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**PRESENT**

**Members:**

Mayor Adam Roberts  
Councillor Lauren Edwards  
Councillor Mark Hornshaw  
Councillor Lisa Intemann  
Councillor Chris Kirkman  
Councillor Nik Lipovac  
Councillor Danielle Maltman  
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)  
Acting Director Community Infrastructure (Chris Favalaro)  
Director Community Utilities (Robert Fish)  
Group Manager Governance (Michael Ferguson)  
Legal Counsel (Anthea Gilmore) Part of Meeting via teams  
Governance Officer (Tania Ellis)

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The meeting opened at 2.00pm

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Mayor opened the Meeting with an Acknowledgement of Country and welcomed all in attendance in the Chamber and viewing on line.

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**02 REMOTE ATTENDANCE AT MEETING**

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Nil

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**03 LOCAL GOVERNMENT PRAYER**

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

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**04 APOLOGIES**

Nil.

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**05 CONFIRMATION OF MINUTES**

*RESOLVED: Intemann/Edwards*

That the Minutes of the Ordinary Council Meeting held on 12 December 2024 be confirmed.

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

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**06 DISCLOSURES OF INTEREST**

Councillor Tubman declared a Non-Pecuniary, Less Than Significant interest in Item 10.05 2024-2025 Quarterly Budget Review Statement and Operational Plan Status Report as at December 2024. The reason being that a member of his immediate family is employed by Lewis Land Group who have a financial interest in the Thrumster Sports Field project which is recommended for deferral in this report. Councillor Tubman 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.

Councillor Hornshaw declared a Non-Pecuniary - Less than Significant interest in Item 10.23 Notice of Motion - Federal Candidates Funding Priorities. The reason being is that Councillor Hornshaw is considering the possibility of nominating as a candidate in the upcoming federal election. Councillor Hornshaw 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 Non-Pecuniary - Less than Significant interest in Item 11.02 Petition - Rotary Park Upgrade and Related Traffic Issues. The reason being is that Director Fish owns a property and resides within the precinct that this item

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refers. Director Fish intends to leave the meeting, be out of sight and take no part in consideration of this item.

Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in Item 13.01 Lake Cathie Natural Resource Management Monthly Update Report. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman intends to remain in the meeting, participate and vote in the matter as this perceived conflict will not influence her decision making in the matter.

Councillor Lipovac declared a Non-Pecuniary - Less than Significant interest in Item 13.02 Friends of Camden Head Lookout Volunteer's 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.

Councillor Sheppard declared a Non-Pecuniary, Significant interest in Item 14.05 Code of Conduct Matter. The reason being is that respondent in this matter made a reportable political donation to a campaign group Councillor Sheppard Lead in the 2024 Local Government Election. Councillor Sheppard intends to leave the meeting and take no part in consideration of this item.

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## **07 MAYORAL MINUTES**

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### **7.01 MAYORAL MINUTE - INVITATION EXTENDED TO PREMIER OF NSW - ON-SITE MEETING - OXLEY HIGHWAY/WRIGHTS ROAD/LAKE ROAD TRAFFIC CONGESTION**

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*RESOLVED: Roberts*

**That Council note the invitation extended to the Premier of NSW, the Hon Chris Minns MP to visit Port Macquarie to discuss the Oxley Highway/Wrights Road/Lake Road traffic congestion.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*

*AGAINST: Nil*

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**08 CONFIDENTIAL CORRESPONDENCE TO ORDINARY COUNCIL MEETING**

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*RESOLVED: Intemann/Hornshaw*

**That Council determine that the attachments to Item Numbers 10.05 and 10.12, be considered as confidential, in accordance with section 11(3) of the Local Government Act.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

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**09 ITEMS TO BE DEALT WITH BY EXCEPTION**

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*RESOLVED: Roberts/Intemann*

**That Items 10.01, 10.06, 10.09, 10.10, 10.12, 10.13, 10.14, 10.15, 10.16, 10.18, 11.01, 11.06, 13.03, 13.05, 13.07, 13.08, 13.12, and 13.13 be considered as a block resolution.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

*RESOLVED: Intemann/Roberts*

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

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

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**10.01 MAYORAL DISCRETIONARY FUND ALLOCATIONS - 28 NOVEMBER 2024 TO 5 FEBRUARY 2025**

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*RESOLVED: Intemann/Roberts*

**That Council note the Mayoral Discretionary Fund allocation for the period 28 November 2024 to 5 February 2025 inclusive.**

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**10.06 2022-2026 DELIVERY PROGRAM - SIX MONTH PROGRESS REPORT  
AS AT 31 DECEMBER 2024**

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*RESOLVED: Intemann/Roberts*

**That Council note the progress against the 2022-2026 Delivery Program for the period 1 July 2024 to 31 December 2024.**

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**10.09 INVESTMENTS AND LOANS - DECEMBER 2024**

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*RESOLVED: Intemann/Roberts*

**That Council note the Investment and Loans Report for December 2024.**

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**10.10 INVESTMENTS AND LOANS - JANUARY 2025**

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*RESOLVED: Intemann/Roberts*

**That Council note the Investment and Loans Report for January 2025.**

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**10.12 LEGAL FEES**

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*RESOLVED: Intemann/Roberts*

**That Council**

- 1. Note the information in the Legal Fees report.**
  - 2. Approve future Legal Fee reports to be provided on a six-monthly basis unless a matter of significance is brought to Council's attention via a standalone report.**
  - 3. Approve the future reporting threshold be increased to matters costing more than \$50,000 (ex GST) and that are litigated unless determined by the Legal Department in conjunction with the Executive Leadership Team that it is a matter requiring reporting.**
  - 4. Maintain the confidentiality of the documents and consideration in respect of the attachment(s) to this report.**
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### 10.13 PAYMENT OPTIONS

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*RESOLVED: Intemann/Roberts*

**That Council note the ongoing work being undertaken to provide additional options for ratepayers to pay rates, including:**

- 1. Reintroducing the option for ratepayers to make payments in person at Australia Post outlets.**
  - 2. Exploring and implementing a new digital payment solution incorporating automated payment plans, with future capabilities for other bill types such as water bills.**
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### 10.14 CONTRACTS AWARDED UNDER S377 LOCAL GOVERNMENT ACT

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*RESOLVED: Intemann/Roberts*

**That Council note the contracts awarded under s377 of the Local Government Act 1993 for the period 1 October 2024 to 31 December 2024.**

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### 10.15 DEVELOPMENT ACTIVITY AND ASSESSMENT SYSTEM PERFORMANCE

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*RESOLVED: Intemann/Roberts*

**That Council note the Development Activity and Assessment System Performance report for the second quarter of 2024-2025.**

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### 10.16 POLICY REVIEW - CONFLICT OF INTEREST POLICY - COUNCIL-RELATED DEVELOPMENT APPLICATIONS

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*RESOLVED: Intemann/Roberts*

**That Council:**

- 1. Note that the review of the Conflict of Interest Policy - Council Related Development Applications does not recommend any material changes to the existing Policy.**
  - 2. Adopt the Conflict of Interest Policy - Council-Related Development Applications.**
  - 3. Note that the revised Policy does not require public exhibition.**
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### 10.18 GRANT APPLICATIONS BIENNIAL REPORT

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*RESOLVED: Intemann/Roberts*

That Council note the Grant Applications Biennial Report, providing an update on grants that Council has applied for and/or obtained, for the six-months of the 2024-2025 financial year.

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### 11.01 DRAFT FINDLAY PARK MASTER PLAN

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*RESOLVED: Intemann/Roberts*

That Council:

1. Endorse the draft Findlay Master Plan for 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.
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### 11.06 EXPRESSION OF INTEREST - LEASE 143 GORDON STREET (25 GORE STREET) PORT MACQUARIE

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*RESOLVED: Intemann/Roberts*

That Council:

1. Note the information within the report.
  2. Continue to advertise the property for Lease and investigate additional options for marketing the property.
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### 13.03 LAND ACQUISITION - COMBOYNE ROAD BYABARRA

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*RESOLVED: Intemann/Roberts*

That Council:

1. Pay compensation in the amount of \$2,000 (ex GST) to the owner of 1541 Comboyne Road Byabarra, Lots 106, 121 and 122 DP 754453, P A Mumford, for the land acquisition more particularly described in the plan of acquisition as Lots 1, 2 and 3 DP 1311647.
  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 Lots 1, 2 and 3 DP 1311647 as public road.
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### 13.05 PLANNING AND LAND USE DISCUSSION PAPER - POST EXHIBITION

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*RESOLVED: Intemann/Roberts*

**That Council:**

- 1. Note the post exhibition report and summary of submissions received during the public exhibition of the Planning and Land Use Discussion Paper.**
  - 2. Proceed with a review and consolidation of the Local Strategic Planning Statement (LSPS) and Urban Growth Management Strategy (UGMS) documents.**
  - 3. Align the document with the Imagine 2050 Community Strategic Plan and Living and Place 2024 Local Housing Strategy priorities.**
  - 4. Notify all persons who lodged a submission of Council's decision.**
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### 13.07 POLICY REVIEW - WASTEWATER SERVICES POLICY

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*RESOLVED: Intemann/Roberts*

**That Council:**

- 1. Adopt the draft Wastewater Services Policy for public exhibition for a period of not less than 28 days.**
  - 2. Note that a further report will be tabled at the May 2025 Ordinary Council Meeting, detailing the submissions received from the public during the exhibition period.**
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### 13.08 POLICY REVIEW - WATER SUPPLY SERVICES POLICY REVIEW

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*RESOLVED: Intemann/Roberts*

**That Council:**

- 1. Adopt the draft Water Supply Services Policy for public exhibition for a period of not less than 28 days.**
  - 2. Note that a further report will be tabled at the May 2025 Ordinary Council meeting, detailing the submissions received from the public during the exhibition period.**
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**13.12 IMPACTS OF ACCEPTANCE OF KEMPSEY SHIRE COUNCIL WASTE  
AT CAIRNCROSS LANDFILL AUGUST 2022 - DECEMBER 2024**

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*RESOLVED: Intemann/Roberts*

**That Council note the report detailing the waste accepted from Kempsey Shire Council at the Cairncross Landfill over the period August 2022 to December 2024.**

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**13.13 MR538 AND MR600 CORRIDOR STRATEGY**

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*RESOLVED: Intemann/Roberts*

**That Council note that the information contained in the draft MR538 and MR600 Corridor Strategy has been used to inform the adopted Integrated Transport Plan.**

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**SUSPENSION OF STANDING ORDERS**

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*RESOLVED: Roberts/Sheppard*

**That Standing Orders be suspended to consider Item 10.20 - Notice of Motion - Chief Executive Officer's Performance Review Panel and Item 10.21 - Notice of Motion - Commence Preliminary Discussion of 2025-2026 Chief Executive Office Performance Agreement as confidential items and be moved to the confidential session due to these item being considered confidential under Section 10A(2)(a) of the Local Government Act 1993, as they contain personnel matters concerning particular individuals (other than Councillors).**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

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**10.02 STATUS OF REPORTS FROM COUNCIL RESOLUTIONS**

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*RESOLVED: Edwards/Intemann*

**That Council request the Chief Executive Officer to update the Status of Reports from Council Resolutions, for the March 2025 Ordinary Council Meeting, to include expected due dates for reporting on:**

- a. The Walking and Cycling Review
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- b. The NSW Parks and Wildlife Services Land Revocation
  - c. The Draft Port Macquarie-Hastings Local Infrastructure Contributions Plan 2024
  - d. The Living and Place Strategy
  - e. Draft Recreation and Open Space Action Plan and Sporting Infrastructure Priorities
  - f. Biodiversity and Land Acquisition for offsets update

CARRIED: 9/0

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

AGAINST: Nil

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### 10.03 DISCLOSURE OF INTEREST RETURN - DESIGNATED PERSONS

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RESOLVED Roberts/Sheppard

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

1. Elected Member - Councillor
2. Community Infrastructure - Fleet Technical Officer
3. Community Utilities - Senior Project Manager
4. Community Utilities - Waste Manager
5. Community Infrastructure - Senior Project Engineer
6. Community Infrastructure - Group Manager Project Delivery
7. Business and Performance - Revenue Accounting Manager

CARRIED: 9/0

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

AGAINST: Nil

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

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### 10.04 MID NORTH COAST JOINT ORGANISATION ANNUAL REQUEST FOR FUNDING

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RESOLVED: Roberts/Intemann

That Council endorse and approve the annual request for funding of \$25,000 to continue its membership with the Mid North Coast Joint Organisation.

CARRIED: 8/1

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

AGAINST: Hornshaw

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**10.05 2024-2025 QUARTERLY BUDGET REVIEW STATEMENT AND  
OPERATIONAL PLAN STATUS REPORT AS AT 31 DECEMBER 2024**

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Councillor Tubman declared a Non-Pecuniary, Less Than Significant interest in Item 10.05. The reason being that a member of his immediate family is employed by Lewis Land Group who have a financial interest in the Thrumster Sports Field project which is recommended for deferral in this report. Councillor Tubman remained in the meeting, participated and voted in the matter as this perceived conflict will not influence his decision making in the matter.

*RESOLVED: Sheppard/Roberts*

**That Council:**

- 1. Note the Quarterly Budget Review Statements as at 31 December 2024.**
- 2. Note the 2024-2025 Operational Plan Second Quarter Status Report as at 31 December 2024.**
- 3. Authorise the deferral of the following Actions/Projects, with the Status of Council approved Action Deferred / Not Progressing**
  - **HBR 01 On-site Sewage Management Policy**
  - **SDF 01 West Port (Buller Street) Flood mitigation works, Port Macquarie**
  - **SPA 03 Amethyst Way Reserve, Port Macquarie**
  - **SPA 06 Rainbow Beach Local Park, Lake Cathie/Bonny Hills**
  - **SPA 07 Rainbow Beach, Lake Cathie/Bonny Hills**
  - **SPA 12 Camden Haven Surf Club Building**
  - **SPA 27 Hastings Regional Sporting Complex**
  - **SPA 31 Port Macquarie Regional Stadium Upgrades**
  - **SPA 36 Thrumster Sports Fields**
  - **WAW 02 Thrumster Wastewater Treatment Scheme**
  - **WAS 23 Telegraph Point Clearwater Capacity Upgrade**
  - **WAS 28 Pumps Renewal and VSD upgrade - Koree Island**
  - **WAS 30 Cowarra Dam Pump Station Upgrade**

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item 10.06 2022-2026 Delivery Program - Six Month Progress Report as at 31 December 2024, has been addressed previously within the meeting.

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## 10.07 DRAFT BUDGET DEVELOPMENT POLICY

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*RESOLVED: Edwards/Roberts*

**That Council:**

1. **Endorse the draft Budget Development Policy for public exhibition.**
2. **Request a further report be presented to Council following the public consultation period to consider adoption of the final policy.**

*CARRIED: 9/0*

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

*AGAINST: Nil*

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## 10.08 MONTHLY BUDGET REVIEW - JANUARY 2025

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*RESOLVED: Sheppard/Intemann*

**That Council:**

1. **Adopt the adjustments in the January 2025 Adjustments section of the Monthly Budget Review – January 2025 report and associated Attachment, with the following exceptions:**
  - a. **Allocate \$9230.20 of the greater than budgeted interest on Council investments for the purpose of 2024-2025 Arts Mid North Coast Membership.**
  - b. **Allocate the remainder of the greater than budgeted interest on investments to the communications business as usual activities.**
2. **Amend the 2024-2025 Operational Plan to include all budget adjustments approved in clause 1.**

*CARRIED: 9/0*

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

*AGAINST: Nil*

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

Item 10.10 Investments and Loans - January 2025, has been addressed previously within the meeting.

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## 10.11 QUADRUPLE BOTTOM LINE OBLIGATIONS

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*RESOLVED: Sheppard/Intemann*

**That Council defers consideration of this item until after the scheduled March 2025 briefing.**

*CARRIED: 8/1*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Roberts, Sheppard and Tubman*  
*AGAINST: Maltman*

Item 10.12 Legal Fees, has been addressed previously within the meeting.

Item 10.13 Payment Options, has been addressed previously within the meeting.

Item 10.14 Contracts Awarded Under s377 Local Government Act, has been addressed previously within the meeting.

Item 10.15 Development Activity and Assessment System Performance, has been addressed previously within the meeting.

Item 10.16 Policy Review - Conflict of Interest Policy - Council-Related Development Applications, has been addressed previously within the meeting.

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## 10.17 GLASSHOUSE BIENNIAL REPORT AND UPDATE ON GLASSHOUSE PLAN 2024-2025 ACTIONS

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*RESOLVED: Lipovac/Roberts*

**That Council note the information provided in the Glasshouse Biennial Report (Attachment 1) and Update on Glasshouse Plan 2024-2025 Actions report (Attachment 2).**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

Item 10.18 Grant Applications Biennial Report, has been addressed previously within the meeting.

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### 10.19 NOTICE OF MOTION - GRANT FUNDING REPORT

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*RESOLVED: Edwards/Sheppard*

**That Council request the Chief Executive Officer to consider for inclusion in the 2025-2026 Operational Plan the development of a cyclic quarterly report on relevant Grant Funding opportunities, for which the NSW Local Government sector is eligible to apply for, that have become available within the quarter and detail which were, and which were not applied for including the reason/s for either.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

Item 10.20 Notice of Motion - Chief Executive Officer's Performance Review Panel, has been addressed previously within the meeting.

Item 10.21 Notice of Motion - Commencement of 2025-2026 Chief Executive Officer's Performance Agreement, has been addressed previously within the meeting.

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### 10.22 NOTICE OF MOTION - MEMBER FOR PORT MACQUARIE MP LESLIE WILLIAMS RETIREMENT

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*RESOLVED: Lipovac/Intemann*

**That Council acknowledge the retirement of Leslie Williams Local Member for Port Macquarie and thank her for her contribution and commitment to the community through drought, floods, bushfires and the pandemic since taking office on 26 March 2011.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

Councillor Hornshaw left the meeting, the time being 03:06pm.

Councillor Hornshaw returned to the meeting, the time being 03:09pm.

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### 10.23 NOTICE OF MOTION - FEDERAL CANDIDATES FUNDING PRIORITIES

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Councillor Hornshaw declared a Non-Pecuniary - Less than Significant interest in this. The reason being is that Councillor Hornshaw is considering the possibility of nominating as a candidate in the upcoming federal election. Councillor Hornshaw remained in the meeting, participated and voted in the matter as this perceived conflict did not influence his decision making in the matter.

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*RESOLVED: Lipovac/Roberts*

**That Council**

1. **Provide a list of Council's Key Project Funding Priorities and estimated costs to all candidates in the respective seats of Cowper and Lyne in the Federal Election, and the upcoming State Seat of Port Macquarie by-election.**
2. **That Council provide access to councils key projects and estimated costs on Council's website by the 28 February 2025 for any interested parties to ensure access to declared and prospective candidates**

*CARRIED: 9/0*

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

*AGAINST: Nil*

Councillor Maltman left the meeting, the time being 03:13pm.

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#### **10.24 NOTICE OF MOTION - DEVELOPING AN ECONOMIC DEVELOPMENT STRATEGY**

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*RESOLVED: Sheppard/Roberts*

**That Council:**

1. **Note that no funding source has been identified specifically for the development of a new Economic Development Strategy in the 2024-2025 Operational Plan.**
2. **Determine to include development of a draft Economic Development Strategy in the 2025-2026 draft Operational Plan, that would enable a Draft Economic Development Strategy to be presented to an Ordinary Meeting of Council, no later than October 2025, should the action be included in the adopted 2025-2026 Operational Plan.**
3. **Request a Councillor briefing in March 2025 detailing:**
  - i. **What, if any, work has already taken place or is underway in the 2024-2025 financial year that would support the preparation of a new Economic Development Strategy.**
  - ii. **What further work is required to support preparation of a new Economic Development Strategy early in the 2025-2026 financial year.**

*CARRIED: 8/0*

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

*AGAINST: Nil*

Councillor Maltman returned to the meeting, the time being 03:15pm.



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## 10.25 NOTICE OF MOTION - INTEGRATED PLANNING AND REPORTING

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*RESOLVED: Edwards/Roberts*

**That Council:**

1. **Request the Chief Executive Officer to give consideration to the following desired improvements to Council's upcoming Integrated Planning & Reporting (IP&R) suite of documents and future reporting.**
  - i. **Clarity regarding how each line item is funded. For example, if both Reserves and Development Contributions are used to fund an action, the document to specify how much money is being budgeted from each source.**
  - ii. **Including the whole name of each funding source: e.g. which specific reserve and sub-reserve/s is the funding coming from and which specific developer contributions fund is it coming from.**
  - iii. **Works program being presented as a document with a 10-year view and contains all details currently provided in the draft works program, plus the capital works program scenarios, changes/carry overs reflected and highlighted within the document as they are decided upon and made available via the Elected Member Portal.**
  - iv. **Inclusion of a contents page in all draft and final IP&R documents.**
  - v. **Inclusion of a 'living' appendix to the Operational Plan, which lists cumulative changes (movement out and in) and is updated as resolutions are made.**
  - vi. **Consistency of the Operational Plan format across the delivery program, including:**
    - Maintaining the names of service areas for the duration of the delivery program**
    - Maintaining composition of service areas for the duration of the delivery program**
    - Consistency of Operational Plan references and lay-out of the document.**
  - vii. **Automatic allocation of a line item for actions/items not delivered in the Operational Plan in the following years Operational Plan with the line item denoted by the original Operational Plan reference.**
  - viii. **All deferrals proposed in reports stipulating the Operational Plan reference and a date to which the project is to be deferred to.**
  - ix. **Reporting Progress on Operational Plan line items: Progress be reported both in writing, and also with a visual system that includes the following categories:**
    - **Completed**
    - **On track**
    - **Off-track, with the subcategories:**



- 
- o offtrack but still to be completed in the current Operational Plan,
  - o deferred to next Financial Year
  - o deferred to years 3 or 4 within Delivery Plan
  - o deferred to another year within the Works Program - 5-10 years
- Deferred to outside of the Works Program
  - Not progressing
2. Receive a response to each of the requested considerations as part of the Councillor Briefing to be scheduled prior to finalisation of the draft IP&R suite of documents.
  3. Receive the response to each of the requested considerations in clause 1 in the report to the Ordinary Council Meeting which presents the Draft IP&R suite.
  4. Request the Chief Executive Officer provide a Councillor Briefing on the future IP&R and other Council reporting enhancements planned for 2025-2026 by August 2025.

CARRIED: 9/0

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

AGAINST: Nil

Item 11.01 Draft Findlay Park Master Plan, has been addressed previously within the meeting.

Deputy Mayor Edwards left the meeting, the time being 03:19pm.

Deputy Mayor Edwards returned to the meeting, the time being 03:21pm.

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## 11.02 PETITION - ROTARY PARK UPGRADE AND RELATED TRAFFIC ISSUES

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Director Fish declared a Non-Pecuniary - Less than Significant interest in this item. The reason being is that Director Fish owns a property and resides within the precinct that this item refers. Director Fish left the meeting, and was out of sight and took no part in consideration of this item.

### MOTION

MOVED: Sheppard/Lipovac

That Council defer consideration and response to this Item 11.02 until March 2025 Ordinary Council Meeting.

### AMENDMENT

MOVED: Intemann/Roberts

That Council:

- 
1. Note the petition lodged by Mr John Burman on behalf of concerned residents and business owners.
  2. Respond to the organiser of the petition with the outcome of Council's consideration in the matter.

CARRIED: 7/2

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

**THE AMENDMENT ON BEING PUT WAS CARRIED**

**THE AMENDMENT BECAME THE MOTION**

**THE MOTION ON BEING PUT WAS CARRIED**

RESOLVED: Intemann/Roberts

**That Council:**

1. Note the petition lodged by Mr John Burman on behalf of concerned residents and business owners.
2. Respond to the organiser of the petition with the outcome of Council's consideration in the matter.

CARRIED: 9/0

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

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**11.03 PETITION - SUPPORT FOR LOCATION OF PROPOSED SURF MUSEUM ON LOT 717, PACIFIC DRIVE - OXLEY BEACH/RESERVE**

RESOLVED: Lipovac/Roberts

**That Council:**

1. Note the petition lodged by Mr Alan Jeffrey from the Port Macquarie Surf Museum in support of the Surf Museum's Expression of Interest (EOI) to be allocated the right to lease Lot 717, Pacific Drive - Oxley Beach/Reserve.
2. Respond to the organiser of the petition with the outcome of Council's consideration in this matter.

CARRIED: 9/0

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

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#### **11.04 DETERMINATION FOR THE USE OF THE VACANT LAND AT OXLEY OVAL**

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*RESOLVED: Lipovac/Hornshaw*

**That Council:**

- 1. Thank the two community groups for their interest in the site and the work they have put into their applications.**
- 2. Endorse the Port Macquarie Surf Museum as the preferred user group for the vacant land at the northern end of Oxley Oval for further Crown Land approval.**

*CARRIED: 6/3*  
*FOR: Edwards, Hornshaw, Intemann, Lipovac, Maltman and Tubman*  
*AGAINST: Kirkman, Roberts and Sheppard*

#### **PROCEDURAL MOTION**

*RESOLVED: Sheppard/Edwards*

**That the Ordinary Council Meeting be adjourned.**

*CARRIED: 8/1*  
*FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Intemann*

The meeting adjourned at 3.55pm

The meeting recommence at 4.03pm

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#### **11.05 COMMUNITY INCLUSION PLAN - REPORT CARD**

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*RESOLVED: Edwards/Intemann*

**That Council note the Community Inclusion Plan Six-Month Progress Report.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

Item 11.06 Expression of Interest - Lease 143 Gordon Street (25 Gore Street) Port Macquarie, has been addressed previously within the meeting.

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## 11.07 COMMUNITY SATISFACTION SURVEY RESULTS

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*RESOLVED: Sheppard/Intemann*

**That Council:**

- 1. Note the results of Council's 2024 Community Satisfaction Survey**
- 2. Request the Chief Executive Officer to develop an Action Plan for Council's response to these Community Satisfaction Survey results, including intended communications and how survey outcomes will be considered in future planning and resource allocation, to be presented to the April 2025 Ordinary meeting of Council.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

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## 11.08 ARTS MID NORTH COAST MEMBERSHIP REPORT

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*RESOLVED: Sheppard/Edwards*

**That Council:**

- 1. Note the information provided on Council's potential membership with Arts Mid North Coast.**
- 2. Note that \$9,230.20 has been allocated for membership with Arts Mid North Coast for the remainder of the 2024-2025 financial year.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

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## 11.09 DRAFT COMMUNITY ENGAGEMENT STRATEGY

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*RESOLVED: Sheppard/Intemann*

**That Council:**

- 1. Note the information provided in the report.**
- 2. Not adopt the draft Community Engagement Strategy as presented and request a further report be provided to Council in March 2025 to include amendments to the draft Community Engagement Strategy and consider feedback received in respect of the recent public exhibition of the draft Integrated Planning and Reporting (IP&R) Community Engagement Strategy.**
- 3. Seek the following amendments be included and/or addressed in the**

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**revised draft Community Engagement Strategy:**

- a. **feedback received in respect of the public exhibition of the draft IP&R Community Engagement Strategy**
  - b. **outline methods that will be used to engage each of the identified stakeholder groups**
  - c. **explanation of the interface between Council's engagement and communications roles/activities**
  - d. **a list of potential engagement activities that may be utilised for each of the identified IAP2 Spectrum Levels.**
4. **Note that the draft Community Engagement Strategy includes the former provisions of the adopted Community Participation Plan.**

**CARRIED:** 9/0  
**FOR:** Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman  
**AGAINST:** Nil

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**11.10 QUESTION WITH NOTICE - LIBRARY BOOK UPDATE**

**RESOLVED:** Lipovac/Intemann

**That the verbal response to be provided to Councillor Lipovac's Question With Notice regarding Library Book Update be received.**

**CARRIED:** 9/0  
**FOR:** Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman  
**AGAINST:** Nil

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**11.11 QUESTION WITH NOTICE - 2025 TUFFINS LANE SPORTING FIELDS**

**RESOLVED:** Lipovac/Sheppard

**That the response from the Chief Executive Officer provided in response to Councillor Lipovac's Question With Notice regarding Tuffins Lane Sporting Fields be noted.**

**CARRIED:** 9/0  
**FOR:** Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman  
**AGAINST:** Nil

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### 11.12 QUESTION WITH NOTICE - COMMUNITY VOICE EDUCATION AWARENESS CAMPAIGNS

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*RESOLVED: Edwards/Sheppard*

**That the response to be provided to Councillor Edwards' Question With Notice regarding Community Voice Education Awareness Campaigns be received.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

Deputy Mayor Edwards left the meeting, the time being 04:43pm.  
Deputy Mayor Edwards returned to the meeting, the time being 04:45pm.

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### 11.13 NOTICE OF MOTION - HASTINGS YOUTH VOICE

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*RESOLVED: Tubman/Sheppard*

**That Council:**

- 1. Undertake a review of the Hastings Youth Voice Charter in collaboration with Hastings Youth Voice.**
- 2. That the charter review:**
  - a. Consider mechanisms to increase opportunities for Hastings Youth Voice to have input into critical Council planning and decision-making, for example briefing Hastings Youth Voice members on potentially relevant strategies and plans as put to public exhibition.**
  - b. Consider mechanisms for Hastings Youth Voice to communicate directly with the governing body, including but not limited to appointment of a Councillor to the Hastings Youth Voice, semi-regular attendance of a Councillor at meetings, or quarterly presentation to Councillors in form preferred by the Hastings Youth Voice.**
  - c. Consider maintaining a six-monthly report that permits updates on membership, to be prepared by staff.**
  - d. Include requesting feedback from former members.**
- 3. Provide a further report to Council in April 2025 following completion of the review of the Charter.**
- 4. That the report in Clause 3 include the response of Hastings Youth Voice in relation to each of the mechanisms requested for consideration in clause 2a and 2b.**

*CARRIED: 8/1*  
*FOR: Edwards, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Hornshaw*

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#### 11.14 NOTICE OF MOTION - SHARPS DISPOSAL BINS

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*RESOLVED: Lipovac/Roberts*

**That Council:**

- 1. 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 maintenance of the installation of additional Sharp Disposal Bins in Public Toilets specifically in areas where syringes, needles and lancets are regularly found to have been disposed of incorrectly.**
- 2. Provide communications to the public, should this action be implemented, indicating the location of public toilets that include sharps bins.**

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### 13.01 LAKE CATHIE NATURAL RESOURCE MANAGEMENT MONTHLY UPDATE REPORT

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Councillor Maltman declared a Non-Pecuniary - Less than Significant interest in this. The reason being that Councillor Maltman is a non-financial life member and former President of the community organisation Revive Lake Cathie Incorporated. Councillor Maltman remained in the meeting, participated and voted in the matter as this perceived conflict did not influence her decision making in the matter.

*RESOLVED: Maltman/Intemann*

**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: 9/0*

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

*AGAINST: Nil*



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### 13.02 FRIENDS OF CAMDEN HEAD LOOKOUT (PILOT STATION) UPDATE

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Councillor Lipovac declared a Non-Pecuniary - Less than Significant interest in this item. 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 remained in the meeting, participated and voted in the matter as this perceived conflict did not influence his decision making in the matter.

*RESOLVED: Edwards/Roberts*

#### **That Council**

- 1. Note the current activities supporting the establishment of the Friends of Camden Head Lookout**
- 2. Request the Chief Executive Officer to ensure the consistent use, of the Council resolved name for this group as the Friends of Camden Head Lookout**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*

Item 13.03 Land Acquisition - Comboyne Road Byabarra, has been addressed previously within the meeting.

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### 13.04 DA2023 - 716.1 RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO PORT MACQUARIE-HASTINGS LEP 2011 CLAUSE 4.3 (HEIGHT OF BUILDINGS) LOT:1 DP:230726, NO.7 SCHOOL STREET, PORT MACQUARIE, INCLUDING WORKS TO ADJOINING BUILDING AT NO.9 SCHOOL STREET, PORT MACQUARIE

**APPLICANT: W E ELLIS**

**OWNER: C J ALEXOPOULOS AND P A ALEXOPOULOS, N R SUBBIAH**

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*RESOLVED: Intemann/Roberts*

That Council determine DA2023 - 716.1 for a Residential Flat Building and strata subdivision including Clause 4.6 Variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 230726, No. 7 School Street, Port Macquarie and works to adjoining building at Lot 2 DP 230726 No.9 School Street, Port Macquarie, by granting consent subject to the recommended conditions.

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*  
*AGAINST: Nil*



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Item 13.05 Planning and Land Use Discussion Paper - Post Exhibition, has been addressed previously within the meeting.

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### **13.06 STORMWATER STRATEGIC ACTION PLAN**

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*RESOLVED: Edwards/Roberts*

**That Council:**

- 1. Note the information in this report regarding the process of developing the Stormwater Strategic Action Plan public facing document.**
- 2. Endorse the draft Stormwater Strategic Action Plan public facing document 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.**

*CARRIED: 9/0*

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

*AGAINST: Nil*

Item 13.07 Policy Review - Wastewater Services Policy, has been addressed previously within the meeting.

Item 13.08 Policy Review - Water Supply Services Policy Review, has been addressed previously within the meeting.

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### **13.09 DEVELOPMENT SERVICING PLAN (DSP) WATER AND SEWERAGE - POST EXHIBITION**

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*RESOLVED: Sheppard/Roberts*

**That Council:**

- 1. Note the feedback received on the draft Port Macquarie-Hastings Development Servicing Plan 2024 during the exhibition period and responses to the feedback outlined in this report.**
- 2. Note the updates made to the draft Port Macquarie-Hastings Development Servicing Plan 2024 as outlined in this report.**
- 3. Adopt the Port Macquarie-Hastings Development Servicing Plan 2024 as presented with a cross-subsidy for the village service areas of Long Flat, Comboyne and Telegraph Point of a \$0.81 increase to the Typical Residential Water Bill and a \$0.91 increase to the Typical Residential Sewerage Bill.**
- 4. Update the 2024-2025 Fees and Charges to reference the Port Macquarie-Hastings Development Servicing Plan 2024, with the new charges effective immediately.**
- 5. Note the financial and economic implications of the adoption of the new Development Servicing Plan as outlined within this report.**

*CARRIED: 9/0*

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

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### **13.10 PROPOSED CHANGES TO PROCESSES AND FEES & CHARGES FOR ACCEPTANCE OF BRICKS AND CONCRETE**

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*RESOLVED: Maltman/Roberts*

**That Council:**

- 1. Place the proposed fee of \$100.00 (GST inclusive) per tonne for Bricks / Concrete on public exhibition for 28 days.**
- 2. Note that a report will be presented to the April 2025 Ordinary Council Meeting outlining feedback receiving during the public exhibition period.**
- 3. Note that loads containing Tiles will continue to be diverted to landfill due to the high likelihood of contamination and charged at the applicable Mixed Solid Waste fee.**
- 4. Note that absolutely clean roof tiles and unused tiles may be accepted at the Bricks / Concrete charge at a future date as determined by the Waste Operations Section, should operational practices enable the acceptance of this material at negligible contamination risk to Council.**

*CARRIED: 9/0*  
*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts,  
Sheppard and Tubman*  
*AGAINST: Nil*

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### **13.11 REGIONAL WASTE (ORGANICS AND RECYCLABLES) PROCESSING COLLABORATION - MEMORANDUM OF UNDERSTANDING**

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*RESOLVED: Lipovac/Roberts*

**That Council note the proposed regional collaboration approach and endorse signing of the draft MoU for Regional Waste Processing (Organics and Recyclables) between Port Macquarie-Hastings Council, Kempsey Shire Council, Bellingen Shire Council and Nambucca Valley Council.**

*CARRIED: 8/1*  
*FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts, Sheppard and  
Tubman*  
*AGAINST: Intemann*

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Item 13.12 Impacts of Acceptance of Kempsey Shire Council Waste at Cairncross Landfill August 2022 - December 2024, has been addressed previously within the meeting.

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Item 13.13 MR538 and MR600 Corridor Strategy, has been addressed previously within the meeting.

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#### **13.14 NOTICE OF MOTION - OXLEY HIGHWAY CORRIDOR**

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*RESOLVED: Edwards/Roberts*

**That Council:**

- 1. Note the Integrated Transport Plan includes actions which seek to enhance public and active transport connection between the Health and Education Precinct and the Port Macquarie CBD to support behavioural change and reduce congestion.**
- 2. Request the Chief Executive Officer to:**
  - a) Before the end of February 2025, write to both the Hon. Catherine King MP – Minister Infrastructure, Transport, Regional Development and Local Government and, the Hon. Jenny Aitchison MP, Minister for Regional Transport and Roads, and Transport for NSW at the earliest convenience to express the urgency in progressing project planning to address traffic congestion and:**
    - i. Share with both Ministers the Integrated Transport Plan and the Housing Delivery Plan and highlight the fact that the upgrade of the Oxley Highway Corridor between Wrights Road and Lake Road is catalyst infrastructure needed to allow for greater number and diversity of housing supply, reduce traffic congestion and improve liveability here in the Port Macquarie-Hastings.**
    - ii. Request via the correspondence with the Hon. Catherine King MP – Minister Infrastructure, Transport, Regional Development and Local Government the Minister to note that the funding previously allocated from the Australian Government for the Stage 2 Planning for the Oxley Highway Wrights Road to Lake Road was revoked as a result of the IIP Review in 2023 and ask that Council might be made aware of funding streams that will soon be available for progressing with critical regional infrastructure projects, such as this, in the upcoming Federal Government budget.**
    - iii. Request via the correspondence with the Hon. Jenny Aitchison MP, Minister for Regional Transport and Roads, and Transport for NSW that at a recent meeting with Council it was confirmed that responsibility to source the funding needed to continue with Stage 2 Planning for the Oxley Highway Wrights Road to Lake Road section of the corridor, lies with the NSW State Government and ask that Council might be made aware of funding streams that will soon be available for progressing with critical regional infrastructure projects, such as this, in the upcoming State Government budget.**
    - iv. Request via the correspondence with the Hon. Jenny Aitchison MP, Minister for Regional Transport and Roads, and Transport for NSW that a trial commence for a frequent direct**

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**express bus service between the Health and Education Precinct and the Port Macquarie CBD to support behavioural change and reduce congestion and additionally, to consider that this trial service be free of charge to passengers.**

- b) Inform Councillors of any response received to these requests.**

*CARRIED: 9/0*

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

*AGAINST: Nil*

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### **13.15 NOTICE OF MOTION - WASTE DIVERSION PROGRAM**

Councillor Sheppard declared a Non-Pecuniary - Less than Significant interest in Item 13.15 Notice of Motion - Waste Diversion Program as Councillor Sheppard's husband is a former chair of Hastings Enviro-Rotary, who were described during the course of Councillor Edwards comments as doing work highly relevant to the item. It is noted that Councillor Sheppard's husband is the former chair and not currently an active member. 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/Sheppard*

**That Council:**

- 1. Note the Waste and Resource Recovery Strategy targets of 'achieve a 60% landfill diversion rate by 2034' and 'reduce self-haul domestic mixed waste (MSW) disposed to landfill by 10% by 2034'.**
- 2. Request the Chief Executive Officer to provide a report to the April 2025 Ordinary Council meeting outlining which of the following waste items, produced by residents of the Port Macquarie-Hastings Local Government Area, currently go to landfill and which, if any, are being diverted away from landfill via circular economy waste collection streams:**
  - a. Soft Plastics**
  - b. Textiles**
  - c. E-waste**
  - d. Other hard to recycle items that are not suitable for the yellow bin.**

*CARRIED: 8/1*

*FOR: Edwards, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman*

*AGAINST: Hornshaw*

Councillor Sheppard left the meeting, the time being 05.53pm.

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**CONFIDENTIAL SESSION**

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*RESOLVED: Lipovac /Roberts*

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

**Item 10.20 Notice of Motion - Chief Executive Officer's Performance Review Panel**

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

**Item 10.21 Notice of Motion - Commence Preliminary Discussion of 2025-2026 Chief Executive Officer's Performance Agreement**

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

**Item 14.01 Update Report - Cairncross Waste Management Facility Leachate Pre-Treatment Temporary System**

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.

**Item 14.02 Enterprise Resource Planning Platform Cloud Migration and 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.

**Item 14.03 2024.058 Supply and Delivery of Ready-Mix Concrete**

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.

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**Item 14.04 Notice of Motion - Possible NRL Trial Game February 2026**

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

**Item 14.05 Code of Conduct Matter**

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

3. That the resolutions made by Council in Confidential Session be made public as soon as practicable after the conclusion of the Confidential Session and such resolutions be recorded in the Minutes of the Council Meeting.

CARRIED: 8/0

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

AGAINST: Nil

RESOLVED: Lipovac/Hornshaw

**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, Maltman, Roberts and Tubman

AGAINST: Nil

Councillor Intemann left the meeting, the time being 05.52pm.

Councillor Maltman left the meeting, the time being 05.53pm

**PROCEDURAL MOTION**

RESOLVED: Hornshaw/Roberts

**That the Ordinary Council Meeting be adjourned.**

CARRIED: 5/1

FOR: Edwards, Hornshaw, Kirkman, Roberts, and Tubman

AGAINST: Lipovac

The meeting adjourned at 5.53pm

The meeting recommence at 6.00pm

Councillor Sheppard returned to the meeting, the time being 06.00pm.

Councillor Intemann returned to the meeting, the time being 06:00pm.



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Councillor Maltman returned to the meeting, the time being 06:00pm.

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## **10.20 NOTICE OF MOTION - CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PANEL**

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*RESOLVED: Sheppard/Edwards*

**That Council:**

- 1. Confirm the composition of the Chief Executive Officer's Performance Review Panel for the period ending 30 June 2025 to consist of:**
  - The Mayor,
  - The Deputy Mayor,
  - One (1) Councillor nominated by Council, and
  - One (1) Councillor nominated by the Chief Executive Officer.
- 2. Determine that Councillor Sheppard to be Council's representative on the Chief Executive Officer Performance Review Panel in accordance with Council's adopted procedures.**
- 3. Acknowledge the Chief Executive Officer's nomination of Councillor Danielle Maltman as the Chief Executive Officer's representative on the Performance Review Panel for the subject period.**
- 4. Delegate to the Chief Executive Officer Performance Review Panel the responsibility to oversee the Chief Executive Officer's performance review process, including but not limited to:**
  - setting the timetable for the performance review cycle, in conjunction with the Chief Executive Officer.
  - Conducting discussions about performance.
  - Preparing and reporting on performance assessments.
  - Developing a new performance agreement
- 5. Determine that Councillors who are not members of the performance review panel will be:**
  - a. notified of relevant dates in the performance review cycle and be kept advised of the panel's findings.**
  - b. invited to contribute to the performance review process by providing feedback to the mayor on the general manager's performance relevant to the agreed performance criteria, with reasonable time to make contributions.**
- 6. Consult with the Chief Executive Officer regarding the engagement of an independent external facilitator for the performance review process and, subject to agreement, initiate the appropriate procurement process for the appointment of an external independent facilitator.**
- 7. Determine that the Chief Executive Officer Performance Review Panel is to meet before 30 April 2025, to undertake a preliminary discussion of considerations for the next performance agreement which is not to include decision making of any kind including timeframes.**
- 8. Request that the procurement processes identified in clause 6 be completed with sufficient time to permit the independent external facilitator to participate in the preliminary discussion detailed in clause 7, and that the preliminary discussion shall proceed with the appointed members of the Chief Executive Officer's Performance Review Panel as**

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per clause 7.

CARRIED: 6/3

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

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**10.21 NOTICE OF MOTION - COMMENCE PRELIMINARY DISCUSSION OF  
2025-2026 CHIEF EXECUTIVE OFFICE PERFORMANCE AGREEMENT**

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RESOLVED: Sheppard/Intemann

That Council note that the matter this Notice of Motion deals with was resolved Item 10.20.

CARRIED: 9/0

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

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**14.01 UPDATE REPORT - CAIRNCROSS WASTE MANAGEMENT FACILITY  
LEACHATE PRE-TREATMENT TEMPORARY SYSTEM**

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RESOLVED: Roberts/Lipovac

That Council:

1. Note the information provided in this report relating to the intention and methodology proposed to progress implementation of an interim leachate pre-treatment system at the Cairncross Waste Management Facility.
2. Note that a budget adjustment for the implementation of the system and current operational costs for leachate management shall occur as part of a future monthly budget review.
3. Note that the action listed in the 2024-2025 Operational Plan to commence the planning for a permanent leachate management system for the Cairncross Waste Management Facility has commenced.
4. Maintain the confidentiality of the consideration in respect of the contents of this report.

CARRIED: 9/0

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

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## 14.02 ENTERPRISE RESOURCE PLANNING PLATFORM CLOUD MIGRATION AND UPGRADE

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*RESOLVED: Tubman/Lipovac*

**That Council:**

1. **Note in June 2024 Council resolved to renew the existing agreements with Civica Pty Limited for licences and support for the Authority Enterprise Resource Planning (ERP) system on an annual basis for three years, commencing 1 July 2024 and expiring 30 June 2027, with the option to undertake annual renewals for a further five years at Council's discretion.**
2. **Note that following an industry review conducted by Council's Chief Information Officer (CIO), and endorsed by Executive, it is recommended that a migration to the Civica Altitude product offers the most cost-effective and practical long term ERP solution for Council.**
3. **In accordance with Section 55(3)(i) of the Local Government Act 1993, resolve not to invite tenders for the future ERP system due to:**
  - a) **The unavailability of competitive or reliable tenders, as Civica Pty Ltd is the incumbent vendor and sole provider of the Authority platform currently in use by Council.**
  - b) **The continuation of Civica's Authority platform ensures operational consistency, historical data integrity, and compatibility with Council's existing systems.**
4. **Authorise the Chief Executive Officer to execute the SaaS Agreement with Civica Pty Ltd for an initial term of three (3) years, with two (2) additional options to extend the agreement by one (1) year each, including the implementation of Authority Altitude, at an estimated total cost of \$2,068,450 (ex GST) over the initial three-year period.**
5. **Maintain the confidentiality of the consideration in respect of the Enterprise Resource Planning system procurement matter outlined in this report.**

*CARRIED: 9/0*

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

*AGAINST: Nil*

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#### 14.03 2024.058 SUPPLY AND DELIVERY OF READY-MIX CONCRETE

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*RESOLVED: Lipovac/Edwards*

**That Council:**

- 1. In accordance with section 178(1) of the Local Government (General) Regulation 2021, decline to accept any tenders submitted for 2024.058 Supply and Delivery of Ready-Mix Concrete, and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into contracts in relation to the subject matter of the contract.**
- 2. Pursuant to section 178(4)(a) and (b) of the Local Government (General) Regulation 2021, decline to invite fresh tenders for the reasons that the evaluation panel considers that the market has not significantly changed and inviting fresh tenders likely will not achieve a satisfactory result.**
- 3. Note that the Chief Executive Officer, under existing delegation to the General Manager, may accept a tender for 2024.058 Supply and Delivery of Ready-Mix Concrete following successful negotiations, and present a further report to a future meeting of Council after contract award for Council's information.**
- 4. Maintain the confidentiality of the documents and consideration in respect of Request for Tender 2024.058 Supply and Delivery of Ready-Mix Concrete.**

*CARRIED: 9/0*

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

*AGAINST: Nil*

#### EXTENSION OF TIME

*RESOLVED: Edwards/Lipovac*

**That, as per Clause 18.2 of the adopted Code of Meeting Practice, Council extend the finish time of this meeting to 8.30pm.**

*CARRIED: 9/0*

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

*AGAINST: Nil*

#### 14.04 NOTICE OF MOTION - POSSIBLE NRL TRIAL GAME FEBRUARY 2026

*RESOLVED: Sheppard/Edwards*

**That Council:**

- 1. Note the Notice of Motion - Possible NRL Trial Game February 2026**
- 2. Decline its support for a bid to host a National Rugby League (NRL) Trial Match in conjunction with the Penrith Panthers (Panthers Group)**

Pty Ltd), to be held at the Port Macquarie Regional Stadium in early 2026 for the following reasons:

- a. **Size of financial contribution involved**
  - b. **Lack of clarity in relation to operational resourcing needs and associated impacts on core service delivery**
  - c. **Limited alignment of proposal and associated spending with strategic directions of Council**
3. **Maintain the confidentiality of the consideration in respect of the contents of this report.**

*CARRIED: 6/3*

*FOR: Edwards, Hornshaw, Intemann, Lipovac, Sheppard and Tubman*

*AGAINST: Kirkman, Maltman and Roberts*

All staff with the exception of Council's Legal Counsel left the meeting, the time being 7.45pm.

#### **14.05 CODE OF CONDUCT MATTER**

Councillor Sheppard declared a Non-Pecuniary, Significant interest in this item. The reason being is that the respondent in this matter made a reportable political donation to a campaign group Councillor Sheppard lead in the 2024 Local Government Election. Councillor Sheppard took no part in the consideration or voting, left the meeting and was out of site for consideration of this matter.

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

Councillor Intemann left the meeting, the time being 7:55pm

*RESOLVED: Roberts/Edwards*

**That Council:**

1. **Note the information contained in the report including the independent final investigation report.**
2. **Support the recommendation of the conduct reviewer in that Council's Code of Conduct has been breached by Councillor Lisa Intemann in the sections detailed in point 3 below.**
3. **Resolve that Councillor Lisa Intemann be formally censured under section 440G of the Local Government Act 1993 for breaching Council's Code of Conduct in relation to the following sections:**
  - **Part 3, General Conduct Obligations, sub-clauses:**
    - 3.1 **You must not conduct yourself in a manner that:**
      - a) **is likely to bring the Council or other Council officials into disrepute**
      - c) **is improper or unethical**
      - e) **causes, comprises or involves intimidation or verbal abuse**
      - g) **constitutes harassment or bullying behaviour under this code or is unlawfully discriminatory.**
    - 3.3 **You must treat others with respect at all times**

**3.7 You must not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.**

- **Part 7, Inappropriate Interactions, sub-clause:**

**7.6 You must not engage in any of the following inappropriate interactions:**

**f) Councillors and administrators being overbearing or threatening to Council staff**

- 4. Maintain the confidentiality of the consideration in respect of the contents of this report.**

**CARRIED:** 7/0

*FOR: Edwards, Hornshaw, Kirkman, Lipovac, Maltman, Roberts and Tubman*

**AGAINST:** Nil

Councillor Intemann returned to the meeting, the time being 8.14pm

Staff returned to the meeting the time being 8.17pm.

*RESOLVED:* Sheppard/Hornshaw

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

**CARRIED:** 9/0

*FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, 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.

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The meeting closed at 8.28pm.

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Adam Roberts  
Mayor