

PRESENT

Members:

Mayor Adam Roberts Councillor Lauren Edwards Councillor Mark Hornshaw Councillor Lisa Intemann Councillor Chris Kirkman Councillor Nik Lipovac Councillor Rachel Sheppard Councillor Hamish Tubman

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) 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

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



04 APOLOGIES

RESOLVED: Roberts/Edwards

That the apology received from Councillor Danielle Maltman be accepted.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

05 CONFIRMATION OF MINUTES

RESOLVED: Intemann / Lipovac

That the Minutes of the Ordinary Council Meeting held on 14 November 2024 be confirmed.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

06 DISCLOSURES OF INTEREST

Councillor Lipovac declared a Non-Pecuniary - Less than Significant interest in Item 11.03 Friends of Camden Head Lookout Volunteer Group. The reason being that Jon Bailey who is listed as one of the volunteers seeking endorsement, ran on Councillor Lipovac's Group Ticket at the Local Government Election September 2024. Councillor Lipovac intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence his decision making in the matter.

Director Fish declared a Pecuniary, Significant interest in Item 13.04 Hastings River Flood Study. The reason being is that Director Fish owns a property within the flood Planning area, and flood modelling impacts on the property may vary pending the outcome of the exhibition and adoption of the study. Director Fish intends to leave the meeting, be out of sight and take no part in consideration of this item.



07 MAYORAL MINUTES

Nil

08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING

Nil

09 ITEMS TO BE DEALT WITH BY EXCEPTION

RESOLVED: Lipovac/Sheppard

That Items 10.01, 10.07, 11.01, 11.05, 13.06, 13.08, 13.09, 13.10, 13.11, 13.13, 13.14 and 13.15 be considered as a block resolution.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

RESOLVED: Intemann/Edwards

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

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 31 OCTOBER TO 27 NOVEMBER 2024

RESOLVED: Intemann/Edwards

That Council note that there were no allocations made from the Mayoral Discretionary Fund for the period 31 October to 27 November 2024 inclusive.



10.07 INVESTMENTS AND LOANS - NOVEMBER 2024

RESOLVED: Intemann/Edwards

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

11.01 RECOMMENDED ITEMS FROM THE NOVEMBER 2024 MEETING OF THE PORT MACQUARIE-HASTINGS SPORTING FUND

RESOLVED: Intemann/Edwards

That Council endorse the Port Macquarie-Hastings Sporting Fund Sub-Committee recommendation for payment of \$1000 to James Constable to attend various athletic championships across Australia.

11.05 DRAFT PLACES TO PLAY PLANS

RESOLVED: Intemann/Edwards

That Council:

- 1. Place the next chapters of the draft Places to Play Plans, namely the:
 - Skate Spaces Plan
 - Outdoor Fitness Equipment Plan
 - Outdoor Courts Plan
 - Off-leash Areas and Designated Dog Parks Plan
 - on public exhibition for a period of not less than 42 days.
- 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.

13.06 UPDATE ON SITE SPECIFIC PLANNING PROPOSAL REQUESTS BI-ANNUAL REPORT

RESOLVED: Intemann/Edwards

- 1. Note the status of site specific Planning Proposal requests detailed in this report; and
- 2. Receive a further update report in June 2025 regarding the progress of site specific Planning Proposal requests.



13.08 LAND ACQUISITION - KING CREEK ROAD, KING CREEK

RESOLVED: Intemann/Edwards

That Council:

- 1. Proceed with the compulsory acquisition of a Crown Land lot in King Creek, more particularly described as Lot 1 DP 1311519, for the purpose of public road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
- 2. Make an application to the Minister of Local Government and the Governor for approval to acquire Lot 1 DP 1311519, by compulsory process under section 177(2)(b) of the Roads Act 1993.
- 3. Pay compensation in the amount of \$2,500 (no GST payable) to the Department of Crown Lands for the acquisition of the land.

13.09 LAND ACQUISITION - BRIL BRIL-BELANGRY ROAD ROLLANDS PLAINS

RESOLVED: Intemann/Edwards

That Council:

- 1. Pay compensation in the amount of \$2,000 (ex GST) to the owner of Lot 77 DP 754406, PD McLaren, 511 Bril Bril-Bellangry Road Rollands Plains, for an acquisition more particularly described in the plan of acquisition as Lot 2 DP 1311134.
- 2. Pursuant to Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991, pay the landowner's property and conveyancing costs.
- 3. Pursuant to Section 10 of the Roads Act 1993, dedicate Lot 2 DP 1311134 as public road.

13.10 ROAD CLOSURE - LORNE ROAD COMBOYNE

RESOLVED: Intemann/Edwards

- 1. Pursuant to Section 38D of the Roads Act 1993 publish a Notice in the NSW Government Gazette to close that part of Lorne Road described as Lot 12 Deposited Plan 1305509.
- 2. Upon closure vest Lot 12 Deposited Plan 1305509 in Council as operational land.
- 3. Transfer Lot 12 Deposited Plan 1305509 to Philip Borham.
- 4. Pay the legal costs incurred by Philip Borham attributable to the land transfer.



13.11 ANNUAL DRINKING WATER AND RECYCLED WATER REPORTS 2023-2024

RESOLVED: Intemann/Edwards

That Council note the information contained within this report regarding the quality performance of drinking and recycled water supplied to the community for the reporting period 1 July 2023 to 30 June 2024.

13.13 POLICY REVIEW - ROADS POLICY SUITE - POST PUBLIC EXHIBITION

RESOLVED: Intemann/Edwards

That Council:

- 1. Adopt the draft Road Policy Suite which includes the Road Reserve and Public Roads Management Policy, Sealed Roads Policy, Roadside Vegetation Management Policy, and Bridge and Culverts Policy.
- 2. Rescind the following existing policies:
 - Road Reserve Management Policy 2022
 - Roadside Vegetation Management Policy 2021

13.14 POLICY REVIEW - TRANSPORT AND DRAINAGE POLICY SUITE - PRE PUBLIC EXHIBITION

RESOLVED: Intemann/Edwards

- 1. Place on public exhibition the following draft policies for a period of not less than 28 days.
 - Electric Vehicle Road Management and Infrastructure Policy
 - Public Transport Infrastructure Policy
 - Stormwater Overland Flow Policy
 - Kerbside Use and Parking Management Policy
 - Active Transport Crossing, Paths, and Walkways in Public Road Reserve Policy
- 2. Note that a further report will be provided by the March 2025 Ordinary Council meeting detailing the submissions received from the public during the exhibition period.



13.15 POLICY REVIEW - LIQUID TRADE WASTE POLICY

RESOLVED: Intemann/Edwards

That Council:

- 1. Publicly exhibit the draft Liquid Trade Waste Policy for a period of not less than 28 days.
- 2. Note that a further report will be tabled at the March 2025 meeting of Council, detailing the submissions received from the public during the exhibition period.

10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS

RESOLVED: Edwards/Intemann

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

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

10.03 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

RESOLVED: Roberts/Intemann

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

- 1. Elected Member Councillor
- 2. Major Project Manager Community Utilities

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

The Chairperson tabled the disclosures of interest return of the Designated Persons listed above.

10.04 NOTICE OF MOTION - CORRESPONDENCE FROM TOWN OF PORT HEADLAND COUNCIL

RESOLVED: Hornshaw/Intemann



- 1. Note the correspondence from the Town of Port Headland Council as attached.
- 2. Respond to the Town of Port Headland Council thanking them for their correspondence.
- 3. Note that matters relating to the regulation of vaccines are not the responsibility of Local Government and fall within the responsibilities of Federal health authorities, such as the Therapeutic Goods Administration (TGA).

AMENDMENT

MOVED: Hornshaw/Intemann

That Council:

- Note the correspondence from the Town of Port Headland Council as 1. attached.
- 2. Respond to the Town of Port Headland Council thanking them for their correspondence.
- Note that matters relating to the regulation of vaccines are not the 3. responsibility of Local Government and fall within the responsibilities of Federal health authorities, such as the Therapeutic Goods Administration (TGA).
- Note that Councillors are also elected to represent their community 4. generally.
- 5. Note the interest in the Gallery in calling for a thoroughgoing Royal Commission into DNA contamination in the synthetic gene injections (mRNA Covid-19 vaccines) and its capacity to harm.



EQUAL: 4/4 FOR: Hornshaw, Intemann, Kirkman and Roberts AGAINST Edwards, Lipovac, Sheppard and Tubman LOST

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED: Hornshaw/Intemann

That Council:

- Note the correspondence from the Town of Port Headland Council as 1. attached.
- 2. Respond to the Town of Port Headland Council thanking them for their correspondence.
- 3. Note that matters relating to the regulation of vaccines are not the responsibility of Local Government and fall within the responsibilities of Federal health authorities, such as the Therapeutic Goods Administration (TGA).

CARRIED: 6/2 FOR: Edwards, Hornshaw, Intemann, Kirkman, Roberts and Tubman AGAINST: Lipovac and Sheppard



10.05 NOTICE OF MOTION - QUADRUPLE BOTTOM LINE OBLIGATIONS

RESOLVED: Sheppard/Intemann

That Council:

- 1. Request the Chief Executive Officer provide a report to the February 2025 Ordinary meeting of Council that details proposed plans to progress embedding structured and data driven consideration of Quadruple Bottom Line (QBL) into Council decision making, including but not limited to:
 - (a) Inclusion of QBL implications/considerations in all Council reports as a standard item for consideration
 - (b) The Integrated Planning and Reporting (IP&R) framework and suite of documents and QBL outcomes being reported on in Council's Annual Report
- 2. Request the Chief Executive Officer to facilitate a Councillor Workshop in March 2025 regarding item 1 above and the implications for delivery of Council's 2025-2026 IP&R suite of documents including the following:
 - (a) Costs likely to be associated with actioning the outcome of Council's consideration of item 1 in the draft 2025-2026 IP&R documents.
 - (b) Resourcing available or required to support progressing the plans to embed a structured and data driven consideration of Quadruple Bottom Line (QBL) into Council decision making, including but not limited to external organisations such as the Joint Organisation and establishing a community reference group or advisory committee.

CARRIED: 5/3 FOR: Edwards, Intemann, Lipovac, Sheppard and Tubman AGAINST: Hornshaw, Kirkman and Roberts

10.06 NOTICE OF MOTION - MONEY RESERVES EXPLAINER

RESOLVED: Edwards/Tubman

That **Council** request the Chief Executive Officer to develop an updated Money Reserves Explainer to be distributed with the rates first instalment notice for 2025-2026.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

Item 10.07 Investments and Loans - November 2024, has been addressed previously within the meeting.



10.08 MONTHLY BUDGET REVIEW - NOVEMBER 2024

RESOLVED: Intemann/Lipovac

That Council:

- 1. Adopt the adjustments in the November 2024 Adjustments section of the Monthly Budget Review November 2024 report and associated attachment.
- 2. Amend the 2024-2025 Operational Plan to include all budget adjustments approved in this report.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

Councillor Tubman left the meeting, the time being 11:03am.

Councillor Tubman returned to the meeting, the time being 11:04am.

10.09 IMPROVEMENT PLAN 2022-2026 - GENERAL FUND OPERATING PERFORMANCE

RESOLVED: Sheppard/Intemann

That Council:

- 1. Note the update on initiatives within the Improvement Plan 2022-2026 which represents Council's plan to continually drive efficiency, productivity, and improved service delivery.
- 2. Note the General Fund Operating Performance Ratio for the 2023-2024 financial year and the outlook over the decade to 2033-2024 which continues to reflect the 2024-2025 Long-Term Financial Plan.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

10.10 HIGHWAY SERVICE CENTRE SEWER WORKS DEVELOPER DEED

MOTION

MOVED: Sheppard/Edwards

That Council defer a decision on entering into a Developer Deed for the detailed designs until such time as Council has received further briefing and reporting on the Long Term Financial Plan, and seek more information in relation to the matter via a report to Council, including the LTFP review, progress on the Sancrox-



Fernbank Structure Plan, and VPA and Works-in-Kind considerations in relation to costs of design.

EQUAL: 4/4 FOR: Edwards, Intemann, Sheppard and Tubman AGAINST: Hornshaw, Kirkman, Lipovac and Roberts LOST

THE MOTION ON BEING PUT WAS LOST

MOTION

MOVED: Roberts/Hornshaw

- Note the sewer works to be undertaken by Scott PDI No-6 Pty Ltd in accordance with 1179 Oxley Highway, Sancrox Planning Agreement, dated 24 July 2019, and associated with Development Consent DA2019/945, includes sewer 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, associated rising main and trunk gravity main to serve other future development in the growth area and as such would constitute works-in-kind.
- 3. Note that detailed design of the sewer works is required to gain an accurate estimate of the construction costs.
- 4. Note that the detailed design is to be in accordance with the alternative concept design alignment for the sewerage infrastructure long-term works put forward by Scott PDI No-6 Pty Ltd, including the ultimate connection to a new sewer pump station on Fernbank Creek road and catering for the revised catchment equivalent tenement calculation as determined by council staff.
- 5. Under the extenuating circumstances provision of 55(3)(i) of the Local Government Act 1993, resolve not to call tenders for the detailed design of the Sewerage Pump Station and associated works for the Highway Service Centre and surrounding catchment as it is considered 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 voluntary planning agreement and development consent as outlined in this report.
- 6. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a Developer Deed contract for Design Works following negotiations with Scott PDI No-6 Pty Ltd, and present a further report to a future meeting of Council on completion of the designs for Council's information and consideration of forward funding construction works.
- 7. 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 Reserves, for the required amount in the 2024-2025 Financial Year and note that the required amount in the 2025-2026 Financial Year will be allocated in the draft 2025-2026 budget.
- 8. Note that the estimated cost of additional works has been identified in the draft Development Servicing Plan, due to be reported to Council for adoption in February 2025, 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.

AMENDMENT

MOVED: Sheppard/Edwards

- Note the sewer works to be undertaken by Scott PDI No-6 Pty Ltd in accordance with 1179 Oxley Highway, Sancrox Planning Agreement, dated 24 July 2019, and associated with Development Consent DA2019/945, includes sewer 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, associated rising main and trunk gravity main to serve other future development in the growth area and as such would constitute works-in-kind.
- 3. Note that detailed design of the sewer works is required to gain an accurate estimate of the construction costs.
- 4. Note that the detailed design is to be in accordance with the alternative concept design alignment for the sewerage infrastructure long-term works put forward by Scott PDI No-6 Pty Ltd, including the ultimate connection to a new sewer pump station on Fernbank Creek road and catering for the revised catchment equivalent tenement calculation as determined by council staff.
- 5. Under the extenuating circumstances provision of 55(3)(i) of the Local Government Act 1993, resolve not to call tenders for the detailed design of the Sewerage Pump Station and associated works for the Highway Service Centre and surrounding catchment as it is considered 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 voluntary planning agreement and development consent as outlined in this report.
- 6. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a Developer Deed contract for Design Works following negotiations with Scott PDI No-6 Pty Ltd, and present a further report to a future meeting of Council on completion of the designs for Council's information and consideration of forward funding construction works.
- 7 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 Reserves, for the required amount in the 2024-2025 Financial Year and note that the required amount in the 2025-2026 Financial Year will be allocated in the draft 2025-2026 budget.
- 8. Note that the estimated cost of additional works has been identified in the draft Development Servicing Plan, due to be reported to Council for adoption in February 2025, 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.
- 9. Receive a written or in person briefing in relation to proposed sewer allocations within the draft LTFP and progress on the Sancrox Fernbank structure plan, as soon as practical February March 2025.



CARRIED: 7/1 FOR: Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Edwards

THE AMENDMENT ON BEING PUT WAS CARRIED

Councillor Kirkman left the meeting, the time being 11:55am.

THE AMENDMENT BECAME THE MOTION AND ON BEING PUT WAS CARRIED

RESOLVED: Sheppard/Edwards



- 1. Note the sewer works to be undertaken by Scott PDI No-6 Pty Ltd in accordance with 1179 Oxley Highway, Sancrox Planning Agreement, dated 24 July 2019, and associated with Development Consent DA2019/945, includes sewer 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, associated rising main and trunk gravity main to serve other future development in the growth area and as such would constitute works-in-kind.
- 3. Note that detailed design of the sewer works is required to gain an accurate estimate of the construction costs.
- 4. Note that the detailed design is to be in accordance with the alternative concept design alignment for the sewerage infrastructure long-term works put forward by Scott PDI No-6 Pty Ltd, including the ultimate connection to a new sewer pump station on Fernbank Creek road and catering for the revised catchment equivalent tenement calculation as determined by council staff.
- 5. Under the extenuating circumstances provision of 55(3)(i) of the Local Government Act 1993, resolve not to call tenders for the detailed design of the Sewerage Pump Station and associated works for the Highway Service Centre and surrounding catchment as it is considered 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 voluntary planning agreement and development consent as outlined in this report.
- 6. Note that the Chief Executive Officer, under existing delegations to the General Manager, may enter into a Developer Deed contract for Design Works following negotiations with Scott PDI No-6 Pty Ltd, and present a further report to a future meeting of Council on completion of the designs for Council's information and consideration of forward funding construction works.
- 7. 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 Reserves, for the required amount in the 2024-2025 Financial Year and note that the required amount in the 2025-2026 Financial Year will be allocated in the draft 2025-2026 budget.



- 8. Note that the estimated cost of additional works has been identified in the draft Development Servicing Plan, due to be reported to Council for adoption in February 2025, 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.
- 9. Receive a written or in person briefing in relation to proposed sewer allocations within the draft LTFP and progress on the Sancrox Fernbank structure plan, as soon as practical, but no later than February or March 2025.

CARRIED: 6/1 FOR: Hornshaw, Intemann, Lipovac, Roberts, Sheppard and Tubman AGAINST: Edwards

Councillor Kirkman returned to the meeting, the time being 11:56am.

Councillor Lipovac left the meeting, the time being 11:56am,

10.11 CODE OF CONDUCT COMPLAINT STATISTICS

RESOLVED: Sheppard/Roberts

That Council note the Code of Conduct Complaint Statistics for the period 1 September 2023 to 31 August 2024.

CARRIED: 7/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Roberts, Sheppard and Tubman AGAINST: Nil

Councillor Lipovac returned to the meeting, the time being 11:58am.

10.12 REPORT FROM THE DISCONTINUED COMMITTEES WORKING GROUP MEETING HELD 25 NOVEMBER 2024

RESOLVED: Edwards/Sheppard

That Council:

- 1. Note the information contained within this report.
- 2. Note the draft revised scope as attached to this report.
- 3. Amend the date of the Committee Structure review workshop to March 2025.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil



Item 11.01 Recommended Items from the November 2024 Meeting of the Port Macquarie-Hastings Sporting Fund, has been addressed previously within the meeting.

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

Councillor Sheppard returned to the meeting, the time being 12:06pm.

11.02 DRAFT PUBLIC ART POLICY

RESOLVED: Intemann/Tubman

That Council:

- 1. Endorse the draft Public Art Policy and place it on public exhibition for a period of not less than 42 days.
- 2. Note that a further report will be tabled at the future meeting of Council of Council, detailing the submissions received from the public during the exhibition period following exhibition.

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

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

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

Councillor Hornshaw left the meeting, the time being 12:26pm.

11.03 FRIENDS OF CAMDEN HEAD LOOKOUT VOLUNTEER GROUP NOMINATIONS

Councillor Lipovac declared a Non-Pecuniary - Less than Significant interest in this item. The reason being is that Jon Bailey who is listed as one of the volunteer's seeking endorsement, ran on Councillor Lipovac Group Ticket at the Local Government Election September 2024. Councillor Lipovac remained in the meeting, participated and voted in the matter as this perceived conflict did not influence his decision making in the matter.

MOTION

MOVED: Edwards/Lipovac

- 1. Note the information contained within the report.
- 2. Note the process and procedure for establishment of a Friends of Camden Head Lookout (FCHL) Volunteers group.



- 3. Defer the endorsement of individual volunteers until after such time that nominees have responded to Council to:
 - a. Confirm their continued interest in being a volunteer with the FCHL volunteer group.
 - b. Agreed and signed up to a Volunteer Agreement, for the FCHL volunteer group.

This motion was withdrawn

RESOLVED: Roberts/Lipovac

That Council:

- 1. Note the information contained within the report.
- 2. Note the process and procedure for establishment of a Friends of Camden Head Lookout Volunteers' group.
- 3. Endorse the following members of the Friends of Camden Head Lookout Volunteers Group subject to induction procedures: Margaret Carey, Carolyn Osborne, Blair Maxwell, Robyn Camozzato, Stephen Hamilton, Ron Byrnes, Jon Bailey, Dan Guthrie, Isaac Puriri, Russell Dodds, Dave Napper, James Weatherall, Gary Morriss, Stephen Allwood, Keith Turner, James Eve, Murray Cowled, Charlie Holtom, Alan Klahn, Greg Osborne, John Lawrie, Steven Hausfeld, Adrian Guthrie and Barbara Davies.
- 4. Thank the community for their interest in supporting efforts to manage Camden Head Lookout

CARRIED: 7/0 FOR: Edwards, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

PROCEDURAL MOTION

MOVED: Sheppard/Roberts

That the Ordinary Council Meeting be adjourned for 5 minutes.

CARRIED: 7/0 FOR: Edwards, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

The meeting adjourned at 12.29pm

The meeting recommenced at 12.37pm

Councillor Hornshaw returned to the meeting, the time being 12.37pm

11.04 DRAFT PRIVATE MEMORIALS AND COMMEMORATIVE NAMING IN PARKS AND RESERVES POLICY

RESOLVED: Sheppard/Roberts

AGAINST:

Nil



That Council:

- 1. Endorse the draft Private Memorials and Commemorative Naming in Parks and Reserves Policy for the purpose of public exhibition for a period of not less than 28 days.
- 2. Note that a further report will be tabled at a future meeting of Council, detailing the submissions received from the public during the exhibition period.
- 3. Determine that the draft Policy be amended prior to exhibition, to include the intended approach to existing plaques/memorials, namely that they will remain in place, however if they are removed, damaged or fall off they will not be replaced.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman

Item 11.05 Draft Places to Play Plans, has been addressed previously within the meeting.

11.06 PETITION - REQUEST FOR CONSTRUCTION OF FOOTBRIDGE, WALKWAY AND WHALE VIEWING PLATFORM OVER DUCHESS CREEK, BONNY HILLS

Councillor Sheppard declared a Non-Pecuniary - Less than Significant interest in Item 11.06 Petition - Request For Construction Of Footbridge, Walkway And Whale Viewing Platform Over Duchess Creek, Bonny Hills. The reason being that Councillor Sheppard resides nearby to the location mentioned in this subject petition. Councillor Sheppard remained in the meeting, participated and voted in the matter as this perceived conflict did not influence her decision making in the matter.

RESOLVED: Edwards/Lipovac

- 1. Note the petition lodged by Lachlan Jones on behalf residents requesting the construction of a footbridge, walkway and whale watching platform over Duchess Creek, Bonny Hills.
- 2. Request the Chief Executive Officer respond to the organiser of the petition and include the following points:
 - a. The requested infrastructure is not currently identified as a priority within Council or community planning, including the Bonny Hills Community Plan, Bonny Hills Reserves Master Plan and Coastal Users Recreational Needs Analysis.
 - b. Substantial infrastructure investment is required to achieve the outcome sought via the petition.
 - c. Environmental approvals would also likely be a significant cost and require extensive environmental impact assessment and approvals from various government agencies to achieve the requested outcome as the proposed route passes through mapped areas of coastal wetland and littoral rainforest identified under *State*



Environmental planning policy (SEPP 2021) – Resilience and Hazards.

d. How to sign up for consultation and engagement opportunities with Port Macquarie-Hastings Council such as Have Your Say.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

11.07 NOTICE OF MOTION - ARTS MID NORTH COAST MEMBERSHIP

RESOLVED: Edwards/Sheppard

That Council:

- 1. Note that Arts Mid North Coast has extended an offer to Council to rejoin Arts Mid North Coast for 2024-2025 by making a payment of \$9,230.20 inclusive of GST.
- 2. Request the Chief Executive Officer to provide a report to the February 2025 Ordinary Council Meeting that includes the merits for Council's potential membership to Arts Mid North Coast and also to identify a potential funding source, if available, to fund this expenditure.
- 3. Request the Chief Executive Officer give consideration to the inclusion of resourcing for Port Macquarie-Hastings Council's membership with Arts Mid North Coast in the draft 2025-2026 Operational Plan.

CARRIED: 7/1 FOR: Edwards, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Hornshaw

The Chairperson tabled the correspondence from Arts Mid North Coast.

11.08 NOTICE OF MOTION - BEACHWATCH PARTNERSHIP PROGRAM

RESOLVED: Lipovac/Roberts

- 1. Note the Beachwatch Partnership Program assists local councils to monitor and report recreational water quality along the NSW coast, monitoring a range of sites including ocean beaches, estuarine swimming areas, lake and lagoons swimming sites.
- 2. Request the Chief Executive Officer give consideration to the inclusion of resourcing in the draft 2025-2026 Operational Plan and budget for implementation and ongoing monitoring of and participation in the Beachwatch Partnership Program in the following Port Macquarie-Hastings Local Government Area locations:
 - Town Beach, Port Macquarie
 - Flynn's Beach, Port Macquarie



- Lighthouse Beach, Port Macquarie
- Lake Cathie Lagoon, Lake Cathie
- Rainbow Beach, Bonny Hills
- Grants Beach, North Haven
- 3. Identify any/all impediments to inclusion of the Beachwatch Partnership Program in the 2025-2026 draft operational plan.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

11.09 NOTICE OF MOTION - COMMUNITY SATISFACTION SURVEY RESULTS

RESOLVED: Sheppard/Intemann

That Council request the Chief Executive Officer:

- 1. To advise the governing body of the following information as soon as possible, but by end of December 2024:
 - (a) What results/reports Council operational body have received in relation to 2024 community satisfaction survey.
 - (b) Which preliminary results or reports can be provided to councillors currently, or with minor redaction or amendment.
- 2. To provide the governing body with preliminary results and reports identified in part 1(b), as soon as practical, but by end of December 2024.

CARRIED: 5/3 FOR: Edwards, Intemann, Lipovac, Sheppard and Tubman AGAINST: Hornshaw, Kirkman and Roberts

11.10 NOTICE OF MOTION - PORT MACQUARIE-HASTINGS SPORTING FUND

RESOLVED: Lipovac/Tubman

That Council:

- 1. Appoint Councillor Nik Lipovac to chair the Port Macquarie Hastings Sporting Fund.
- 2. Appoint Councillor Hamish Tubman as the alternative chair for occasions where the chair may be absent from the meeting.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil



11.11 COMMUNITY ENGAGEMENT STRATEGY REVIEW

RESOLVED: Sheppard/Intemann

That Council:

- 1. Note the information in the report regarding the review of the Community Engagement Strategy.
- 2. Place the draft Integrated Planning and Reporting (IP&R) Community Engagement Strategy on public exhibition for a period of not less than 28 days.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

11.12 PROPOSED FUTURE USE OF THE CURRENTLY VACANT BUILDING -143 GORDON STREET, PORT MACQUARIE

RESOLVED: Edwards/Lipovac

That Council:

- 1. Defer consideration of item 11.12 Proposed Future Use of the Currently Vacant Building 143 Gordon Street, Port Macquarie to the February 2025 Ordinary Council meeting.
- 2. Invite all interested parties including interested groups involved in Homelessness Services within the Port Macquarie-Hastings LGA, to express interest in the future use of the currently vacant building - 143 Gordon Street, Port Macquarie, regarding the lease and use of the premises.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

12.01 QUESTION WITH NOTICE - CAIRNCROSS WASTE MANAGEMENT FACILITY - DISPOSAL OF BRICKS AND CONCRETE

RESOLVED: Roberts/Kirkman

That the response provided to Councillor Maltman's Question on Notice regarding Cairncross Waste Management Facility be noted.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil



13.01 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY UPDATE REPORT

RESOLVED: Intemann/Tubman

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, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

13.02 DEVELOPMENT ASSESSMENT PANEL - APPOINTMENT OF MEMBERS AND DELEGATED AUTHORITY

MOTION

MOVED: Sheppard/Tubman

- 1. Appoint Mr David Crofts, Mr Christopher Gee, Mr Tony McNamara, Mr Murray Blackburn-Smith and the Group Manager Development Services to be members of Council's Development Assessment Panel until January 2029 or until such time a new Development Assessment Panel is appointed by Council.
- 2. Provide delegated authority to the Development Assessment Panel pursuant to Section 377 of the Local Government Act 1993 to determine applications under Part 4 of the Environmental Planning and Assessment Act 1979 and undertake development assessment related functions in accordance with the Development Assessment Panel Charter.
- 3. Appoint Mr David Crofts, Mr Christopher Gee, Mr Tony McNamara and Mr Murray Blackburn-Smith as Council's representatives on the Northern Regional Planning Panel on a rotational basis until January 2029, noting Council has 2 representatives per meeting.
- 4. Thank Mr Michael Mason for his service on the Development Assessment Panel for the past 4 years.
- 5. Following the Councillor induction session on Planning and Development request the Chief Executive Officer to undertake a review of the Development Assessment Panel Charter in line with the NSW Local Planning Panels model including consideration of the following:
 - a. Additional membership
 - b. Live streaming and recording of future DAPs, to be hosted on council website



- c. Revised information explaining the role, operation, membership, recruitment, selection, renumeration, legislative framework, and governance of the Development Assessment Panel
- d. The delegated authority of the Panel
- e. Cost implications for any proposed changes to the operation or administration of the Development Assessment Panel.
- 6. Receive a further report on the outcome of the Charter review detailing any proposed changes to the Charter by April 2025.

EQUAL: 4/4 FOR: Edwards, Internann, Sheppard and Tubman AGAINST: Hornshaw, Kirkman, Lipovac and Roberts

LOST

MOTION

RESOLVED: Hornshaw/Sheppard

That Council:

- 1. Appoint Mr David Crofts, Mr Christopher Gee, Mr Tony McNamara, Mr Murray Blackburn-Smith and the Group Manager Development Services to be members of Council's Development Assessment Panel until January 2029 or until such time a new Development Assessment Panel is appointed by Council.
- 2. Provide delegated authority to the Development Assessment Panel pursuant to Section 377 of the Local Government Act 1993 to determine applications under Part 4 of the Environmental Planning and Assessment Act 1979 and undertake development assessment related functions in accordance with the Development Assessment Panel Charter.
- 3. Appoint Mr David Crofts, Mr Christopher Gee, Mr Tony McNamara and Mr Murray Blackburn-Smith as Council's representatives on the Northern Regional Planning Panel on a rotational basis until January 2029, noting Council has 2 representatives per meeting.
- 4. Thank Mr Michael Mason for his service on the Development Assessment Panel for the past 4 years.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

Councillor Sheppard left the meeting, the time being 2:10pm.

Councillor Sheppard returned to the meeting, the time being 2:12pm.



13.03 REQUEST TO WAIVE DEVELOPMENT CONTRIBUTIONS FOR STATE SIGNIFICANT DEVELOPMENT APPLICATION SSD-71373460 - IN-FILL AFFORDABLE HOUSING - 33-37 GORDON STREET AND 22-24 GRANT STREET, PORT MACQUARIE

RESOLVED: Roberts/Edwards

That Council waive the development contributions totalling \$1,170,176.20, associated with the State Significant Development Application SSD-71373460 for infill affordable housing development comprising 94 units at 33-37 Gordon Street and 22-24 Grant Street, Port Macquarie.

FOR: Edwards, Intemann, Kirkman, Lipovac and Roberts AGAINST: Hornshaw, Sheppard and Tubman

13.04 HASTINGS RIVER FLOOD STUDY EXTENSION

Director Fish declared a Pecuniary, Significant interest in this item. The reason being is that Director Fish owns a property within the flood Planning area, and flood modelling impacts on the property may vary pending the outcome of the exhibition and adoption of the study. Director Fish Edwards took no part in the consideration or voting and was out of sight for consideration of this matter.

RESOLVED: Intemann/Sheppard

That Council:

- 1. Place on public exhibition the Hastings River Flood Study Extension, commencing in February 2025 for a minimum of 28 days.
- 2. Request that a further report be tabled by the June 2025 meeting of Council, detailing the submissions received from the public during the exhibition period and any resulting changes to the study.

CARRIED: 7/1 FOR: Edwards, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Hornshaw

Councillor Tubman left the meeting, the time being 02:30pm.

Councillor Tubman returned to the meeting, the time being 02:31pm.



13.05 WALKING AND CYCLING REVIEW - FOR PUBLIC EXHIBITION

RESOLVED: Sheppard/Edwards

That Council:

- 1. Note the information in this report regarding the process of developing the Walking and Cycling Review.
- 2. Endorse the draft Walking and Cycling Review to be placed on public exhibition for a period of not less than 28 days.
- 3. Note that a further report will be provided to Council outlining the submissions received during the exhibition period.

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

Item 13.06 Update on Site Specific Planning Proposal Requests Bi-Annual Report, has been addressed previously within the meeting.

13.07 PLANNING PROPOSAL THRUMSTER BUSINESS PARK PP-2023-2079 DD32.2023.006.01 APPLICANT - LOVE PROJECT MANAGEMENT PROPONENT - THRUMSTER BUSINESS PARK PTY LTD

RESOLVED: Sheppard/Roberts

That Council:

- 1. Endorse the draft Planning Proposal (Attachment 1), to enable rezoning of land at Thrumster Business Park and associated amendments prepared under section 3.33 of the Environmental Planning and Assessment Act 1979.
- 2. Forward the draft Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.
- 3. Delegate authority to the Director Community, Planning and Environment to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and action/address conditions of Gateway determination accordingly.
- 4. Receive a report following the public exhibition period on any submissions received.
- 5. Notify the proponent of Council's decision.
- 6. Request the Chief Executive Officer to provide a report to the March 2025 Ordinary Council meeting providing an update on the development of the Affordable Housing actions being considered under Council's recently endorsed Affordable Housing Plan.

CARRIED: 8/0



FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman

AGAINST: Nil

Item 13.08 Land Acquisition - King Creek Road, King Creek, has been addressed previously within the meeting.

Item 13.09 Land Acquisition - Bril Bril-Belangry Road Rollands Plains, has been addressed previously within the meeting.

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

Item 13.11 Annual Drinking Water and Recycled Water Reports 2023-2024, has been addressed previously within the meeting.

13.12 POLICY REVIEW - STORMWATER MANAGEMENT POLICY - POST PUBLIC EXHIBITION

RESOLVED: Intemann/Sheppard

That Council adopt the draft Stormwater Management Policy.

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

Item 13.13 Policy Review - Roads Policy Suite - Post Public Exhibition, has been addressed previously within the meeting.

Item 13.14 Policy Review - Transport and Drainage Policy Suite - Pre Public Exhibition, has been addressed previously within the meeting.

Item 13.15 Policy Review - Liquid Trade Waste Policy, has been addressed previously within the meeting.

CONFIDENTIAL SESSION

RESOLVED: Lipovac/Kirkman

- 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 Evaluation and Recommendation for Divestment of Council Land



This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 14.02 Strategic Land Purchase for Future Infrastructure Provision

This item is considered confidential under Section 10A(2)(c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item 14.03 Confidential Legal Matter Advice

This item is considered confidential under Section 10A(2)(g) of the Local Government Act 1993, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.:

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.

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

RESOLVED: Lipovac/Tubman

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, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

14.01 EVALUATION AND RECOMMENDATION FOR DIVESTMENT OF COUNCIL LAND

RESOLVED: Sheppard/Roberts

- 1. Approve the listing for sale of one single lot of Council-owned vacant land, zoned R1, General Residential, identified in this report.
- 2. Endorse a listing price as specified within point 2 of the staff recommendation.
- 3. Delegate authority to the Chief Executive Officer under section 377 of the Local Government Act 1993 to:



- i) Finalise and execute all necessary documentation associated with the sale of the land.
- ii) Undertake all actions required to complete the divestment in accordance with the attached Divestment Plan.
- 4. Request that, following the sale and settlement of the land, the CEO provide a progress report on the sale to Council at the next available meeting of Council after the transaction is completed.
- 5. Maintain confidentiality of this report and its recommendations, in accordance with section 10A(2) of the Local Government Act 1993, to protect the commercial interests and privacy of the transaction.
- 6. Resolve that the net proceeds of the land sale be paid into the Property Reserve, to be used for future Strategic Property Investment activities.

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

14.02 STRATEGIC LAND PURCHASE FOR FUTURE INFRASTRUCTURE PROVISION

RESOLVED: Roberts/Lipovac

That Council:

- 1. Note the information provided in this report.
- 2. Delegate authority to the Chief Executive Officer (CEO) under section 377 of the Local Government Act 1993 to:
 - i. Finalise and execute all necessary documentation associated with the acquisition of the land.
 - ii. Undertake all actions required to complete the acquisition in accordance with the Acquisition Plan.
- 3. Request that the Chief Executive Officer provide a progress report on the acquisition of the land to Council at the next most appropriate meeting of Council, following the settlement of the land.
- 4. Maintain the confidentiality of the documents and considerations regarding this matter.
- 5. If the subject land is purchased, Pursuant to Section 34 of the Local Government Act 1993, commence the process to classify the land as identified in this report as operational land by placing it on public exhibition for a minimum of 28 days.

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil



14.03 CONFIDENTIAL LEGAL MATTER ADVICE

RESOLVED: Roberts/Lipovac

That Council:

- 1. Note the information provided in this report and the attached legal advice.
- 2. Approve Option 1.2 as included in the report (28.2 in the attached legal advice).

CARRIED: 8/0 FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

RESOLVED: Lipovac/Kirkman

That the Council Meeting be re-opened to the public.

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman AGAINST: Nil

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

The meeting closed at 2.56pm

Adam Roberts Mayor