less than 45 days.
3. Note that a further report will be tabled at the November 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.

AMENDMENT

MOVED: Sheppard/Edwards

That Council:

1. Publicly exhibit the draft Procurement Strategy for a period of not less than 45 days.
2. Note that a further report will be tabled at the November 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.
3. Invite feedback on Council's approach to "Sustainability in Procurement", during the public exhibition period.

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. Publicly exhibit the draft Procurement Strategy for a period of not less than 45 days.
2. Note that a further report will be tabled at the November 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.

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/Maltman

That Council:

1. **Remove Page 9 of the Draft Procurement Strategy.**
2. **Publicly exhibit the Draft Procurement Strategy for a period of not less than 45 days.**
3. **Note that a further report will be tabled at the November 2024 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.**

CARRIED: 6/2

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

AGAINST: Edwards and Lipovac

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

11.01 NOTICE OF MOTION - HOMELESSNESS AND DISADVANTAGED PERSONS

RESOLVED: Edwards/Lipovac

That Council:

1. **Note that staff have confirmed that one of the buildings at Lot 23 DP 1129456 143 Gordon Street, formally referred to as “The Hub” is owned by Port Macquarie-Hastings Council and is currently vacant.**
2. **Note that staff have confirmed that the other building; a dwelling located at 143 Gordon Street, is currently occupied/leased as a dwelling.**
3. **Note that staff have confirmed that the subject land is zoned E1 Local Centre in accordance with the Port Macquarie-Hastings Council Local Environmental Plan.**
4. **Note that staff have confirmed that the Objectives of the E1 zoning are as follows:**
 - **To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.**
 - **To encourage investment in local commercial development that generates employment opportunities and economic growth.**
 - **To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.**
 - **To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.**
 - **To provide a focal point for the neighbourhood community.**

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5. **Note that staff have confirmed that in accordance with the Port Macquarie-Hastings LEP, the uses permitted with development consent in the E1 zone include:**
Amusement centres; Artisan food and drink industries; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4 (of the LEP Clause)
6. **Request the Chief Executive Officer provide a report to the November 2024 Ordinary Council meeting that details the following:**
- **The proposed future use of the currently vacant building 143 Gordon Street**
 - **The options for use of 143 Gordon Street that could support the work of the Homelessness Interagency Services**
 - **The process and costs involved in establishing a use of the building that could support the work of the Homelessness Interagency Services.**
7. **Request the Chief Executive Officer to pause all activities in respect of leasing of 143 Gordon Street until Council has had time to consider the report at the November 2024 Ordinary Council meeting.**

CARRIED: 8/0

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

AGAINST: Nil

11.02 QUESTION WITH NOTICE - ASSET MANAGEMENT

RESOLVED: Edwards/Sheppard

That Council's Chief Executive Officer please advise to the 15 August 2024 Ordinary Council meeting to what extent is the attached example of an Asset Management Plan from the Queanbeyan-Palerang NSW Council consistent with or deviating from the definition, content type and function to the draft Asset Management Plans that Port Macquarie-Hastings Council is currently working to produce for all 12 of its Asset Classes.

CARRIED: 8/0

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

AGAINST: Nil

A verbal response to the question was provided to the Council by the Director Business and Performance.

Councillor Maltman left the meeting, the time being 12:15pm.

Councillor Maltman returned to the meeting, the time being 12:18pm.

11.03 QUESTION WITH NOTICE - KOALA STRATEGY MAPPING

RESOLVED: Edwards/Sheppard

That Council's Chief Executive Officer please advise to the 15 August 2024 Ordinary Council what progress to date has been made on the Koala Mapping project that is set to be undertaken with the NSW Koala Strategy funding of \$300,000, including any reasons for lack of any progress and the currently expected time of completion.

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

A verbal response to the question was provided to the Council by the Director Community, Planning and Environment.

11.04 CENTRAL BUSINESS DISTRICT (CBD) MAINTENANCE

RESOLVED: Sheppard/Roberts

That Council:

- 1. Note the information in this report with respect to changes to maintenance services within the Port Macquarie Central Business District (CBD) following the removal of the Town Centre Master Plan (TCMP) component of the Port Macquarie CBD Business Rate.**
- 2. Note that existing maintenance services within the Wauchope and Laurieton CBD areas shall continue at levels previously undertaken.**

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

11.05 COMMUNITY GRANTS PROGRAM 2024-2025

RESOLVED: Sheppard/Pinson

That Council:

- 1. Adopt the proposed funding criteria for the 2024-2025 Community Grants Program.**
- 2. Receive a report to the July 2025 Council meeting on the outcomes of the 2024-2025 Community Grants program.**

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

11.06 COMMUNITY INCLUSION PLAN - REPORT CARD 2023-2024

RESOLVED: Edwards/Sheppard

That Council note the Community Inclusion Plan Report Card for 2023-2024.

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

11.07 CULTURAL PLAN - REPORT CARD 2023-2024

RESOLVED: Edwards/Lipovac

That Council note the Cultural Plan Report Card for 2023-2024.

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

11.08 RECREATION AND OPEN SPACE ACTION PLAN - POST EXHIBITION

RESOLVED: Edwards/Lipovac

That Council:

- 1. Adopt the Recreation and Open Space Action Plan 2024 - 2029.**
- 2. Note the information contained within the Recreation and Open Space Action Plan Community Engagement Report - July 2024.**
- 3. Thank submitters and advise them of the outcome of Council's determination.**

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

11.09 LANK BAIN NAMING REQUEST - POST PUBLIC EXHIBITION

RESOLVED: Pinson/Slade

That Council:

- 1. Adopt the naming of the stand at Lank Bain "The Athol Lank Bain Stand"**
- 2. Provide signage on the stand to reflect the adopted name.**
- 3. Advise the proponent and all submitters of Council's determination.**

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

Item 11.10 Management of Public Spaces Policy - Post Public Exhibition, has been addressed previously within the meeting.

Item 11.11 Recommended Items from the July 2024 Meeting of the Port Macquarie-Hastings Sporting Fund, has been addressed previously within the meeting.

Item 13.01 Policy Review - Stormwater Management Policy, has been addressed previously within the meeting.

Item 13.02 Policy Review - Roads Policy Suite, has been addressed previously within the meeting.

Item 13.03 Policy Review - Unsealed Roads Policy - Post Public Exhibition, has been addressed previously within the meeting.

13.04 STORMWATER STRATEGIC ACTION PLAN

RESOLVED: Sheppard/Edwards

That Council:

- 1. Note the report provided on the development of the Stormwater Strategic Action Plan.**
- 2. Note the final Stormwater Strategic Action Plan.**
- 3. Endorse the next steps to prepare a detailed action plan and community facing overview of the Plan as outlined in the report.**

CARRIED: 8/0

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

AGAINST: Nil

Item 13.05 Classification of Council Land - Lot 50 Waapangal Place Thrumster, has been addressed previously within the meeting.

13.06 SETTLEMENT POINT AND HIBBARD FERRY OPERATIONS

RESOLVED: Edwards/Lipovac

That Council:

- 1. Note the response dated 18 July 2024 from The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads, regarding Council's request for the NSW Government to take over the operation of Hastings River vehicular ferry services or provide funding support.**
- 2. Note that this continued position of the NSW Government results in Port Macquarie-Hastings Council continuing to fund vehicular ferry services across the Hastings River.**
- 3. Note the correspondence provided by the Chief Executive Officer dated 31 July 2024, which requests the NSW Government make a contribution of \$500,000 - \$800,000 annually towards the cost of providing the vehicular ferry services across the Hastings River.**
- 4. Note that a media release has been issued to inform the community of Council's advocacy with the NSW Government and of Council's request for a financial contribution.**

CARRIED: 8/0

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

AGAINST: Nil

13.07 INTEGRATED TRANSPORT PLAN - POST PUBLIC EXHIBITION

RESOLVED: Intemann/Edwards

That Council:

- 1. Adopt the draft Integrated Transport Plan 2024.**
- 2. Note the information is the Integrated Transport Plan Community Engagement Report 2024.**
- 3. Note the responses to feedback categories and associated updates made to the draft Integrated Transport Plan 2024.**
- 4. Thank the submitters and advise them of the outcome of Council's consideration.**
- 5. Note that the 2024-2025 Operational Plan includes action to progress the design, environmental approvals, and land acquisition requirements for the Lake Road duplication and the highest priority on the local road network is intended to be given to the construction of this project.**

CARRIED: 8/0

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

AGAINST: Nil

13.08 HOUSING FOR OUR FUTURE - LOCAL HOUSING STRATEGY POST EXHIBITION REPORT

MOTION

MOVED: Intemann/Sheppard

That Council

- 1. Adopt the Living and Place Strategy (Local Housing Strategy) as amended.**
- 2. Adopt the Local Housing Delivery Plan as amended.**
- 3. Adopt the Affordable Housing Plan as amended.**
- 4. Conduct a workshop on these matters with the incoming Council no later than November 2024, including information on the status of mapping and controls on High Environmental Value land.**
- 5. Draft an implementation and evaluation framework for consideration by councillors by August 2025.**
- 6. Send the adopted Living and Place Strategy to the Department of Planning, Housing and Infrastructure for endorsement.**
- 7. Thank all persons who lodged a submission and notify them of Council's decision.**

AMENDMENT

MOVED: Edwards/Lipovac

That Council:

1. Defer consideration of this item pending the outcome of the Councillor Briefing.
2. Request the Chief Executive Officer to facilitate a Councillor Briefing on the draft Housing For Our Future - Local Housing Strategy with Councillors in November 2024.

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: Intemann/Sheppard

That Council

1. **Adopt the Living and Place Strategy (Local Housing Strategy) as amended.**
2. **Adopt the Local Housing Delivery Plan as amended.**
3. **Adopt the Affordable Housing Plan as amended.**
4. **Conduct a workshop on these matters with the incoming Council no later than November 2024, including information on the status of mapping and controls on High Environmental Value land.**
5. **Draft an implementation and evaluation framework for consideration by councillors by August 2025.**
6. **Send the adopted Living and Place Strategy to the Department of Planning, Housing and Infrastructure for endorsement.**
7. **Thank all persons who lodged a submission and notify them of Council's decision.**

CARRIED: 8/0

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

AGAINST: Nil

Item 13.09 Land Acquisition - Maria River Road Limeburners Creek, has been addressed previously within the meeting.

Item 13.10 Land Acquisitions - Lorne Road Comboyne, has been addressed previously within the meeting.

Councillor Slade left the meeting, the time being 1:06pm.

Councillor Slade returned to the meeting, the time being 1:07pm.

13.11 NSW NATIONAL PARKS AND WILDLIFE SERVICES LAND REVOCATION

RESOLVED: Intemann/Pinson

That Council:

1. **Progress the land transfer process with National Parks and Wildlife Service (NPWS) for areas of recently revoked National Park land at Lake Innes Nature Reserve and Sea Acres National Park for the following locations/projects:**
 - a) **Lake Road, Port Macquarie - revocation between Ocean Drive and Chestnut Road.**
 - b) **Lighthouse Road, Port Macquarie - revocation between Pacific Drive and Matthew Flinders Drive.**
 - c) **Ocean Drive, Lake Cathie - revocation on western and northern boundaries of the Lake Cathie sports fields.**
 - d) **Ocean Drive, Lake Cathie to Port Macquarie - revocation between Lake Cathie sports fields and Pozieres Estate 821 Ocean Drive Port Macquarie.**
2. **Endorse the proposed transfer of the revoked NPWS lands to Council.**
3. **Endorse the proposed offer of Council owned land, Lot 71 DP 246597 and Lot 72 DP 246597, Lake Innes Drive Lake Innes, to NPWS as compensation for the transfer to Council of the revoked lands.**
4. **Note that a further report will be presented to Council detailing the outcome of the compensation process discussions with NPWS and seeking a Council resolution to proceed with the transfers.**

CARRIED: 8/0

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

AGAINST: Nil

13.12 KOOLOONBUNG CREEK FLYING-FOX CAMP MANAGEMENT PLAN UPDATE

RESOLVED: Pinson/Roberts

That Council:

1. **Note the Kooloonbung Creek Flying Fox Camp Management Plan update report for the implementation of the actions from the Kooloonbung Creek Flying Fox Camp Management Plan (Attachment 1)**
2. **Note for information only, the Appropriate Land Use Planning Framework Report prepared for the Kooloonbung Creek Flying Fox Camp Management Plan (Attachment 2).**

CARRIED: 8/0

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

AGAINST: Nil

13.13 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 did not influence her decision making in the matter.

RESOLVED: Maltman/Lipovac

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

10.02 NOTICE OF MOTION - ACKNOWLEDGEMENT OF MAYOR PETA PINSON

RESOLVED: Roberts/Maltman

That Council acknowledge Mayor Peta Pinson's valuable contribution to the Port Macquarie-Hastings Council and Port Macquarie Hastings community between 2017-2024.

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

Councillor Sheppard left the meeting, the time being 1.36pm

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.

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2. That Council move into Closed Session to receive and consider the following items

Item 14.01 2024.111 WaterOutlook Subscription

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 Chief Executive Officer's Performance Review

This item is considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as it contains personnel matters concerning particular individuals (other than Councillors).

Item 14.03 2023-082 Supply and Installation of Pumps and Pipework for the Cowarra Dam Pump Station Upgrade

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

RESOLVED: Pinson/Roberts

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

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

ADJOURN MEETING

RESOLVED: Pinson/Roberts

The Ordinary Council Meeting adjourned at 1.37pm

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

RESUME MEETING

The Ordinary Council Meeting resumed at 1.45pm

Councillor Sheppard returned to the meeting, the time being 1.45pm

SUSPENSION OF STANDING ORDERS

RESOLVED: Roberts/Edwards

That Standing Orders be suspended to allow Item 14.03 to be brought forward and considered following Item 14.01.

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

14.01 2024.111 WATEROUTLOOK SUBSCRIPTION

RESOLVED: Roberts/Pinson

That Council:

- 1. Under the extenuating circumstances provision of section 55(3)(i) of the Local Government Act 1993, not invite tenders for the subscription of WaterOutlook cloud-based system through SAFEgroup Automation Pty Ltd due to the unavailability of competitive tenders.**
- 2. Renew the current agreement with SAFEgroup Automation Pty Ltd for subscription and support for the WaterOutlook cloud-based system for one year, at an approximate annual cost of \$66,800 (excluding GST), commencing 1 July 2024 with the option for one further annual renewal at Council's discretion.**
- 3. Maintain the confidentiality of the consideration in respect of the 2024.111 WaterOutlook Subscription procurement matter outlined in this report.**

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

14.03 2023-082 SUPPLY AND INSTALLATION OF PUMPS AND PIPEWORK FOR THE COWARRA DAM PUMP STATION UPGRADE

RESOLVED: *Slade/Roberts*

That Council:

1. In accordance with section 178(1) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for 2023.082 - Supply and Installation of Pumps and Pipework for the Cowarra Dam Pump Station Upgrade, 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 2023.082 - Supply and Installation of Pumps and Pipework for the Cowarra Dam Pump Station Upgrade 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 2023.082 - Supply and Installation of Pumps and Pipework for the Cowarra Dam Pump Station Upgrade.

CARRIED: 8/0

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

AGAINST: Nil

14.02 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

RESOLVED: *Pinson/Roberts*

That Council:

1. Note the Confidential Chief Executive Officer's Performance Review Panel's Report prepared by the Facilitator SINC Solutions Pty Ltd, for the period 1 July 2023 to 30 June 2024 as attached as Attachment 1.
2. Note the Chief Executive Officer's performance for the review period as determined by the Performance Review Panel, was that the Chief Executive Officer showed 'significant strength' in four (4) of the five (5) Key Performance Indicator Strategies and an 'area of strength' in the final Strategy with the Chief Executive Officer's overall rated weighting against the criteria was determined as 'significant strength'.
3. Note that no changes be made to the Contract or the Total Remuneration Package of the Chief Executive Officer.

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4. Undertake a benchmarking assessment of the Chief Executive Officer's total remuneration package (TRP) in time for the 2024-2025 Performance Review Period Review, to ensure the TRP is in line with market expectations, and the results of this assessment be provided to the 2024-2025 Performance Review Panel for their review and consideration.
 5. Note the Performance Agreement for 1 July 2024 to 30 June 2025 as attached as Attachment 3.
 6. Thank Ms Mel Jacobs for her service as an Independent Observer during the Chief Executive Officer's Performance Review process for 2023-2024.
 7. Delegate to the Mayor the authority to finalise and sign all documentation as required.

CARRIED: 5/3

FOR: Lipovac, Maltman, Pinson, Roberts and Slade

AGAINST: Edwards, Intemann and Sheppard

RESOLVED: Slade/Roberts

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 2.16pm

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Peta Pinson
Mayor